

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 1.07
ACRES SITUATED AT THE NORTHWESTERN CORNER
OF JULIAN STREET AND STOCKTON AVENUE (715 AND
739 WEST JULIAN STREET), FROM THE LI LIGHT
INDUSTRIAL 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 Diridon Station Area Plan (the "DSAP FEIR") and Addenda thereto, 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 and Addenda thereto, 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 does not involve new significant effects beyond those analyzed in the DSAP FEIR, or the FEIR and its supplement; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CP Commercial Pedestrian 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 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 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. C17-031 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:

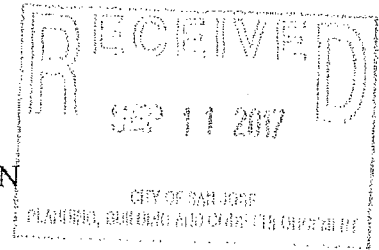
DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
TO ACCOMPANY ZONING APPLICATION
715 WEST JULIAN STREET



Being all of Parcel A as said Parcel A is shown on that certain City of San Jose, California, Department of City Planning Lot Line Adjustment Permit, File No. AT 97-05-053 as evidenced by that document recorded October 10, 1997, as Document No. 13894399, Santa Clara County Records, State of California, being more particularly described as follows:

BEGINNING at a point on the northerly line of West Julian Street, a public street 80 feet wide, distant thereon 151.20 feet from the point of intersection of the northerly line of West Julian Street with the Southwesterly line of Stockton Avenue, a public street 100 feet wide; Said Point of Beginning also being a point on the southerly line of Parcel A of the aforementioned Lot Line Adjustment; Permit; Said Point of Beginning also being the most southeasterly corner of Parcel 1 as said Parcel 1 is shown on that certain Parcel Map filed in the Office of the Recorder of the County of Santa Clara, State of California in Book 584 of Maps at Pages 7 and 8;

Thence along said northerly line of West Julian Street South $87^{\circ} 08' 20''$ West 192.00 feet to the southwesterly corner of said Parcel 1;

Thence continuing along said northerly line of West Julian Street South $87^{\circ} 08' 20''$ West 50.00 feet to the southwesterly corner of said Parcel A;

Thence leaving said northerly line of West Julian Street along the westerly line of said Parcel A North $02^{\circ} 51' 40''$ West 196.00 feet to the most northwesterly corner of said Parcel A;

Thence along the northerly line of said Parcel A South $66^{\circ} 48' 20''$ East 55.66 feet, more or less, to the northwesterly corner of said Parcel 1;

Thence continuing along the northerly line of said Parcel A and said Parcel 1 the following two (2) courses: 1) South $66^{\circ} 48' 20''$ East 111.31 feet, and 2) North $49^{\circ} 15' 00''$ East 116.61 feet, more or less, to a point on the aforementioned Southwesterly line of Stockton Avenue and the northeast corners of said Parcel A and said Parcel 1;

Thence along said southwesterly line of Stockton Avenue South $40^{\circ} 45' 00''$ East 90.00 feet to the corner of said Parcel 1;

Thence continuing along said southwesterly line of Stockton Avenue South $40^{\circ} 45' 00''$ East 51.30 feet, more or less, to the most easterly corner of said Parcel A;

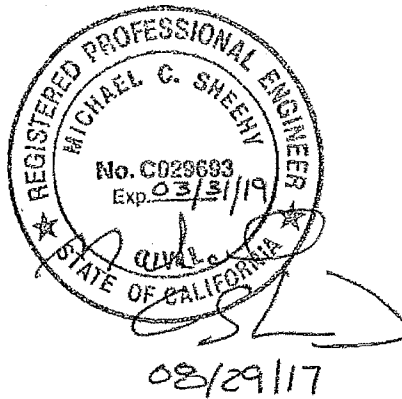
Thence leaving said southwesterly line of Stockton Avenue along the southeasterly lines of said Parcel A, the two (2) following courses: 1) parallel with said northerly line of West Julian Street South $87^{\circ} 08' 20''$ West 46.77 feet, and 2) South $02^{\circ} 51' 40''$ East 82.75 feet, more or less to the northerly line of West Julian Street;

Thence along said northerly line of West Julian Street South $87^{\circ} 08' 20''$ West 40.20 feet to the TRUE POINT OF BEGINNING.

Containing 46,645 Square Feet (1.07 Acres), More or less.

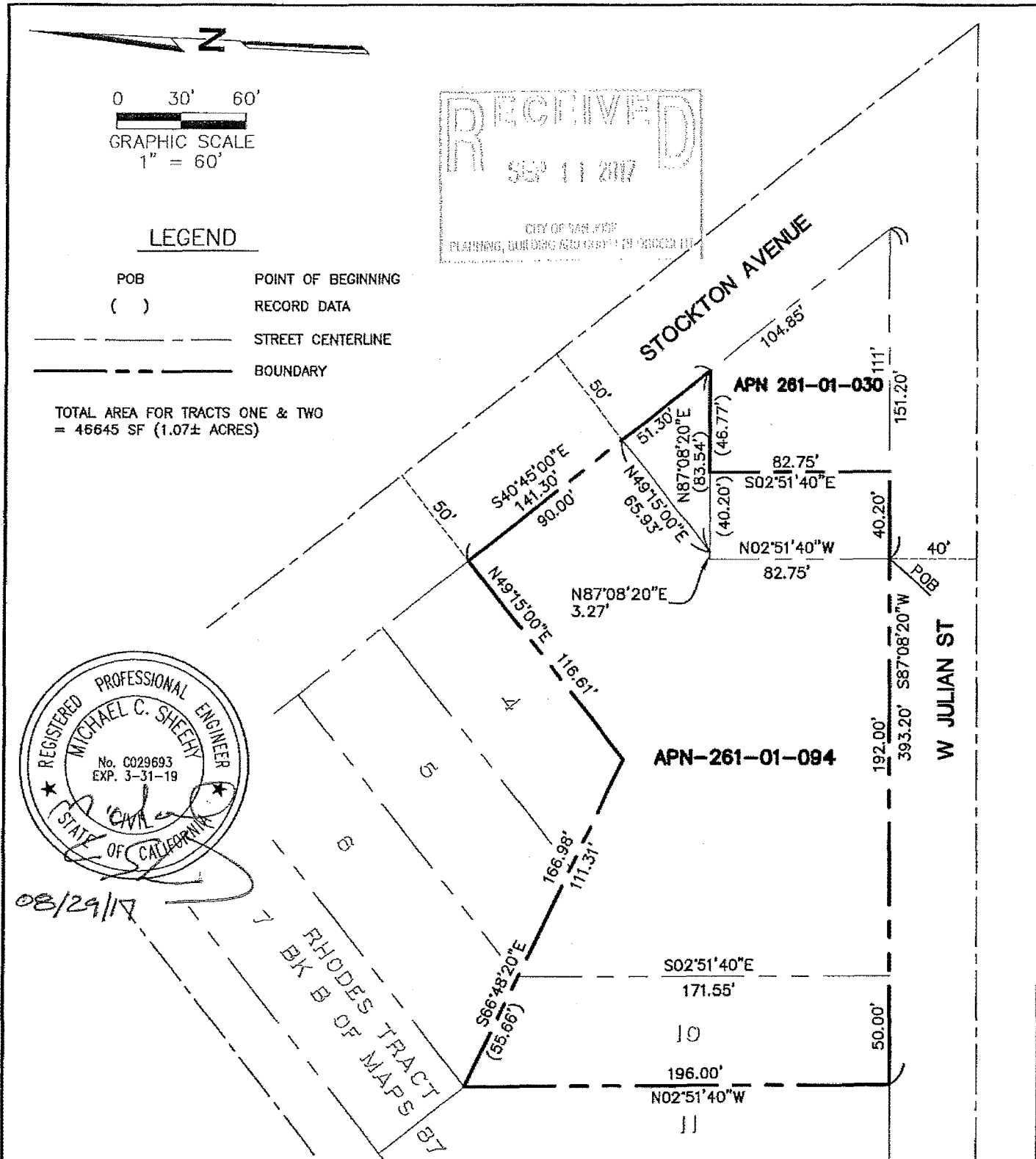
APN 261-01-094

Prepared by:
Ruth and Going, Inc.
PO Box 26460
San Jose, CA 95159
R+G Job # 17-901A
June 26, 2017



Note:

The purpose of the above legal description is to accompany the Rezoning Application for the 715 West Julian Street project (File C17-031). The above legal description is based on record information and is not a resolved boundary survey.



Drawing file: Q:\Civil\17901A\Dwg\Exhibits\Plat Map of Julian and Stockton\ Plat Map Final.dwg
Aug 29, 2017 - 1:36pm

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|----------------------------------|--|---|--|-----------------------|--|
| R+G | | RUTH AND GOING, INC. | | EXHIBIT B | |
| Civil Engineering Land Surveying | | 2216 THE ALAMEDA SANTA CLARA, CA. 95050 | | PLAT MAP TO ACCOMPANY | |
| (408) 236-2400 | | | | | |