

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.18
GROSS ACRE GENERALLY SITUATED AT THE
SOUTHWEST CORNER OF WEST SAN CARLOS STREET
AND JOSEFA STREET (500 WEST SAN CARLOS
STREET; APN: 264-20-064) FROM THE CP COMMERCIAL
PEDESTRIAN ZONING DISTRICT TO THE DC
DOWNTOWN PRIMARY COMMERCIAL 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, an Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report, certified by the City Council on June 15, 2014, by Resolution No. 77096 ; San José Downtown Strategy 2000 Final Program Environmental Impact Report, certified by the City Council on June 21, 2005, by Resolution No. 72767; Envision San José 2040 General Plan Final Program Environmental Impact Report, certified by the City Council on November 2, 2011, by Resolution No. 76041; and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report, certified by the City Council on December 15, 2015, by Resolution No. 77617 and Addenda thereto, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

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WHEREAS, this Council of the City of San José has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on the 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 site," is hereby rezoned as DC Downtown Primary Commercial 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. C16-003 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 ____ of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All of Lots 1, 2 and 30, as shown upon that certain Map entitled, Map of Franklin Tract, being a subdivision of Lots 11 and 8 of the Sunol Addition, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on March 29, 1893 in Book G of Maps, at Page 55.

Excepting therefrom all that portion thereof, as conveyed to the City of San Jose, A Municipal Corporation by Deed recorded August 8, 1955 in Book 3245 Page 594 of Official Records, described as follows:

PORTION OF LOTS 1 and 2, as shown upon that certain Map entitled, "Map of the Franklin Tract", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on March 29, 1893 in Book G of Maps, at page 55, and more particularly described as follows:

BEGINNING at the point of intersection of the Southwesterly line of Josefa Street, with the Southeasterly line of San Carlos Street, as said Streets are shown upon the Map above referred to; running thence from said point of beginning, Southwesterly along the said Southeasterly line of San Carlos Street, 85.70 feet to the Westernmost corner of Lot 2, as said Lot is shown upon the Map above referred to; thence leaving the said Southeasterly line of San Carlos Street and running Southeasterly along the Southwesterly line of said Lot 2, for a distance of 34.00 feet; running thence Northeasterly and parallel with the said Southeasterly line of San Carlos Street, for a distance of 85.70 feet to a point on the said Southwesterly line of Josefa Street; running thence Northwesterly along the said Southwesterly line of Josefa Street, 34.00 feet to the point of beginning.

APN: 264-20-064, 264-20-065

EXHIBIT 'A'
PLAT MAP

OWNER:

ABBAS HAGHSHENAS
127 E. CAMPBELL AVE
CAMPBELL, CA 95008

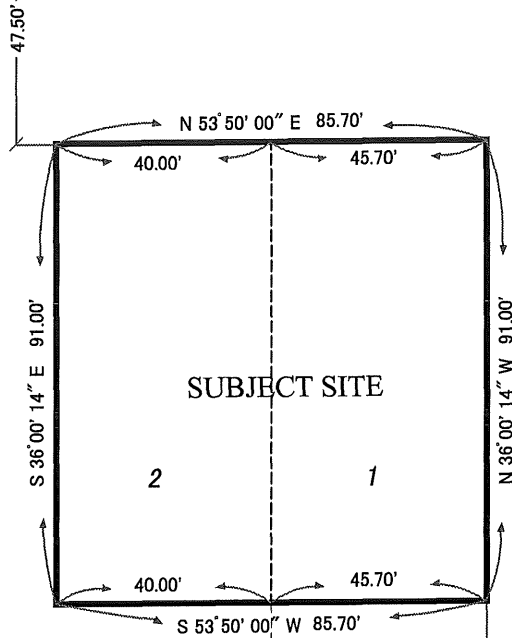
PROP. ADDRESS:

500 W.SAN CARLOS AVE.
SAN JOSE, CA 95126

APN:

264-20-064

CENTER LINE OF SAN CARLOS AVE



SUBJECT SITE

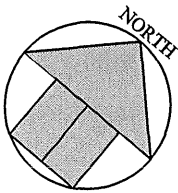
2

1

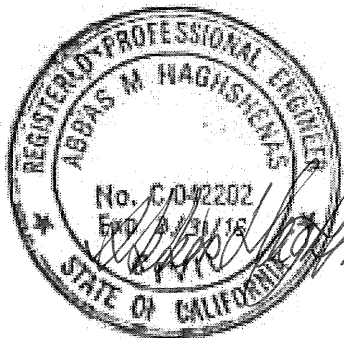
ADJACENT SITE

APN: 264-20-065

CENTER LINE OF JOSEFA STREET



1" = 40'



CENTER LINE OF COLOMBIA AVE

1/12/2016

C16-003