

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.05 GROSS ACRES, SITUATED AT THE SOUTHWEST CORNER OF SENTER ROAD AND LEWIS ROAD (2905 SENTER ROAD) (APN: 497-27-013) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD 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 CN Commercial Neighborhood Zoning District under File Number C17-034 (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 CN Commercial Neighborhood 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 CN Commercial Neighborhood 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. C17-034 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

PRELIMINARY REPORT
Your Reference:

Chicago Title Company
Order No.: 98200148-982-EA-MOT

EXHIBIT A
LEGAL DESCRIPTION

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

Portion of Lot 1, on Map of Ivywild Tract, filed May 14, 1907 in Book "L" of Maps, page 82, Santa Clara County Records, described as follows:

Beginning at the point of intersection of the center line of Lewis Road with the center line of Senter Road; thence along the said center line of Lewis Road South $48^{\circ} 59'$ West 240 feet to the most Northerly corner of that tract of land conveyed to W.W. McDonald, et ux by deed recorded October 5, 1943 in Book 1164 Official Records, 246; thence along the Northeasterly line of said tract and parallel with the said center line of Senter Road South $39^{\circ} 56'$ East 220 feet; thence parallel with said center line of Lewis Road North $48^{\circ} 59'$ East 240 feet to the center line of said Senter Road; thence along said center line of Senter Road North $39^{\circ} 56'$ West 220 feet to the point of beginning.

Excepting therefrom all that portion thereof described as follows:

A portion of Lot 1 as said Lot 1 is shown upon the Map of Ivywild Tract, a Map of which is filed for record in Book "L" of Maps, page 82, Santa Clara County Records, described as follows:

Beginning at a point at the intersection of the center line of Senter as it formerly existed 40 feet in width, with the center line of Lewis Road, as it formerly existed 50 feet in width, as said center and Lewis Roads as shown upon the herein above referred Map of Ivywild Tract; thence along said center line of Senter Road S. $39^{\circ} 56' 00''$ E. 220.00 feet to the intersection thereof with the Northeasterly prolongation of the Northwesterly line of Parcel 1, as said parcel 1 is shown upon the parcel Map recorded in Book 330 of Maps, page 53, Santa Clara County Records; thence along said Northeasterly prolongation, S. $48^{\circ} 59' 00''$ W. 45.01 feet to the intersection thereof with a line parallel to and measured 45 feet perpendicular distance Southwesterly from the said center line of Senter Road; thence along said parallel line, N. $39^{\circ} 56' 00''$ W. 174.62 feet to the beginning of a curve; thence on a curve to the left, having a radius of 20 feet, through a central angle of $91^{\circ} 05' 00''$ for an arc length of 31.79 feet to the end of the curve; thence along the radial line passing through the said end of the curve, N. $41^{\circ} 01' 00''$ W. 25.00 feet to the intersection thereof with the said center line of Lewis Road; thence along the said center line of Lewis Road, N. $48^{\circ} 59' 00''$ E. 65.86 feet to the point of beginning.

APN: 497-27-013

Exhibit A'

LEGAL DESCRIPTION

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

PORTION OF LOT 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE IVYWILD TRACT, BEING A RESUBDIVISION OF LOTS 11 AND 12 OF THE O'BANNON KENT AND BRUCE SUBDIVISION, AND OF THE CHAMBERLAIN TRACT IN THE PUEBLO TRACT NO. 1", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 14, 1907 IN BOOK "L" OF MAPS AT PAGE(S) 82, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

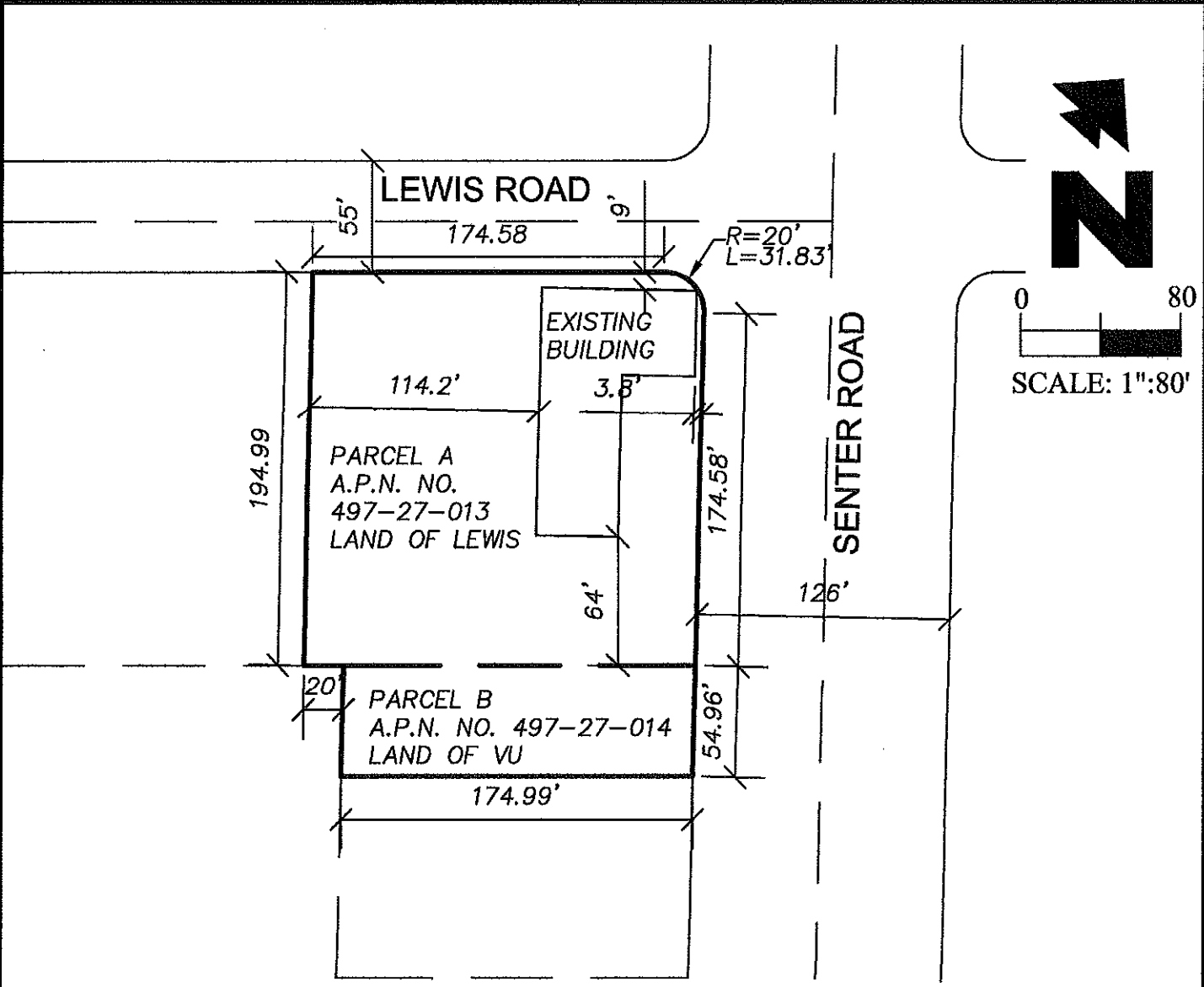
BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY SANTA A NELSON, ET UX, TO CARSON A RONAS, ET UX, BY DEED RECORDED FEBRUARY 13, 1946 IN BOOK 1325 AT PAGE 477, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 36, AS SAID LOT IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "TRACT NO. 2760", RECORDED JUNE 21, 1961 IN BOOK 134, PAGES 24 AND 25, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG SAID SOUTHEASTERLY LINE OF SAID PARCEL CONVEYED TO RONAS, NORTH 49° 53' 30" EAST 219.99 FEET TO THE MOST EASTERLY CORNER THEREOF IN THE CENTERLINE OF SENTER ROAD; THENCE ALONG SAID CENTERLINE, SOUTH 39° 56' 00" EAST 54.96 FEET; THENCE SOUTH 48° 53' 30" WEST 219.99 FEET TO A POINT IN THE NORTHEASTERLY LINE OF LOT 36 ABOVE REFERRED TO; THENCE NORTH 39° 56' 00" WEST ALONG SAID NORTHEASTERLY LINE OF SAID LOT 36, 54.96 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE INTEREST GRANTED IN THE DEED FROM ZISCH AND FLETCHER, INC., A CORPORATION, TO THE CITY OF SAN JOSE, A MUNICIPAL CORPORATION, DATED JANUARY 29, 1965, RECORDED MARCH 11, 1965 IN BOOK 6878 PAGE 121, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR STREET PURPOSES, ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF SENTER ROAD AT THE MOST NORTHERLY CORNER OF THAT CERTAIN 0.781 ACRE PARCEL OF LAND CONVEYED FROM VALLEY TITLE COMPANY OF SANTA CLARA COUNTY TO ZISCH AND FLETCHER, INC., A CORPORATION, ET AL, BY DEED DATED MARCH 12, 1964 AND FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, SANTA CLARA COUNTY, CALIFORNIA, ON MARCH 13, 1964 IN BOOK 6423 OF OFFICIAL RECORDS, AT PAGE 82; THENCE ALONG SAID CENTER LINE SOUTH 39° 56' 00" EAST 154.69 FEET TO THE MOST EASTERLY CORNER OF SAID 0.781 ACRE PARCEL OF LAND; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID 0.781 ACRE PARCEL OF LAND SOUTH 48° 53' 35" WEST 45.01 FEET TO A POINT IN A LINE THAT IS PARALLEL WITH AND DISTANT 45.00 FEET, MEASURED AT RIGHT ANGLES, SOUTHWESTERLY FROM SAID CENTER LINE OF SENTER ROAD; THENCE ALONG SAID PARALLEL LINE NORTH 39° 36' 00" WEST 154.96 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID 0.781 ACRE PARCEL OF LAND; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 48° 53' 30" EAST 45.01 FEET TO THE POINT OF BEGINNING.

APN: 497-27-014



| LOT SQUARE FOOTAGE | PARCEL A | PARCEL B |
|--------------------|----------|----------|
| EXISTING | 37,924 | 9,615 |



**REZONING PLAT, EXHIBIT "B"
 LANDS OF LEWIS & VU, ET AL**

TITLE OF PLAT: THIEN HUONG PLAZA
 ENGINEERING COMPANY: GREEN CIVIL ENGINEERING, INC.
 ADDRESS: 204 E. 2nd AVE #820, SAN MATEO, CA 94401
 PHONE NUMBER: 650-888-5937
 ENGINEER LICENSE NO. SEAL: C68629

DATE: 8/1/17
 SCALE: 1" : 80'
 PAGE 1 OF 1