

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.46 GROSS ACRE SITUATED ON THE NORTHEASTERN CORNER OF NORTH BASCOM AVENUE AND FOREST AVENUE (206 NORTH BASCOM AVENUE) FROM THE CP COMMERCIAL PEDESTRIAN AND R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICTS 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 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 by plat map in Exhibit "B," which both exhibits are 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. C18-035 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 \_\_\_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

MEI #18048

February 21, 2019

**LANDS OF 200 N. BASCOM AVE. LLC**

Beginning at the Southerly common corner of Lots 13 and 23 in Block 1 on the Northerly line of Forest Street, as said Lots, Block and Street are shown upon the Map of Interurban Park Tract, recorded in Book "K" of Maps, at page 21, Santa Clara County Records, on December 5, 1904, hereinafter referred to;

Thence, from said point of beginning, along the Northerly line of Forest Street, North  $89^{\circ}44'00''$  East, 33.70 feet;

Thence, parallel with the Westerly lines of Lots 20, 21, 22 and 23 in Block 1 as shown on said Map, North  $00^{\circ}25'00''$  West, 139.34 feet to a point in a line drawn parallel to and 5.00 feet North  $00^{\circ}25'00''$  West of the South line of said Lot 20;

Thence, along last said parallel line, South  $89^{\circ}44'00''$  West, 33.70 feet to a point in the dividing line between Lots 10 and 20 in said Block 1, said point being 5.00 feet North  $00^{\circ}25'00''$  West of the Southerly common corner of Lots 10 and 20;

Thence, along said dividing line, South  $00^{\circ}25'00''$  East, 5.00 feet to the said Southerly common corner of Lots 10 and 20;

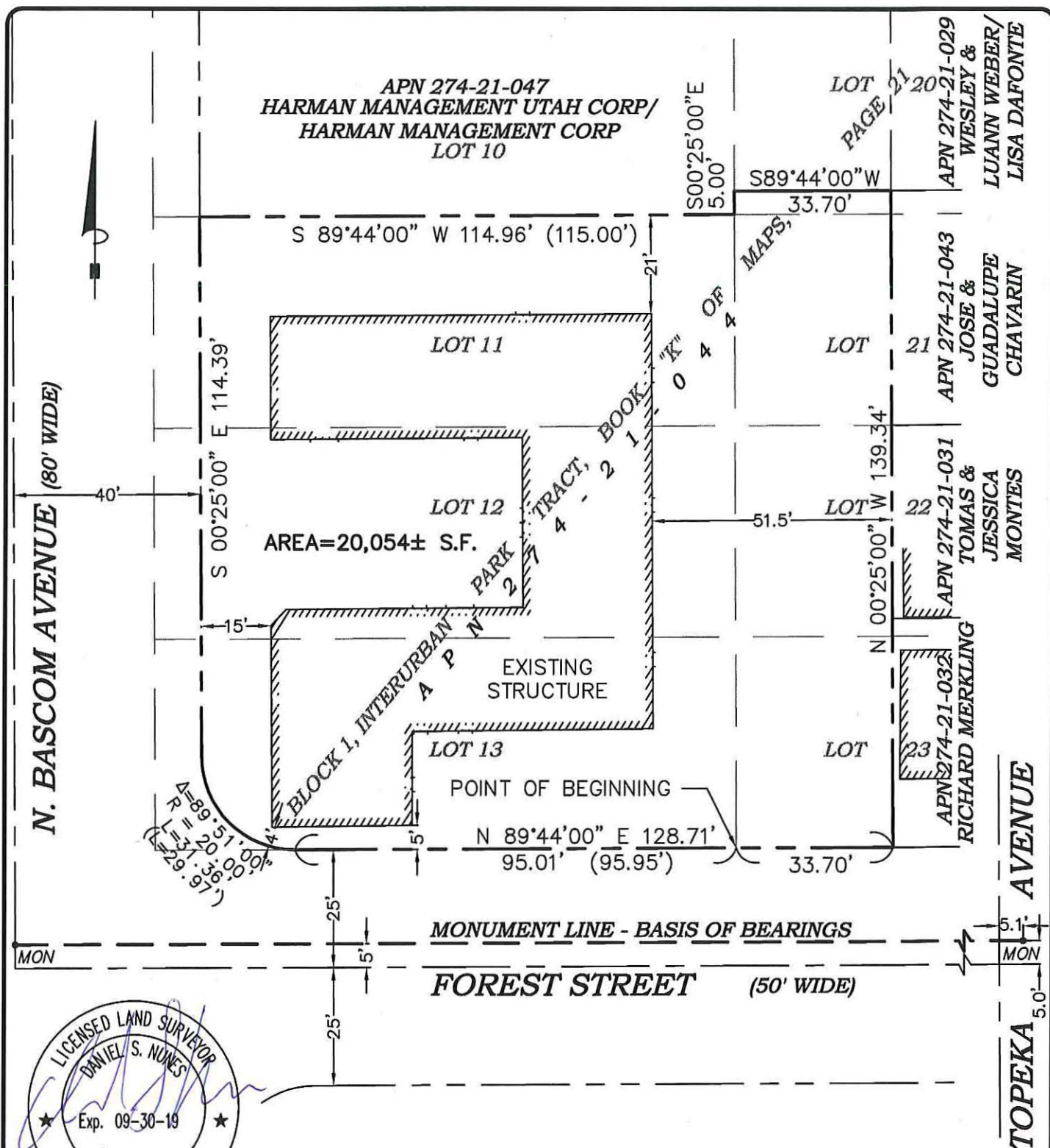
Thence, along said southerly boundary line of Lot 10, South  $89^{\circ}44'00''$  West, 114.96 feet to a point in the Easterly line of North Bascom Avenue, 80 feet wide;

Thence, along last said line, South  $00^{\circ}25'00''$  East, 114.39 feet;

Thence, along a tangent curve with a radius of 20.00 feet, deflecting to the left through an angle of  $89^{\circ}51'00''$  an arc distance of 31.36 feet to a point in the Northerly line of Forest Street, 50 feet wide,

Thence, along said Northerly line of Forest Street, North  $89^{\circ}44'00''$  East, 95.01 feet to the point of beginning and being a portion of Lots 11, 12, 13, 20, 21, 22, and 23 in Block 1 as shown on said Map, and containing 20,054 square feet, more or less.





LANDS OF 200 N. BASCOM AVE. LLC

( ) RECORD DATA PER  
DEED DOC # 18514884

EXHIBIT "B" PAGE 1 OF 1



MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953  
2355 De La Cruz Blvd. Santa Clara, Calif 95050 (408) 727-8262 FAX: (408) 727-8285

SCALE:	1"=30'
DATE	02-21-19
DWN	JS ME16
CH'KD	
JOB NO.	18048
DWG. NO.	S14941