

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.7-GROSS-ACRES SITUATED ON THE SOUTHEAST CORNER OF NORTH JACKSON AVENUE AND BERRYESSA ROAD (APNS 254-80-021, 022 & 023) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN 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, an Initial Study and Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970, as amended, for the subject rezoning to the CP Commercial Pedestrian Zoning District under File Number C19-011 (“IS/MND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CP Commercial Pedestrian Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said IS/MND and related Mitigation Monitoring and Reporting Program under separate Council resolution 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;

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 CP Commercial Pedestrian Zoning District.

The subject property referred to in this section is all that real property 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. C19-011 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit 'A'
**Lot Line Adjustment for
Lands of Pulte Home Corporation**

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

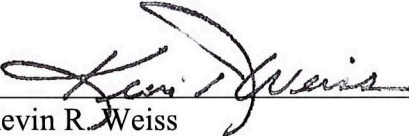
Lot 1

Being all of Lots 1, 2 and 3 as shown on that certain Parcel Map filed for record in the Office of the Recorder on June 15, 2011 in Book 845 of Maps, at Pages 41 and 42, Santa Clara County Records.

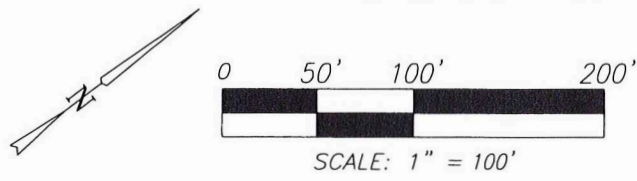
Said combined Lot 1 containing 120,319 square feet, (2.762 acres), more or less.

Attached hereto is an exhibit labeled "Exhibit A: Lot Line Adjustment Plat" and by this reference is made a part hereof.

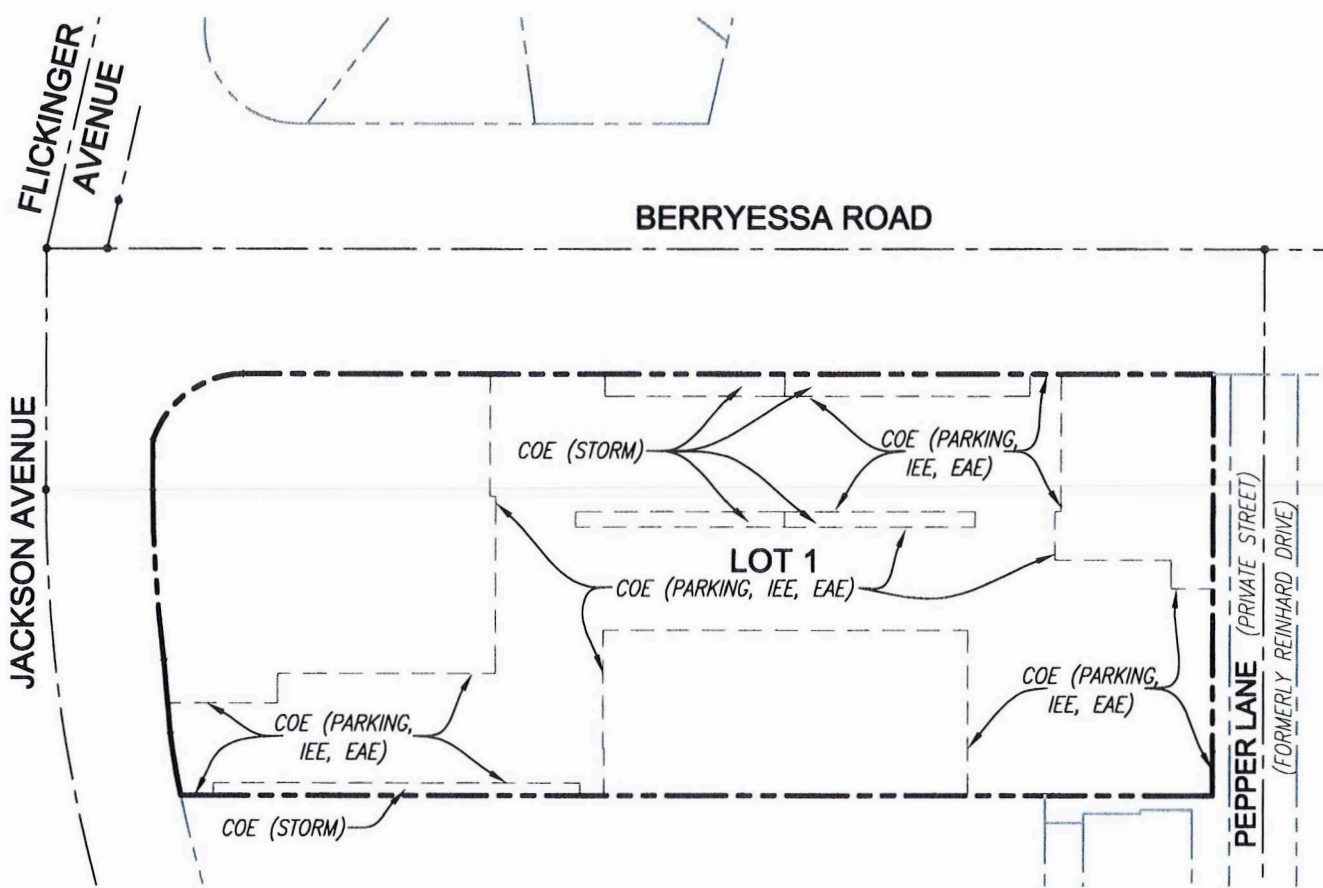



Kevin R. Weiss _____
Date 3/19/19

ET 19-003



LOT 1 IS A COMBINATION OF LOTS 1, 2 AND 3 OF THAT PARCEL MAP RECORDED ON JUNE 15, 2011 IN BOOK 845 OF MAPS, AT PAGES 41-42, SANTA CLARA COUNTY RECORDS.



BASIS OF BEARINGS:

THE BEARING OF A LINE DRAWN BETWEEN TWO FOUND MONUMENTS IN PEPPER LANE (A PRIVATE STREET); THE BEARING, NORTH 52°36'37" WEST, AS SHOWN ON THAT MAP OF TRACT NO. 10022, RECORDED ON APRIL 18, 2011, IN BOOK 844 OF MAPS, AT PAGES 10-18, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.



LEGEND & ABBREVIATIONS

- — — — — PROPERTY LINE - SUBJECT PARCEL
- — — — — PROPERTY LINE - ADJACENT PARCEL
- - - - - COVENANT OF EASEMENT TO BE RELEASED
- — — — — CENTERLINE/MONUMENT LINE
- FOUND CITY MONUMENT
- COE COVENANT OF EASEMENT

Kevin R. Weiss

KEVIN R. WEISS, L.S. 7139
LICENSE EXPIRES 12/31/2020

06/10/19
DATE

EXHIBIT 'B'		
COVENANT OF EASEMENT RELEASE		
SCALE:	DATE: 05/21/2019	BY: CT
SHEET 1 OF 1	JOB NO. 5138	

JMH WEISS, INC.

1731 Technology Drive, Ste #880
San Jose, CA 95110
Phone: (408) 286-4555
www.jmhweiss.com

DWG NAME: P:\5138 - Berryessa Rd - San Jose\Survey\5138-Exhibit B-Release of COE.dwg, LAST EDITED: Wed, May 22, 2019 1:41pm
USER: cleves, AutoCad V.23.1s (LMS Tech), Microsoft Windows NT Version 10.0 (x64)