

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 0.2-ACRE PORTION OF A LARGER 1.13-GROSS ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MERIDIAN AVENUE AND WILLOW STREET (1087 MERIDIAN AVENUE) FROM THE CO COMMERCIAL OFFICE 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**, pursuant to Section 15168 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 CP Commercial Pedestrian 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;

**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 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.** The land development approval that is the subject of City File No. C17-042 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**  
**REZONING AREA**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL IS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON JANUARY 16, 1990, IN BOOK 609 OF MAPS AT PAGE 26, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID PARCEL 2, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY OF MERIDIAN AVENUE (86 FEET WIDE);

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 89° 35' 30" WEST, 125.00 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL 2;


THENCE ALONG THE GENERAL WEST LINE OF SAID PARCEL 2, SOUTH 00° 20' 30" EAST, 72.00 FEET;

THENCE LEAVING SAID GENERAL WEST LINE PER SAID MAP, NORTH 89° 35' 30" EAST, 125.00 FEET, TO A POINT ON THE WEST RIGHT OF WAY OF MERIDIAN AVENUE (86 FEET IN WIDTH);

THENCE ALONG SAID WEST RIGHT OF WAY LINE, NORTH 00° 20' 30" WEST, 72.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 9,000 SQUARE FEET OF LAND, MORE OR LESS.

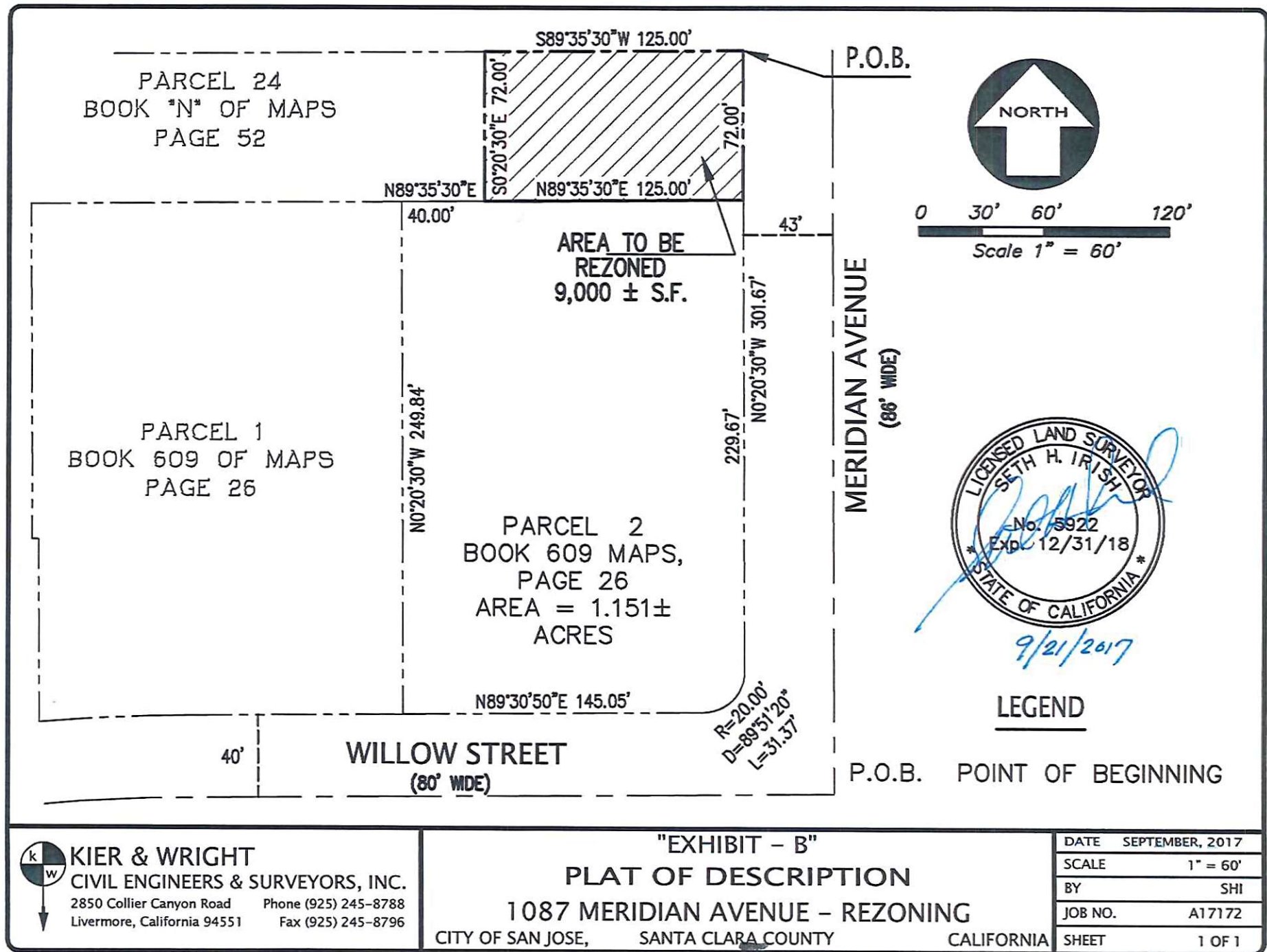
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
\_\_\_\_\_  
SETH H. IRISH, PLS 5922  
LICENSE EXPIRES: 12/31/2018

SEPTEMBER 21, 2017  
DATE



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**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8796

"EXHIBIT - B"  
**PLAT OF DESCRIPTION**  
**1087 MERIDIAN AVENUE - REZONING**  
CITY OF SAN JOSE, SANTA CLARA COUNTY CALIFORNIA

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