

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.54-GROSS ACRE SITUATED AT THE NORTHWEST CORNER OF MONTEREY ROAD AND ROEDER ROAD (5260 MONTEREY ROAD), FROM THE CN COMMERCIAL NEIGHBORHOOD 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, as supplemented and addendum thereto, and related

City Council Resolution Nos. 76041 and 77617 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. C18-033 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.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2019 by the following
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
REZONE FOR
LANDS OF LAM & TRI MINH PHAM

PARCEL "A"

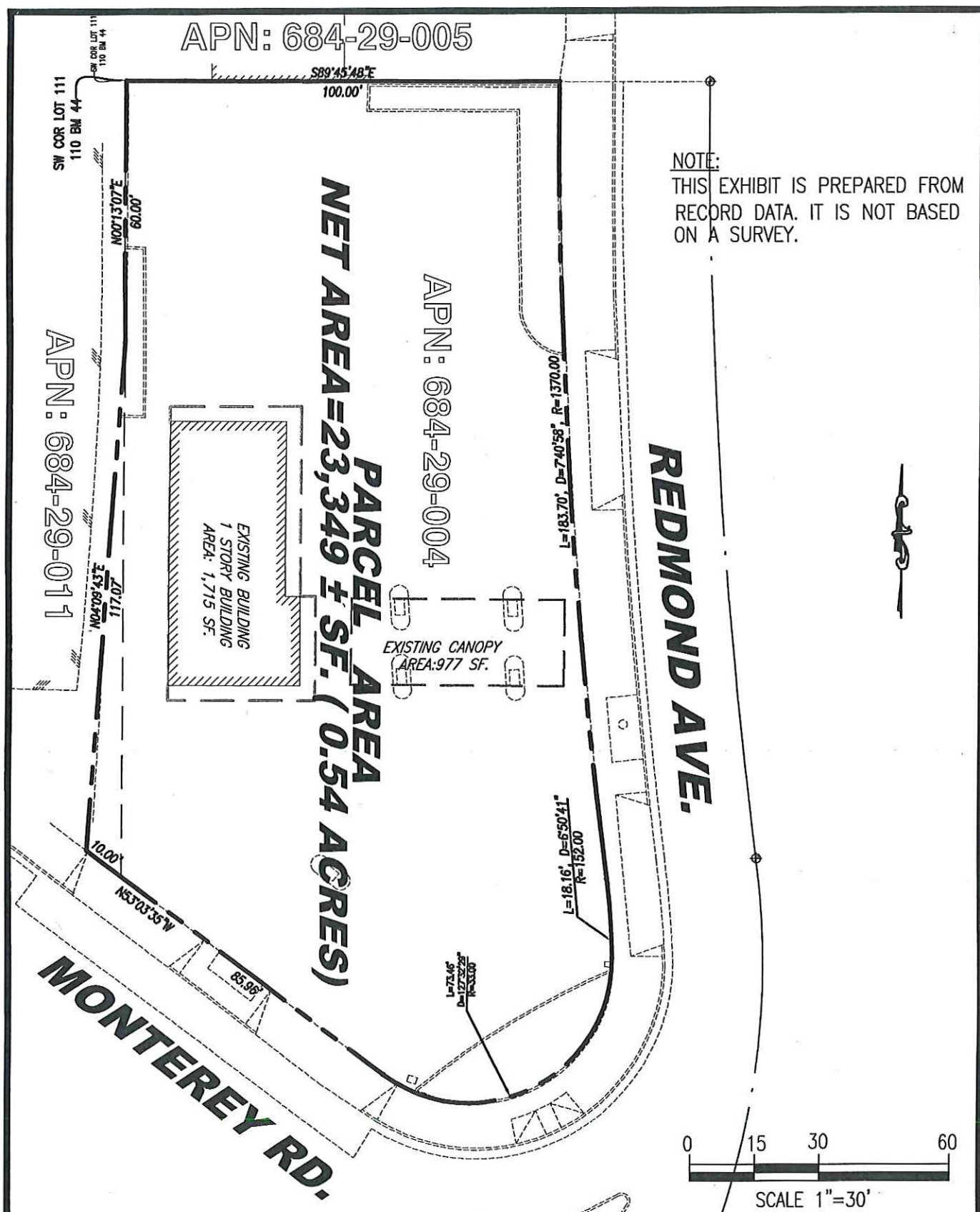
REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

All that portion of Lot 9 of the partition of Rancho Santa Teresa, described as follows in the deed by Texaco Refining and Marketing Inc. to Exxon Corporation recorded October 31, 1988 in Book K737, page 215 Official Records:

Beginning at the Southwesterly corner of Lot 111, so designated and delineated on the Map of Tract No. 2456 Unit One Great Oaks, recorded August 13, 1959 in Book 110 of Maps, pages 44 and 45, Santa Clara County Records, distant North 00°14' 12" East 273.21 feet (called 273.12 feet on said Map of Tract No. 2456) from point "A" on the Northeasterly line of Monterey Road; thence South 89° 45' 48" East 100.00 feet along the Southerly line of said Lot 111, to the Westerly line of Roeder Road; thence Southerly along said Westerly line, along the arc of a curve to the left with a radius of 1370.00 feet, from a tangent bearing South 00° 14' 12" West, through a central angle of 07° 40' 58", 183.70 feet, and continuing, along the arc of a reverse curve with a radius of 152.00 feet, through a central angle of 06° 50' 41", 18.16 feet; thence along the arc of a compound curve to the right, having a radius of 33.00 feet, through a central angle of 127° 32' 29", 73.46 feet to the Northeasterly line of Monterey Road, as established according to deed by Texaco Inc. to the State of California recorded September 11, 1963 in Book 6183, page 718, Official Records; thence along said line, North 53° 03' 35" West 75.96 feet to a point on the Southerly prolongation of the Westerly line of said Tract No. 2456, distant thereon North 00° 14' 12" East 90.44 feet from said point "A"; thence continuing along said line of Monterey Road, established according to deed by Texaco Inc. to the State of California recorded November 28, 1962 in Book 5808, page 36, Official Records, North 53° 03' 35" West 10.00 feet; thence North 40° 09' 43" East 117.07 feet to a point in said Southerly prolongation; thence North 00° 14' 12" East, along said prolongation, 60.00 feet to the point of beginning.

APN: 684-29-004

680-810



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EI

**STUKAM CONSULTING
ENGINEERS, INC.**
11344 Coloma Road, Suite 235C
GOLD RIVER CA 95870
(916) 835 5701 (916) 888-8316 FAX

EXHIBIT 'B'
5260 MONTEREY RD.
APN: 684-29-004

SCALE: 1"=40'
DATE: 9-10-18
SHEET: 1 OF 2
JOB# 2016-023

CALIFORNIA