

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.72-GROSS ACRES, SITUATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF VIRGINIA STREET AND 7TH STREET (295 EAST VIRGINIA STREET) (APN: 472-25-092), FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE 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**, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the RM Multiple Residence Zoning District under File Number C17-012 (the "MND"); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-M Multiple Residence Zoning District; and

**WHEREAS**, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

**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 R-M Multiple Residence Single 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.** Any land development approval that is the subject of City File No. C17-012 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:

ATTEST:

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SAM LICCARDO  
Mayor

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TONI J. TABER, CMC  
City Clerk



**295 EAST VIRGINIA STREET  
REZONE OF APN 472-25-092  
AND A VACATED PORTION OF 6TH STREET**

**PARCEL 1:**

ALL OF LOTS 11, 12, 13, 17, 18, 19 AND 20 AND THAT PORTION OF LOTS 9, 10, 14, 15 AND 16, AS SHOWN ON THE MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS, AT PAGE 86, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA.

The exterior boundary of **APN 472-25-092** is further described as follows:

**BEGINNING** AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF VIRGINIA STREET, 60.00 FEET WIDE, WITH THE SOUTHWESTERLY LINE OF 7TH STREET, 80.00 FEET WIDE; THENCE SOUTH 59° 22' 56" WEST ALONG SAID NORTHWESTERLY LINE, 275.98 FEET TO THE NORTHEASTERLY LINE OF 6TH STREET, 80.00 FEET WIDE; THENCE NORTH 30° 38' 46" WEST ALONG SAID NORTHEASTERLY LINE, 277.86 FEET TO THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO PLEASY ROBINSON AND WIFE, RECORDED FEBRUARY 3, 1970, IN BOOK 8819, PAGE 102 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID LAND OF ROBINSON AND ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 3, 1968, IN BOOK 8285, PAGE 135 OF OFFICIAL RECORDS AND ALONG THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO JAMES R. BARROW AND OTHERS, RECORDED JANUARY 13, 1970, IN BOOK 8798, PAGE 252, OF OFFICIAL RECORDS; THENCE NORTH 86° 36' 12" EAST, 310.49 FEET TO SAID SOUTHWESTERLY LINE OF 7TH STREET; THENCE SOUTH 30° 39' 00" EAST, 135.90 FEET TO THE **POINT OF BEGINNING**.

EXCLUDING THEREFROM THAT PORTION OF LOTS 13 AND 20, AS SHOWN ON THE MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS AT PAGE 86, AND FURTHER DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF VIRGINIA STREET, 60.00 FEET WIDE, WITH THE SOUTHWESTERLY LINE OF 7TH STREET, 80.00 FEET WIDE; THENCE SOUTH 60° 06' 59" WEST ALONG SAID NORTHWESTERLY LINE, 275.98 FEET TO THE NORTHEASTERLY LINE OF 6TH STREET, 80.00 FEET WIDE; THENCE NORTH 29° 53' 01" WEST ALONG SAID NORTHEASTERLY LINE, 30.00 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID NORTHEASTERLY LINE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 31.42 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHWESTERLY, 10.00 FEET FROM SAID NORTHWESTERLY LINE OF VIRGINIA STREET; THENCE TANGENT TO SAID CURVE NORTH 60° 06' 59" EAST, 235.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY



HAVING A RADIUS OF 20.00 FEET; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 31.42 FEET TO SAID SOUTHWESTERLY LINE OF 7TH STREET; THENCE SOUTH 29° 53' 01" EAST, 30.00 FEET TO THE **POINT OF BEGINNING.**

**PARCEL 2:**

A PORTION OF 6TH STREET AS SHOWN ON MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS, AT PAGE 86, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA; AND AS VACATED BY DOCUMENT No. \_\_\_\_\_ ON \_\_\_\_\_, 2017 IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA;

The exterior boundary of Vacated South 6th Street is further described as follows:

**COMMENCING** AT THE SOUTHERLY CORNER OF SAID LOT 20 OF BLOCK 33, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY OF SAID 6TH STREET, NORTH 30°38'46" WEST A DISTANCE OF 9.97 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE NORTH 59°22'56" EAST A DISTANCE OF 19.99 FEET TO THE SOUTHERLY END OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG SAID 20.00 FOOT RADIUS CURVE THROUGH A DELTA OF 89°58'18" AND AN ARC LENGTH OF 31.41 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°37'55" WEST A DISTANCE OF 28.28 FEET; THENCE NORTH 30°38'46" WEST A DISTANCE OF 247.94 FEET TO A POINT; THENCE NORTH 86°36'12" WEST A DISTANCE OF 24.39 FEET TO THE START OF A 40.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THENCE SOUTHWESTERLY ALONG SAID 40.00 FOOT RADIUS CURVE THROUGH A DELTA OF 117°14'58" AND AN ARC LENGTH OF 81.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 27°58'43" WEST A DISTANCE OF 68.30 FEET TO A POINT ON THE OLD WESTERLY RIGHT OF WAY LINE OF SAID 6th STREET; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 30°38'46" WEST A DISTANCE OF 177.07 FEET; THENCE LEAVING SAID OLD WESTERLY RIGHT OF WAY LINE SOUTH 61°33'14" EAST A DISTANCE OF 71.79 FEET TO THE START OF A 10.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG SAID 10.00 FOOT RADIUS CURVE THROUGH A DELTA OF 59°03'50" AND AN ARC LENGTH OF 10.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 88°54'51" EAST A DISTANCE OF 9.86 FEET; THENCE NORTH 59°22'56" EAST A DISTANCE OF 34.55 FEET TO THE **TRUE POINT OF BEGINNING.**

Said APN 472-25-092 AND that Vacated Portion of South 6TH St. containing 1.72 acres, more or less.

BEARINGS BASED ON THAT MAP FILED IN BOOK 842 OF MAPS AT PAGE 13, IN THE RECORDERS OFFICE OF SANTA CLARA COUNTY, STATE OF CALIFORNIA.



**CLOSURE CHECK OF ZONING PARCEL**

Name: New Parcel Style : 1

STARTING AT MOST EASTERLY POINT ON VIRGINIA THEN CLOCKWISE

North: 19997.9855' East: 23778.1022'

Segment #1 : Line

Course: S59°22'56.41"W Length: 236.036'

North: 19877.7707' East: 23574.9731'

Segment #2 : Line

Course: S59°22'56.00"W Length: 19.990'

North: 19867.5896' East: 23557.7700'

Segment #3 : Line

Course: S59°22'56.00"W Length: 34.550'

North: 19849.9930' East: 23528.0369'

Segment #4 : Curve

Length: 10.309' Radius: 10.000'

Delta: 59°03'50" Tangent: 5.665'

Chord: 9.858' Course: S88°54'51.00"W

Course In: N30°37'04.00"W Course Out: S28°26'46.00"W

RP North: 19858.5989' East: 23522.9438'

End North: 19849.8062' East: 23518.1806'

Segment #5 : Line

Course: N61°33'14.00"W Length: 71.790'

North: 19884.0021' East: 23455.0581'

Segment #6 : Line

Course: N30°38'46.40"W Length: 177.064'

North: 20036.3358' East: 23364.8023'

Segment #7 : Curve

Length: 81.856' Radius: 40.000'



Segment #7 : Curve  
(CONTINUED)

Delta: 117°14'58" Tangent: 65.594'

Chord: 68.302' Course: N27°58'42.80"E

Course In: N59°21'13.60"E Course Out: N3°23'48.00"W

RP North: 20056.7252' East: 23399.2156'

End North: 20096.6549' East: 23396.8456'

Segment #8 : Line  
Course: N86°36'12.00"E Length: 24.392'

North: 20098.1000' East: 23421.1947'

Segment #9 : Line  
Course: N86°36'12.00"E Length: 310.486'

North: 20116.4958' East: 23731.1353'

Segment #10 : Line  
Course: S30°39'00.28"E Length: 105.897'

North: 20025.3930' East: 23785.1209'

Segment #11 : Curve  
Length: 31.427' Radius: 20.000'

Delta: 90°01'56" Tangent: 20.011'

Chord: 28.292' Course: S14°21'57.86"W

Course In: S59°20'59.72"W Course Out: S30°37'04.00"E

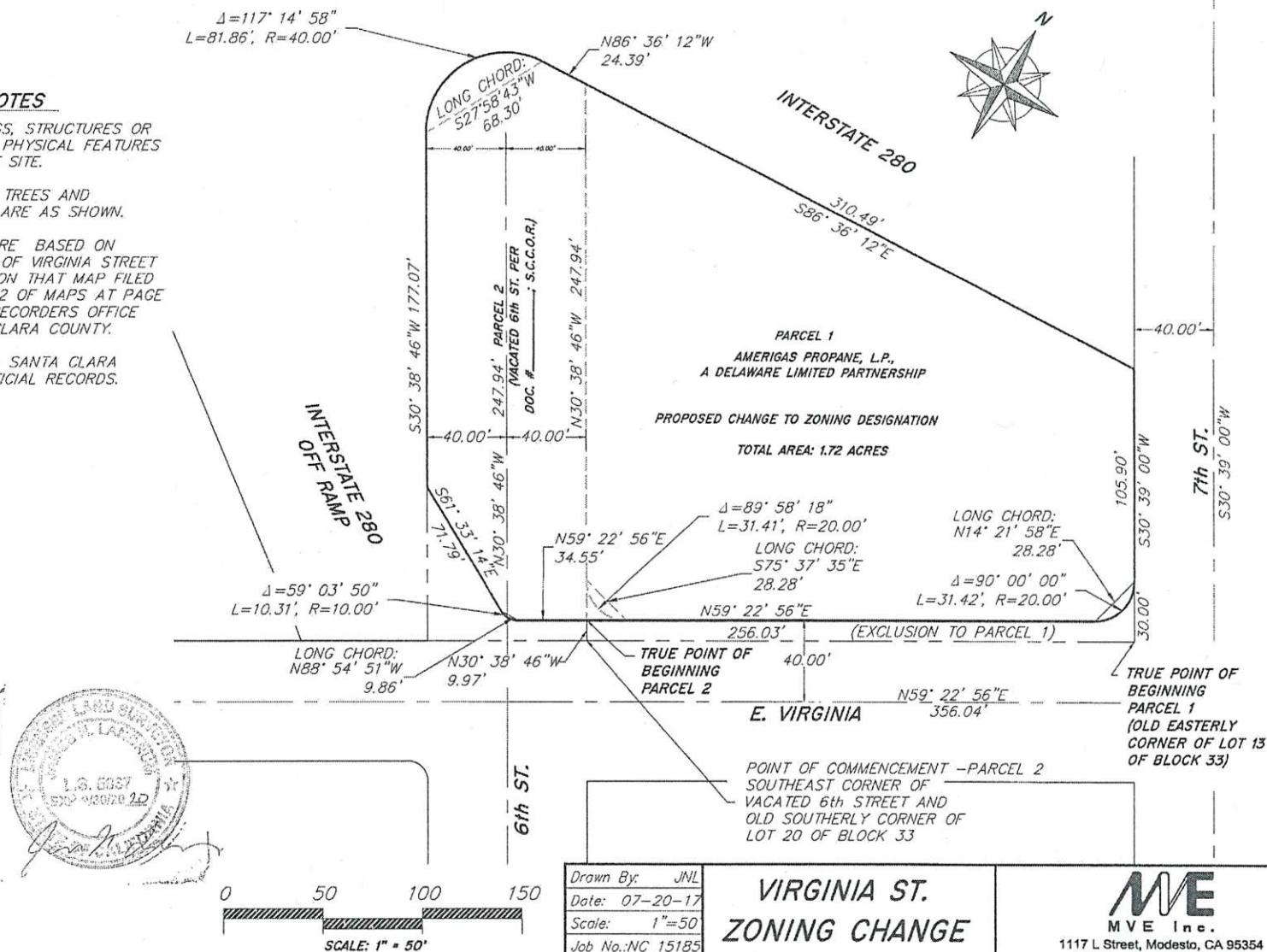
RP North: 20015.1971' East: 23767.9150'

End North: 19997.9856' East: 23778.1012'

Perimeter: 1103.797' Area: 75038.04 Sq. Ft.  
Error Closure: 0.0010 Course: N79°05'08.00"W  
Error North: 0.00018 East: -0.00095  
Precision 1: 1086657.000



1. NO BUILDINGS, STRUCTURES OR SIGNIFICANT PHYSICAL FEATURES ON PROJECT SITE.
2. SIGNIFICANT TREES AND VEGETATION ARE AS SHOWN.
3. BEARINGS ARE BASED ON CENTERLINE OF VIRGINIA STREET AS SHOWN ON THAT MAP FILED IN BOOK 842 OF MAPS AT PAGE 13 IN THE RECORDERS OFFICE OF SANTA CLARA COUNTY.
4. S.C.C.O.R. - SANTA CLARA COUNTY OFFICIAL RECORDS.



Drawn By: JNL  
Date: 07-20-17  
Scale: 1"=50'  
Job No.: NC 15185  
Phone: 866.526.4214

# VIRGINIA ST. ZONING CHANGE



MVE Inc.

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Northern California | Southern California | Nevada

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