

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY
0.30GROSS ACRE SITUATED AT THE NORTHWEST
CORNER OF SOUTH BAYWOOD AVENUE AND HEMLOCK
AVENUE (375 AND 383 SOUTH BAYWOOD) FROM THE CG
COMMERCIAL GENERAL 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(c)(2) 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 and depicted in Exhibit "A" 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. C18-001 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.

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PASSED FOR PUBLICATION of title this ____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

TRACT ONE: (AS TO APN: APN: 277-34-038)

PARCEL 1:

LOT 29, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 238 WESTWOOD PARK UNIT NO. 2", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 21ST, 1946 IN BOOK 8 OF MAPS, AT PAGE 17.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS OVER A PORTION OF LOT 28 AS SHOWN UPON THE MAP ENTITLED "TRACT NO. 238 WESTWOOD PARK UNIT NO. 2, SITUATED IN THE S.W. 1/4 OF SECTION 14, T. 7S. R. 1W., M.D.B. AND M." WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JANUARY 21, 1946 IN BOOK 8 OF MAPS, PAGE 17, DESCRIBED AS FOLLOWS:

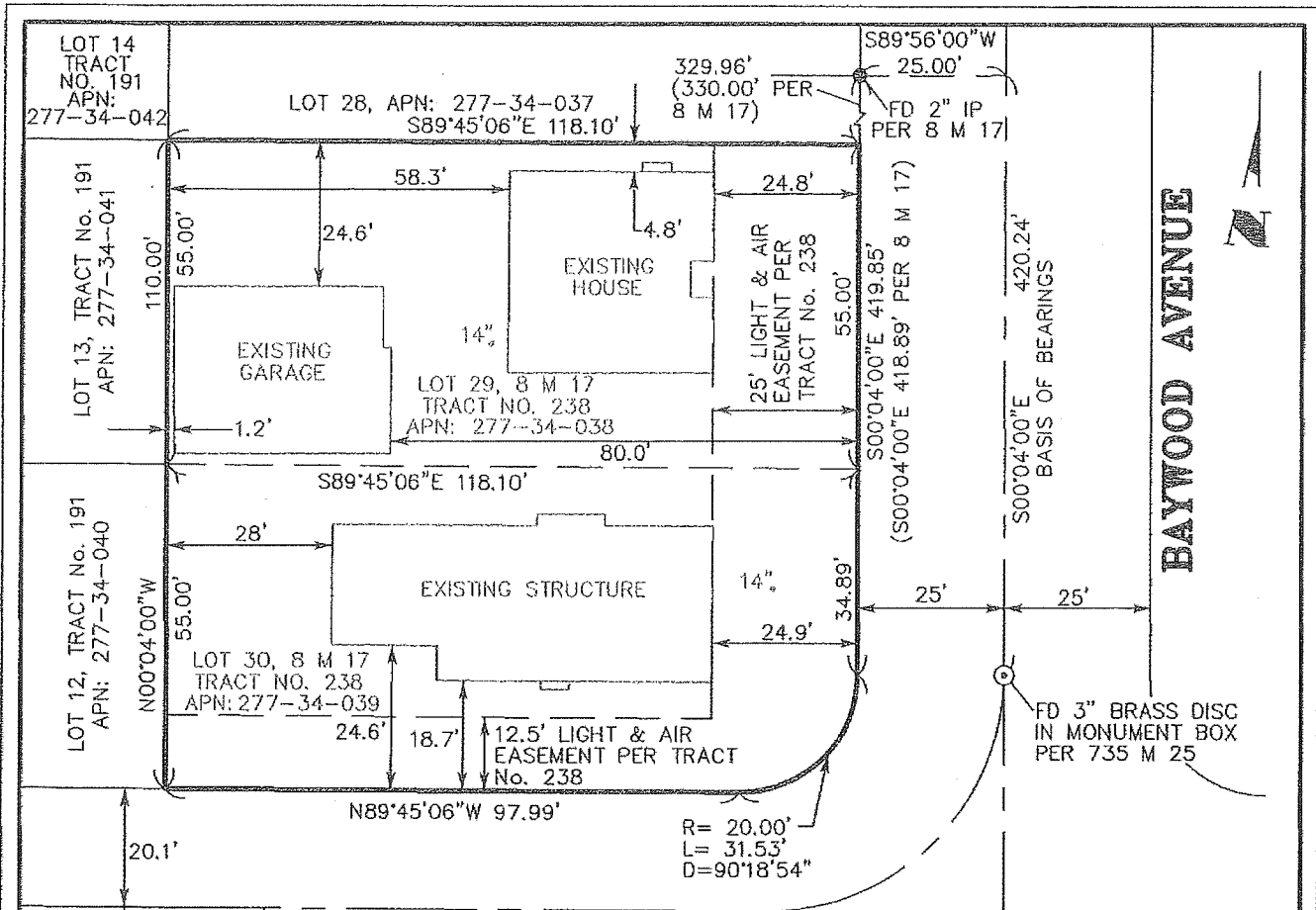
BEGINNING AT THE SOUTHEAST CORNER OF LOT 28 AND RUNNING NORTH 89°45' EAST 90 FEET THENCE NORTH 0°04' WEST 5 FEET, THENCE SOUTH 89°45' EAST 90 FEET TO THE EASTERLY LINE OF SAID LOT 28, THENCE SOUTH 0°04' EAST ALONG SAID EASTERLY LINE 5 FEET TO THE POINT OF BEGINNING.

TRACT TWO: (AS TO APN: APN: 277-34-039)

LOT 30, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 238 WESTWOOD PART UNIT NO. 2 SITUATED IN THE S.W. 1/4 OF SECTION 14, T 7 S.R. 1 W., M.D.B. & M.", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 21ST, 1946 IN BOOK 8 OF MAPS, AT PAGE 17.

APN: 277-34-038 277-34-039

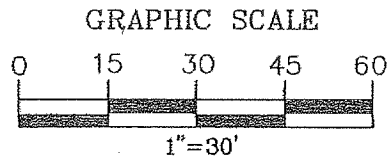
Exhibit A



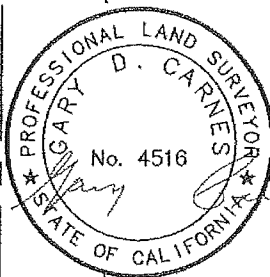
HEMLOCK AVENUE

NOTES

- (1) PLANNING REZONING FILE No. _____
- (2) APN: 277-34-038 & APN: 277-34-039
- (3) SITE ADDRESSES: 375 BAYWOOD AVENUE, SAN JOSE, CA AND 383 BAYWOOD AVENUE, SAN JOSE, CA
- (4) OWNER: YISREAL 26, LLC
- (5) WELLS: THERE ARE NO EXISTING WELLS ON-SITE.
- (6) BASIS OF BEARINGS: THE BEARINGS ON THIS PLAT ARE BASED ON THE CENTERLINE OF BAYWOOD AVENUE AS FOUND MONUMENTED AND RECORDED AS N00°04'00"W IN BOOK 735 OF MAPS, AT PAGE 25, SANTA CLARA COUNTY RECORDS.
- (7) TREES: TRUNK LOCATIONS & SIZES SHOWN ABOVE.



HATTON ST.
(35' WIDE)



CP REZONING PLAN LANDS OF YISRAEL 26, LLC

CARNES & ASSOCIATES
LAND SURVEYORS
9505 SUGAR BABE DRIVE GILROY CA 95020
T: (408) 847-2013 F: (408) 846-7248
EMAIL: OFFICE@CARNESANDASSOCIATES.NET

DRAWN BY: D.E.	DATE: 1-9-18	PAGE: 1 OF 1
PROJECT MANAGER: G.C.	SCALE: 1" = 30'	JOB NO.: 1744

C18-001