

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.16  
ACRE, SITUATED AT THE CORNER OF PARK AVENUE  
AND GIFFORD AVENUE (461 PARK AVENUE) FROM THE  
LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE DC  
DOWNTOWN PRIMARY COMMERCIAL 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 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Diridon Station Area Plan (the "DSAP FEIR"), for which findings were adopted by the City Council through its Resolution No. 77096 on June 17, 2014, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR") as supplemented, for which findings were adopted by City Council through its Resolution Nos. 76041 and 77617 on November 1, 2011 and December 15, 2015, respectively, and all Addenda thereto, and does not involve new significant effects beyond those analyzed in the DSAP FEIR, or the FEIR and its supplement and addenda; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the DSAP FEIR and the FEIR, as supplemented and all addenda thereto, and related City Council Resolution Nos. 77096, 76041 and 77617 and the determination of consistency therewith prior to acting upon or approving the subject rezoning;

**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 as DC Downtown Primary Commercial 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.** The land development approval that is the subject of City File No. C17-010 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 \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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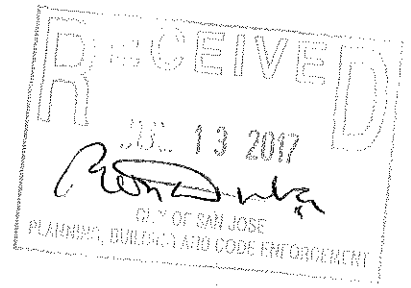
SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

EXHIBIT "A"  
LEGAL DESCRIPTION



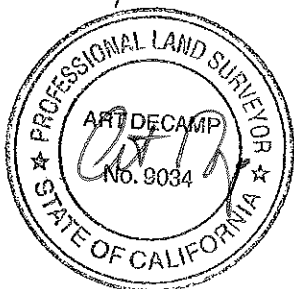
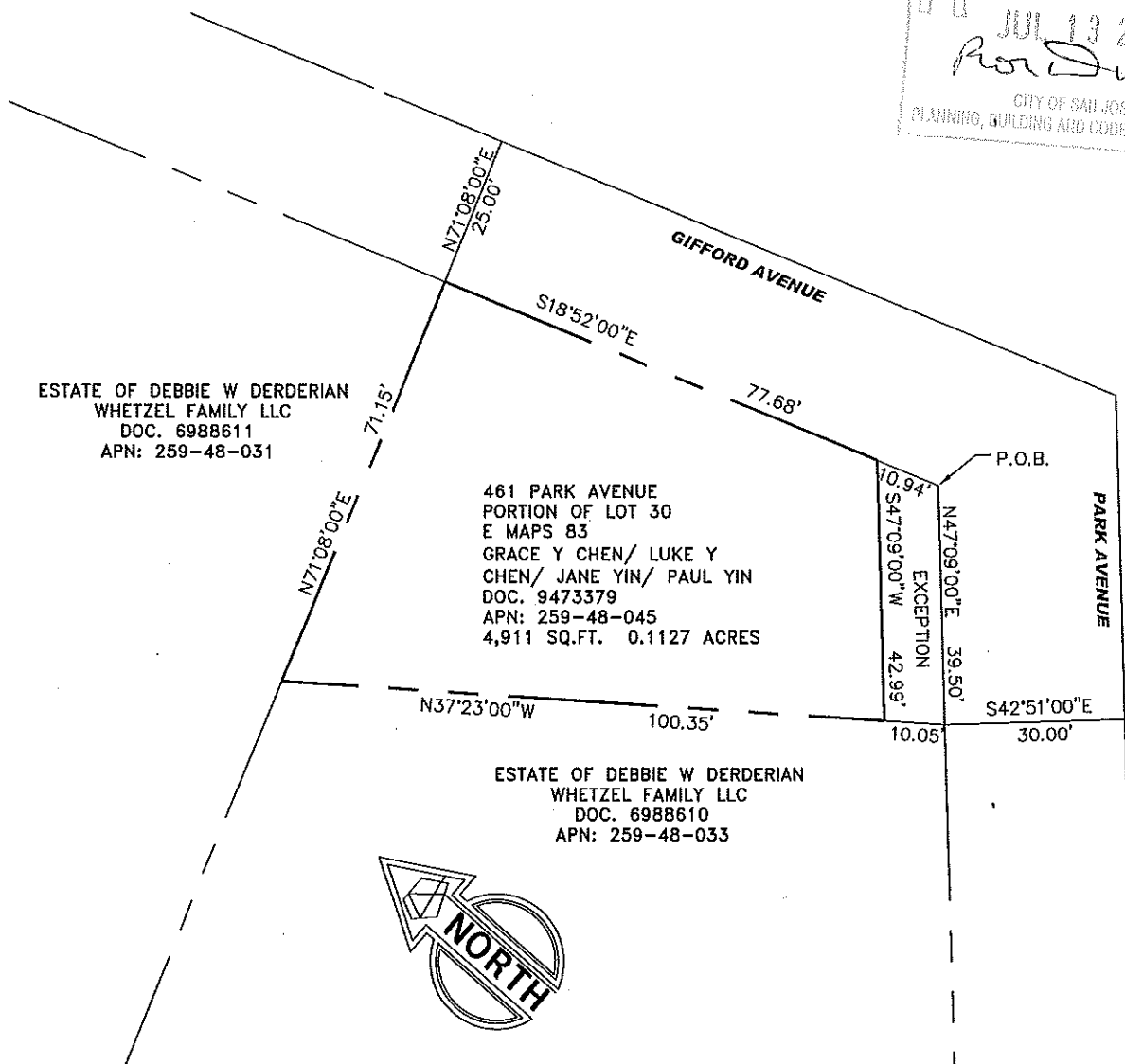
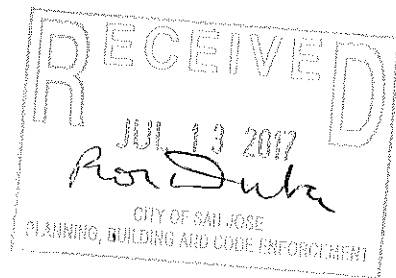
FOR APN: 259-48-045

Portion of Lot 30, as shown upon that certain Map entitled, "Map of Lake House Tract", which Map was filed for Record in the Office of the Recorder of the County of Santa Clara, State of California on March 16, 1891 in Book "E" of Maps, Page 83, and a portion of the Los Coches Rancho, and more particularly described as follows:

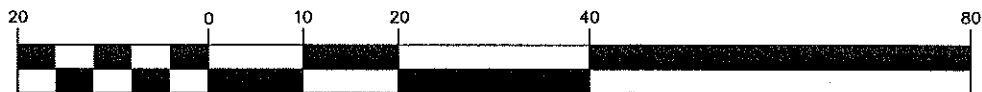
Beginning at the point of intersection of the Northwestern line of Park Avenue, with the Southwesterly line of Gifford Street formerly Pleasant Avenue, as said Avenues are shown upon the Map above referred to; running thence South 47 deg. 09' West, along the said Northwestern line of Park Avenue, 39.50 feet to the Easternmost corner of that certain parcel of land of land described in the Deed from Lois Sheffield to Mitchell J. Kravich, et al, Dated May 1, 1950 and recorded May 15, 1950 in Book 1978 of Official Records, Page 430, Santa Clara County Records; running thence North 37 deg. 23' West along the Northeasterly line of the land so described in the Deed to Kravich, et al, 110.40 feet to a point on the Northwestern line of Lot 30, as said Lot is shown upon the Map above referred to; running thence North 71 deg. 08' East along said last named line, 71.20 feet to a point on the said Southwesterly line of Gifford Street; running thence Southeasterly along said last named line, 88.64 feet to the point of beginning.

Excepting therefrom that portion thereof described in the Deed from Reed E. Surber and Geraldine F. Surber, His Wife, Joseph Melvin Gagliardi and Virginia Rose Gagliardi, his wife, to City of San Jose, a Municipal Corporation, Dated September 11, 1961 and recorded September 20, 1961 in Book 5303 of Official Records, Page 98, as follows:

Beginning at the point of intersection of the Northwestern line of Park Avenue with the Southwesterly line of Gifford Street (formerly Pleasant Avenue) as said Avenue and Street are shown upon that certain Map entitled, "Map of Lake House Tract", which Map was filed for Record in the Office of the Recorder, Santa Clara County, California, on March 16, 1891 in Book "E" of Maps, at Page 83, said point of beginning being also the Southeasterly corner of that certain parcel of land conveyed by Deed dated October 2, 1958 from P. Doris Young and Kenneth Young, her husband, to Organized Investors, Inc., a Corporation, recorded October 6, 1958 in Book 4194 of Official Records, at Page 138, Records of Santa Clara County; thence along said Northwestern line of Park Avenue, South 47 deg. 09' West 39.50 feet to a point of intersection with the Southwesterly line of said land conveyed to Organized Investors, Inc.; thence along last said Southwesterly line North 37 deg. 23' West 10.05 feet to a point in a line that is parallel to and distant 10.00 feet, measured at right angles, Northwesternly from said Northwesternly line of Park Avenue; thence along said parallel line North 47 deg. 09' East 42.99 feet to a point in said Southwesterly line of Gifford Street; thence Southeasterly along last said Southwesterly line 10.95 feet to the point of beginning.



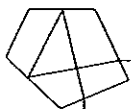
GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

## EXHIBIT B

SAN JOSE PLAT TO ACCOMPANY INSTRUMENT  
SANTA CLARA COUNTY CALIFORNIA



**SLOOTEN CONSULTING INC.**  
SURVEYING & ENGINEERING

4740 NORTHGATE BLVD., SUITE 115  
SACRAMENTO, CA 95834

(916)641-7570  
(FAX)641-7572

DATE: 7/10/17  
SCALE: 1"=20'  
DRAWN BY AD  
JOB NO. 11001-01  
REVISIONS:  
PAGE 1 OF 1  
FILE: 11001

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.