

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.03 GROSS ACRES SITUATED ON THE SOUTH SIDE OF SUNCREST AVENUE, APPROXIMATELY 520 FEET SOUTHEASTERLY OF PERIE LANE (O DOREL DRIVE) (APN: 595-24-050) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-1-2 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-1-2 Single-Family Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the

determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C21-002) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing Zoning District of A(PD) Planned Development; the rezoning would increase the residential capacity by eight units.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned to the R-1-2 Single-Family Residence Zoning District.

The subject property referred to in this section is the "proposed adjustment area" situated in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C21-002 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development

approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Description of Transfer Area

From Gillon , Vacant APN 595-27-050(+045)

To Mani 3860 Suncrest Ave. APN 595-27-03.

Between Parcel 1, as shown on Parcel Map Book 574 of Maps, Page 50,51,&52, and Parcel 3, as shown on Parcel Map Book 536, Page 23, Santa Clara County Records

CITY OF SAN JOSE, CALIFORNIA

DATE: 10-8-2017

TRANSFER AREA :

All that certain Real Property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the southwest corner of Lot 20, as shown Map of Tract No. 3279, San Jose Highlands, Unit No. 1, recorded July 26th, 1962, in Book 150 of Maps, Page 19, 20, and 21, Santa Clara County Records,

Thence, S 51° 05' 43" E, 31286 feet;

Thence, N 37° 16' 36" E, 23021 feet;

Thence N 43° 59' 50" W, 158.15 feet,

Thence S 69° 47' 53" W, 290.94 feet to the **POINT OF BEGINNING**

and described Transfer Area containing 1310 acres and containing 57,049 Square Feet more or less, and being a portion of Parcel 1 as shown on that certain Parcel Map recorded June 17, 1987, in Book 574 of Maps, Pages 50, 51, and 52, Santa Clara County Records,

END OF DESCRIPTION

This description was prepared by me or under my direction in accordance with the provisions of the California Professional Land Surveyors Act

Kenneth M. Anderson, LS 7523
Professional Land Surveyor

EXHIBIT "A"

LOT LINE ADJUSTMENT- LANDS OF GETREU

PAGE 1 OF 2

DATE 10-8-2017

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Beginning at the northeasterly corner of Lot 212 as said Lot is shown on Tract No. 3807, San Jose Highlands, filed in Book 186 of Maps at Pages 22 and 23, Santa Clara County Records; thence from said Point of Beginning along the northwesterly prolongation of the southwesterly line of Dorel Drive N. 24°48' 00"W, 7.50 ft., thence along a curve to the left having a radius of 20.00 ft., through a central angle of 33°33'26" for an arc distance of 11.71 ft. to a point of reverse Curvature; thence along a curve to the right, having a radius of 40.00 ft., through a central angle of 83°54'46" for an arc distance of 58.58 ft.; thence N 33°32'46"W, 340.39 ft. to the northwesterly line of that certain Parcel of land described in the Deed from Priscilla, Inc., a California Corporation, to San Jose Highlands Water Company, a California Corporation, Recorded February 17, 1964 in Book 6387 of Official Records, Page 566, Santa Clara County Records; thence along said line N. 70° 25' 16" E. 66.65 feet to the northeasterly corner thereof, said point being an angle point in the northeasterly line of that certain 25.093 acre parcel of land as shown on the Amended Record of Survey, filed in Book 206 of Maps at Page 20, Santa Clara County Records; thence along said northeasterly line N. 28°54'44" W 634.47 ft. to an angle point therein; thence along the southeasterly line thereof N. 45°39' 18" E 268.00 ft. to an angle point therein; thence N 44°20'42" W. 25.00 ft; thence leaving said line N 71°29'19" E 198.71 ft. to the southwesterly prolongation of the northwesterly line of Lot 100 as said Lot is shown on Tract No. 3279, filed in Book 150 of Maps at Pages 19, 20 and 21, Santa Clara County Records; thence along said line N 48° 26' 31" E 231.50 ft. to the northwesterly corner of said Lot 100; thence along the Southwesterly line thereof S 43° 46' 24" E 172.03 ft. to the Northerly line of Perie Lane, 60 ft. wide, thence along the end of Perie Lane S 8° 09' 30"E 60.00 ft. to the Southerly line thereof; thence along said line from a tangent which bears N 81°50' 30"E, along a curve to the right, having a radius of 75.00 ft, through a central angle of 16° 06' 09" for an arc distance of 49.18 ft. to a point of reverse curvature; thence along a curve to the left, having a radius of 160.00 ft., through a central angle of 12° 32' 01" for an arc distance of 35.00 ft., thence leaving said southerly line S16°42'32"W, 54.17 ft. to the southwesterly line of Lot 22 as said Lot is shown on said Tract No. 3279; thence S 7° 56' 21" E 155.21 ft. to the westernmost corner of Lot 21 as said lot is shown on said Tract No. 3279; thence along the general southerly line of said Tract 3279 the following S38°57'58" E 216.08 ft.; N 69°47'53" E 290.94 ft; S44° 00' 00"E 240.91 ft.; N 62° 00' 00" E 133.00 ft.; N41°00' 00"E 245.66ft. to the southerly line of Suncrest Drive, 80 ft.wide, thence, along said line from a tangent which bears S 73°54'03" E, along a curve to the left, having a radius of 1060.00 ft., through a central angle of 3°29' 02" for an arc distance of 64.45 ft. to a Point of Compound curvature, thence along a curve to the left, having a radius of 455.00 ft., through a central angle of 25° 35' 15" for an arc distance of 203.20 ft. to a point of reverse curvature; thence along a curve to the right, having a radius of 301.58 ft., through a central angle of 31°17' 40" for an arc distance of 164.72 ft. to the westerly line of Lot 7 as shown on said Tract No. 3279; thence along said line and the westerly line of said lot 7 and Lot 6 S18°19' 20" W, 248.00 ft, to the northwesterly corner of Tract No. 3320, filed in Book 160 of Maps, at Pages 54 & 55, Santa Clara County Records; thence along the westerly line thereof S26°10'57"E, 611.87 ft. to an angle point in said boundary line; thence S28° 46' 00" E 107.48 ft. thence leaving said line S80° 18' 27" W. 474.87 ft. to "PP 29" in the northerly line of the San Jose City Reservation as shown on the Map filed in Book "A " of Maps, Page 53, Santa Clara County Records; thence along said northerly line S 74°29' 03" W, 772.69 ft. to an angle point in the easterly line of above said Tract No. 3807; thence along the northeasterly line thereof, being the northeasterly line of Lots 194 and 195, N. 75°54'30" W. 239.70 ft. thence leaving said line, along the general southwesterly boundary line of that certain Parcel of Land conveyed to Valley Title Company of Santa Clara County, a California Corporation, Recorded December 15, 1961 in Book 5400 of

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Official Records, Page 411, Santa Clara County Records, N 14° 05' 30" E 160.00 ft.; N 75°54'30" W 2.43 ft.; N 67°19' 30" W 308.85 ft.; N29° 01'07" W 170.42 ft.; thence leaving said boundary line S 61° 03' 40" W 150.00 ft. thence S26° 56'20" E 168.72 ft; thence from a tangent which bears S 76°50'17" E, along a curve to the right, having a radius of 40.00 ft., through a central angle of 85°35'43" for an arc distance of 59.76 ft., to a Point of Reverse curvature; thence along a curve to the left, having a radius of 20.00 ft. through a central angle of 33°33'26" for an arc distance of 11.71 ft.; thence S 24 48' 00"E 7.50 ft, to the northeasterly end of said Dorel Drive; thence S65°12'00" W 60.00 ft. to the **Point of Beginning**, and being all of Parcel 1, and a portion of Parcel 3 and a portion of Dorel Drive as shown on the Parcel Map filed for record on June 17, 1987, in Book 574 of Maps, at pages 50, 51, and 52, Records of Santa Clara County.

Excepting therefrom all that portion of Dorel Drive, as shown on last said Parcel Map Recorded June 17, 1987 as "To be dedicated to the City of San Jose by this Parcel Map.

Excepting therefrom that portion conveyed to Donald J. Baker and Winifred K. Baker in the Deed Recorded April 23, 1971 as Instrument No. 10874138, Official Records, described as follows:

All that portion of Parcel 1, as shown upon that certain Parcel Map, filed in Book 574 of Maps at Pages 50 to 52, Santa Clara County Records, being more particularly described as follows:

Beginning at the most Easterly corner of said Lot 8, as said Lot is shown on the map of Tract No. 3279, filed July 26, 1962 in Book 150 of Maps, Page 19, in the Office of the Santa Clara County Recorder, being also a point in the Northeasterly line of said Parcel 1; thence, coincident with said Northeasterly line, along the arc of a 1060.00 foot radius curve to the left, 44.55 feet, through a central angle of 02° 24'28"; thence, parallel with and forty (40.00) feet Southeasterly of the Southeasterly line of said Lot 8, S. 41°00' 00" W. 136.59 feet; thence, coincident with the Southeasterly extension of the Southwesterly line of said Lot 8, N49°00' 00" W. 40.00 feet to the Southernmost corner of said Lot 8; thence, coincident with the Southeasterly line thereof N41°00' 00" E. 17.09 feet to the **Point of Beginning**.

Excepting therefrom , all of the following Transfer Area, being a portion of Parcel 1, as shown on that certain Parcel Map filed 574 of Maps, pages 50, 51, and 52, which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on June 17, 1987, in Book 574 of Maps, pages 50, 51 and 52, and described as follows;

BEGINNING at the southwest corner of Lot 20, as shown Map of Tract No. 3279, San Jose Highlands, Unit No. 1, recorded July 26th, 1962, in Book 150 of Maps, Page 19, 20, and 21, Santa Clara County Records, Thence, S 51° 05' 43" E, 312.86 feet; Thence, N 37° 16' 36" E, 230.21 feet; Thence N 43° 59' 50" W, 158.15 feet, Thence S 69° 47' 53" W, 290.94 feet to the **POINT OF BEGINNING**;

Described above Transfer Area containing 1.310 acres and containing 57,049 square feet more or less, and being a portion of Parcel 1 as shown on that certain Parcel Map recorded June 17, 1987, in Book 574 of Maps, Pages 50, 51, and 52, Santa Clara County Records, **EXCEPTING THEREFROM** the underground water or rights thereto, with no right of surface entry, as granted to San Jose Highlands Water Company, a Corporation by instrument recorded August 20, 1962 in Book 5689, page 516, Official Records.

The above described Parcel 'A' containing 42.064 acres gross, more or less.

END OF DESCRIPTION.

EXHIBIT "A"

LOT LINE ADJUSTMENT

PARCEL "B"

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Parcel 3, as shown on that certain Map entitled "Parcel Map, being all of Record of Survey as recorded in Book 148 of Maps, Page 47, and Lots 9, 10, 11 of Tract 3279 and all of Pecos Point and lying entirely within the City of San Jose, California" which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on November 27, 1984 in Book 536 of Maps, pages(s) 23.

EXCEPTING THEREFROM the underground water rights thereto, with no right of surface entry, as granted to San Jose Highlands Water Company, a Corporation by instrument recorded August 20, 1962 in Book 5689, page 516. Official Record.

TOGETHER WITH the following Transfer Area, being a portion of Parcel 1, as shown on that certain Parcel Map filed 574 of Maps, pages 50, 51, and 52, which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on June 17, 1987, in Book 574 of Maps, pages 50, 51 and 52, and described as follows;

BEGINNING at the southwest corner of Lot 20, as shown Map of Tract No. 3279, San Jose Highlands, Unit No. 1, recorded July 26th, 1962, in Book 150 of Maps, Page 19, 20, and 21, Santa Clara County Records, Thence, S 51° 05' 43" E, 312.86 feet; Thence, N 37° 16' 36" E, 230.21 feet; Thence N 43° 59' 50" W, 158.15 feet, Thence S 69° 47' 53" W, 290.94 feet to the **POINT OF BEGINNING**;

Described above Transfer Area containing 1.310 acres and containing 57,049 square feet more or less, and being a portion of Parcel 1 as shown on that certain Parcel Map recorded June 17, 1987, in Book 574 of Maps, Pages 50, 51, and 52, Santa Clara County Records, EXCEPTING THEREFROM the underground water or rights thereto, with no right of surface entry, as granted to San Jose Highlands Water Company, a Corporation by instrument recorded August 20, 1962 in Book 5689, page 516, Official Records.

The above described Parcel 'B' containing 1.719 acres gross, more or less.

END OF DESCRIPTION.

This description was prepared by me or under my direction in accordance with the provisions of the California Professional Land Surveyors Act.

Kenneth M. Anderson, LS, 7523

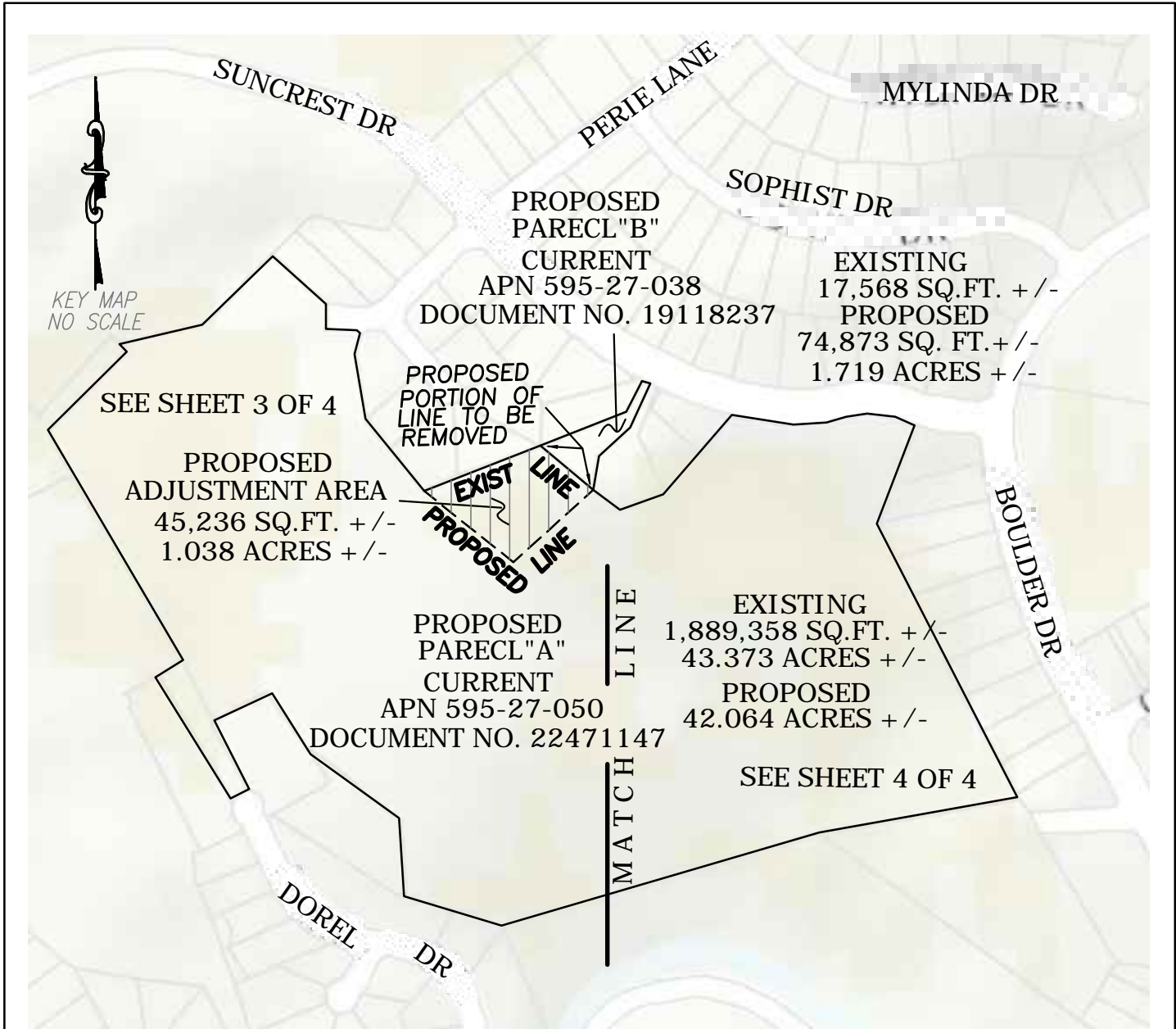

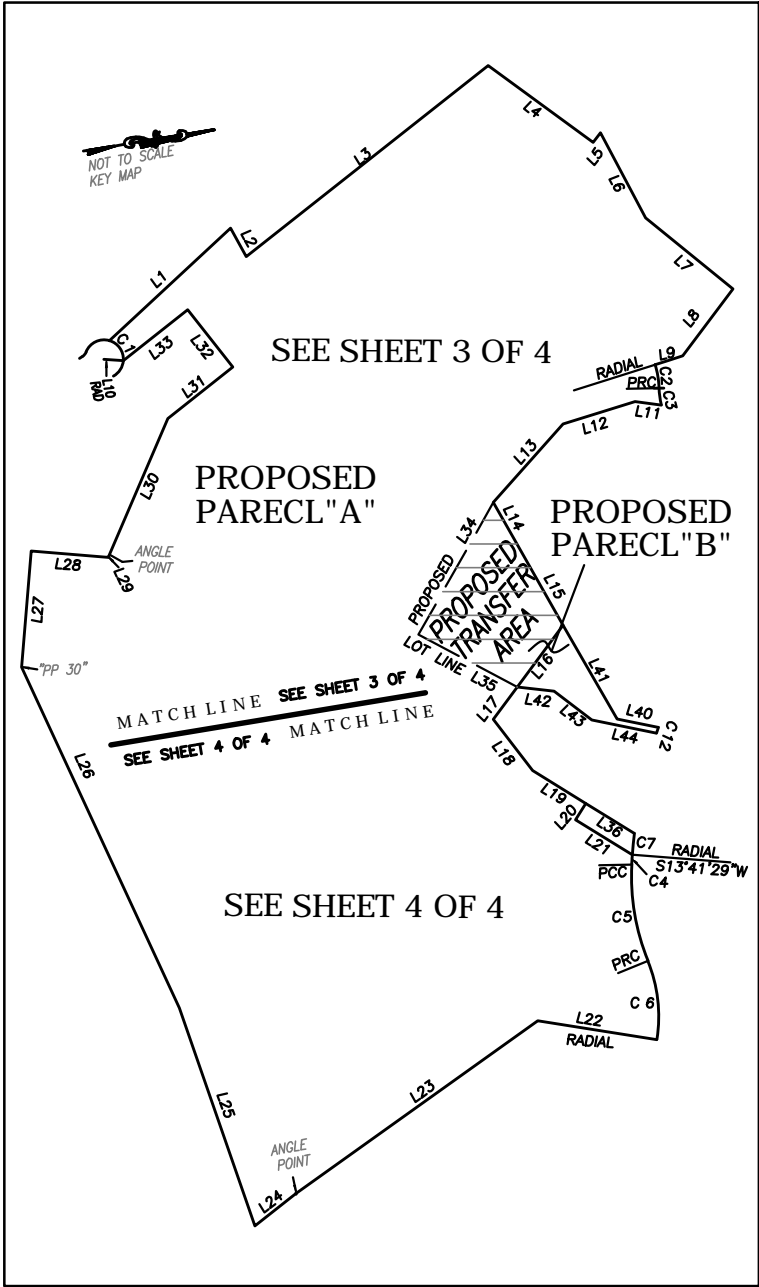


EXHIBIT "B"

LOT LINE ADJUSTMENT PLAT
CONSISTING OF 4 SHEETS
CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

<p>BAY LAND CONSULTING P.O. BOX 299 SANTA CLARA, CA 95052 (408) 296-6000 KENNETH M. ANDERSON, LS 7523 PROFESSIONAL LAND SURVEYOR CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA PLAT TO ACCOMPANY LEGAL DESCRIPTION</p>		PROJECT: 17079
		NOT TO SCALE: 200 plot scale
		PROJECT MGR: KA
		DATE: 10-08-17
		SHEET 1 OF 4

PLAT TO ACCOMPANY LEGAL DESCRIPTION



LINE TABLE

No.	BEARING	DISTANCE
L1	N33°32'46"W	340.39
L2	N70°25'16"E	66.65
L3	N28°54'44"W	634.47
L4	N45°39'18"E	268.00
L5	N44°20'42"W	25.00
L6	N71°29'19"E	198.71
L7	N48°26'31"E	231.50
L8	S43°46'24"E	172.03
L9	S 8°09'30"E	60.00
L10	S13°09'43"W	40.00
L11	S16°57'58"W	54.03
L12	S 7°56'21"E	155.21
L13	S38°57'58"E	216.08
L14	N69°47'53"E	88.00
L15	N69°47'53"E	202.94
L16	S44°00'00"E	158.15
L17	S44°00'00"E	82.76
L18	N62°00'00"E	133.00
L19	N41°00'00"E	128.57
L20	S49°00'00"E	40.00
L21	N41°00'00"E	136.69
L22	S18°19'20"W	248.00
L23	S26°10'57"E	611.87
L24	S28°46'00"E	107.48
L25	S80°18'27"W	474.87
L26	S74°29'03"W	772.69
L27	N75°54'30"W	239.70
L28	N14°05'30"E	160.00
L29	N75°54'30"W	2.43
L30	N57°19'30"W	308.85
L31	N29°01'07"W	170.42
L32	S61°03'40"W	150.00
L33	S28°56'20"E	168.72
L34	S51°05'43"E	312.86
L35	N37°16'32"E	230.22
L36	N41°00'00"E	117.09
L37	S24°48'00"E	7.50
L38	S65°12'00"W	60.00
L39	N24°48'00"W	7.50
L40	S20°48'12"W	85.92
L41	S69°20'23"W	222.65
L42	N15°47'20"E	76.27
L43	N46°47'20"E	97.95
L44	N20°48'12"E	135.10

CURVE TABLE

No.	Delta	Radius	Arc Length
C1	77°36'23"	40.00	54.18
C2	16°06'09"	175.00	49.18
C3	12°32'03"	160.00	35.00
C4	1°04'34"	1060.00	19.91
C5	25°35'15"	455.00	203.20
C6	31°17'40"	301.58	164.72
C7	2°24'28"	1060.00	44.55
C8	85°35'43"	40.00	59.76
C9	33°33'26"	20.00	11.71
C10	33°33'26"	20.00	11.71
C11	83°54'46"	40.00	58.58
C12	00°40'51"	1060.00	12.60

EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
LINE AND CURVE TABLES
LOT LINE ADJUSTMENT PLAT
CONSISTING OF 4 SHEETS

BAY LAND CONSULTING
P.O. BOX 299
SANTA CLARA, CA 95052
(408) 296-6000
DATE: 10-08-17
SHEET 2 OF 4

