

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.51 ACRE LOCATED ON THE SOUTHEAST CORNER OF SANTA TERESA BOULEVARD AND REALM DRIVE (6970 SANTA TERESA BOULEVARD), FROM THE IP INDUSTRIAL PARK 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. C17-039 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:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

PARCEL ONE:

PARCEL B SO DESIGNATED AND DELINEATED ON THE PARCEL MAP RECORDED FEBRUARY 9, 1983, IN BOOK 509, OF MAP, PAGES 14 AND 15, SANTA CLARA COUNTY RECORDS.

RESERVING THEREFROM, A MUTUAL CROSS ACCESS EASEMENT FOR INGRESS AND EGRESS AS DESIGNATED AND DELINEATED ON THE PARCEL MAP RECORDED FEBRUARY 9, 1983, IN BOOK 509, PAGES 14 AND 15, SANTA CLARA RECORDS.

FURTHER RESERVING NON-EXCLUSIVE RECIPROCAL EASEMENTS AND NON-EXCLUSIVE MAINTENANCE EASEMENTS AS SET FORTH IN THAT CERTAIN "RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT" RECORDED MAY 20TH, 2014, AS DOCUMENT NO. 22600336

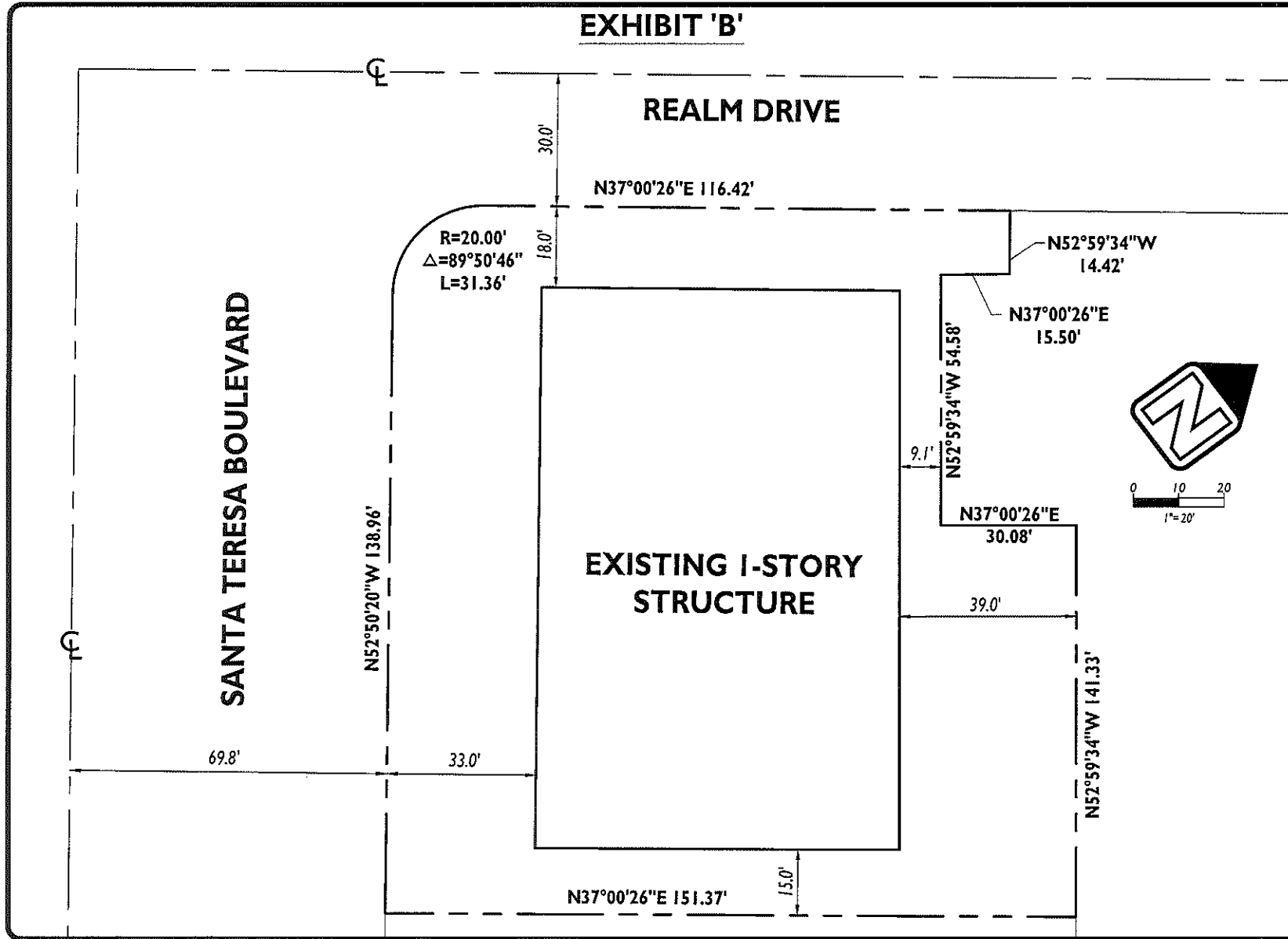
PARCEL TWO:

A MUTUAL CROSS ACCESS EASEMENT FOR INGRESS AND EGRESS AS DESIGNATED AND DELINEATED ON THE PARCEL MAP RECORDED FEBRUARY 9, 1983, IN BOOK 509, PAGES 14 AND 15, SANTA CLARA RECORDS.

PARCEL THREE:

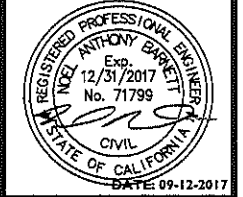
NON-EXCLUSIVE RECIPROCAL EASEMENTS FOR INGRESS AND EGRESS AND NON-EXCLUSIVE MAINTENANCE EASEMENTS AS SET FORTH IN THAT CERTAIN "RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT" RECORDED MAY 20TH, 2014, AS DOCUMENT NO. 22600336

EXHIBIT 'B'



BARDEZ
 914 S. TREMAINE AVENUE; LOS ANGELES, CA 90019
 (p) 707.874.8499 | (e) nbarnett@bardezco.com

ENGINEER'S SEAL



NOEL BARNETT
 PROFESSIONAL ENGINEER
 CALIFORNIA LICENSE No. 71799

PROJECT ID

PROPOSED REZO!
 6970 SANTA TERESA BLVD
 SAN JOSE, CALIFORNIA
 APN NO.: 706-01-069

PLOT PLAN

C.0

Issue	Date	Description
1	09/11/2017	1ST SUBMISSION
2	--	--
3	--	--