

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 5.97 GROSS ACRES SITUATED ON THE EAST SIDE OF EVANS LANE APPROXIMATELY 170 FEET NORTHERLY OF CANOAS GARDEN AVENUE (0 EVANS LANE) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT 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 adopted Initial Study/Mitigated Negative Declaration for the Evans Lane Housing Project certified by the City Council on June 28, 2016, by Resolution No. 77876, all in conformance with the California Environmental Quality Act of 1970 (CEQA), 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 R-M(PD) Planned Development Zoning District; and

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 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 as R-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Evans Lane Community Village" last revised on October 6, 2018 ("General Development Standard").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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" 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. PDC16-007 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

LEGAL DESCRIPTION

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

PARCEL A:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN AN INCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 7 AND LOT 8, AS SHOWN IN BOOK "N" OF MAPS AT PAGE 85, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, SOUTH 39° 11' 29" EAST 280.50 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7; THENCE ALONG THE LINE COMMON TO SAID LOTS 7 AND 8, SOUTH 50° 53' 00" WEST 588.14 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN BOOK 4691 AT PAGE 390 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG LAST SAID NORTHEASTERLY LINE NORTH 06° 18' 50" WEST 333.71 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 7; THENCE ALONG LAST SAID NORTHWESTERLY LINE NORTH 50° 53' 00" EAST 406.99 FEET TO THE POINT OF BEGINNING. CONTAINING 139,566 SQUARE FEET, MORE OR LESS.

PARCEL TWO

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 8; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 8, SOUTH 39° 11' 29" EAST 122.78 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 14077825 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID DOCUMENT THE FOLLOWING TWO COURSES: SOUTH 50° 21' 21" WEST 277.87 FEET AND SOUTH 50° 53' 00" WEST 371.91 FEET TO THE NORTHEASTERLY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN BOOK 4691 AT PAGE 388 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG LAST SAID NORTHEASTERLY LINE THE FOLLOWING TWO COURSES: NORTH 22° 59' 54" WEST 56.55 FEET AND NORTH 06° 18' 50" WEST 84.48 FEET TO THE LINE COMMON TO SAID LOTS 7 AND 8; THENCE ALONG SAID COMMON LINE NORTH 50° 53' 00" EAST 588.14 FEET TO THE POINT OF BEGINNING. CONTAINING 77,909 SQUARE FEET, MORE OR LESS.

THE BEARING OF SOUTH 50° 53' 00" WEST FOR THE NORTHEASTERLY LINE OF LOT 8, AS SHOWN ON THE CANOAS GARDEN TRACT, FILED IN BOOK "N" OF MAPS AT PAGE 85, WAS TAKEN AS THE BASIS OF BEARINGS FOR THESE DESCRIPTIONS.

APN: 456-09-016

PARCEL B:

PARCEL ONE:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 8 OF THE CANOAS TRACT AS SHOWN ON THE MAP ENTITLED "MAP OF CANOAS GARDEN TRACT" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 19, 1912 IN BOOK "N" OF MAPS, PAGE 85 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF THE HEREINABOVE MENTIONED LOT 8 FROM WHICH THE MOST EASTERLY CORNER OF SAID LOT 8 BEARS N 52° 07' 57" E., 31.88 FEET;

THENCE ALONG SAID SOUTHEASTERLY LINE S 52° 07' 57" W., 237.48 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE N 37° 52' 03" W., 154.58 FEET; THENCE N. 51° 36' 18" E., 269.01 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 8; THENCE ALONG SAID NORTHEASTERLY LINE S 38° 00' 03" E., 115.77 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL DEEDED TO THE STATE OF CALIFORNIA AND RECORDED SEPTEMBER 17, 1985 IN BOOK J460, PAGE 581 OFFICIAL RECORDS OF SANTA CLARA COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL FROM A TANGENT BEARING OF S 2° 07' 14" E ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 799.99 FEET, THROUGH A CENTRAL ANGLE OF 3° 44' 01" AND AN ARC LENGTH OF 52.13 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL TWO:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A 20.00 FEET WIDE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES ACROSS A PORTION OF LOT 8 OF THE CANOAS TRACT AS SHOWN ON THE MAP ENTITLED "MAP OF CANOAS GARDEN TRACT" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 19, 1912 IN BOOK "N" OF MAPS, PAGE 85, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE HEREINABOVE DESCRIBED LOT 8, SAID CORNER BEING ON THE MONUMENT LINE OF CANOAS GARDEN AVENUE AS SHOWN ON THE RECORDS OF SURVEY FILED FOR RECORD IN BOOK 361 OF MAPS, AT PAGE 19 AND BOOK 658 OF MAPS, AT PAGE 21 AND 22, SANTA CLARA COUNTY RECORDER'S OFFICE, THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 8 N. 52° 07' 57" E, 94.74 FEET TO INTERCEPT THE RIGHT OF WAY AND EASEMENT LINE AS GRANTED TO THE COUNTY OF SANTA CLARA, BY EMIL R. BUCHSER AND HERMAN R. BUCHSER BY DEED ON FEBRUARY 10, 1960, AND FILED IN BOOK 4691, PAGE 388, OFFICIAL RECORDS OF SANTA CLARA COUNTY, THENCE LEAVING SAID BOUNDARY AND PROCEEDING ALONG SAID RIGHT OF WAY AND EASEMENT LINE N. 21° 44' 58" W, 129.00 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTER LINE OF THE INGRESS AND EGRESS EASEMENT; THENCE LEAVING SAID RIGHT OF WAY AND EASEMENT LINE ALONG THE CENTER OF THE 20.00 FEET WIDE EASEMENT HEREIN DESCRIBED THROUGH A CURVE TO THE LEFT FROM A TANGENT BEARING OF N 57° 27' 12" E WITH A RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF 24° 25' 44" AND AN ARC LENGTH OF 55.43 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 190.00 FEET, THROUGH A CENTRAL ANGLE OF 19° 06' 29" AND AN ARC LENGTH OF 63.36 FEET; THENCE N 52° 07' 57" E., 272.65 FEET TO THE TERMINUS OF SAID CENTER LINE, FROM SAID TERMINUS THE MOST EASTERLY CORNER OF SAID LOT 8 BEARS S 37° 52' 03" E., 141.00 FEET, THENCE N. 52° 07' 57" E, 269.36 FEET.

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