

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF AN APPROXIMATELY
1.74-GROSS ACRE SITE LOCATED AT THE SOUTHWEST
CORNER OF BIRD AVENUE AND WILLOW STREET (820
WILLOW STREET), FROM THE A(PD) PLANNED
DEVELOPMENT 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 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. C17-033 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



April 5, 2018
HMH 5385.00.270
Page 1 of 1

EXHIBIT "A"
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the grant deed recorded June 26, 2012, in Document No. 21722688 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being on the southeasterly line of Willow Street;

Thence along the southwesterly and general southeasterly lines of said parcel of land, the following four courses:

1. South 36°01'58" East, 290.99 feet;
2. Thence North 54°51'57" East, 88.93 feet;
3. Thence North 35°44'33" West, 50.01 feet;
4. Thence North 54°53'14" East, 248.30 feet, to the southwesterly line of Bird Avenue;

Thence along said southwesterly line, the following two courses:

1. Northwesterly, along a non-tangent curve to the left, having a radius of 949.00 feet, whose center bears South 47°24'25" West, through a central angle of 02°28'11" for an arc length of 40.91 feet;
2. Thence North 66°11'30" West, 239.99 feet, to the southeasterly line of Willow Street;

Thence along said southeasterly line, southwesterly, along a non-tangent curve to the right, having a radius of 788.01 feet, whose center bears North 44°11'27" West, through a central angle of 15°24'44" for an arc length of 211.97 feet, to the POINT OF BEGINNING.

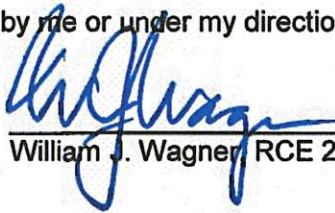
Containing 1.66 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 4-5-18


William J. Wagner RCE 28357





Page 1 of 1
MAPCHECKS Wed March 07 15:30:51 2018
Parcel Map Check

Parcel name: 538500PL02

S 36-01-58 E 290.99

N 54-51-57 E 88.93

N 35-44-33 W 50.01

N 54-53-14 E 248.30

Arc 40.91 Rad 949.00
S 47-24-25 W IN

Cen 2-28-11 Tan 20.46
N 44-56-14 E OUT

Ch: 40.90
Radius Point

21850.2681, 21331.7230

21614.9502, 21502.8973

21666.1288, 21575.6248

21706.7194, 21546.4118

21849.5385, 21749.5265

N 43-49-41 W

21207.2679, 21050.8925

21879.0471, 21721.2012

N 66-11-30 W 239.99

Arc 211.97 Rad 788.01
N 44-11-27 W IN

Cen 15-24-44 Tan 106.63
S 28-46-43 E OUT

Ch: 211.33
Radius Point

21975.9258, 21501.6341

S 53-30-55 W

22540.9465, 20952.3515

21850.2664, 21331.7204

N 55-47-45 E 0.00

21850.2664, 21331.7204

Perimeter: 1171.10

Area: 72,289 Sq Ft 1.66 Ac.

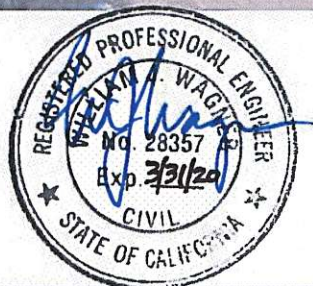
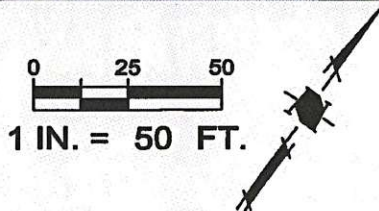
Mapcheck Closure - (Uses listed courses, radii, and deltas)

Total: 0.0032 S 55-47-45 W

Error (N, E) -0.00178, -0.00262

Precision 1:365,968.75





LEGEND

(R) RADIAL BEARING
POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2018-04-05
Designed: —
Drawn: RF
Checked: TG
Proj. Eng.: —
538500PL02



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR ZONING PURPOSES

SAN JOSE

CALIFORNIA