

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 10.34 GROSS ACRES SITUATED ON THE NORTHWEST CORNER OF KIELY BOULEVARD AND NORTHLAKE DRIVE (360-400 SARATOGA AVENUE) (APN: 303-25-044 AND 303-25-052) FROM THE CG COMMERCIAL GENERAL 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 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; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan.

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 to the 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. Any land development approval that is the subject of City File No. C20-003 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 ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

JANUARY 28, 2020

JOB NO. 15-132-20

**EXHIBIT "A"
LEGAL DESCRIPTION
DEVELOPMENT SITE
APNs 303-25-044 & 052**

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

BEING ALL OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED
FOR RECORD AUGUST 17, 1983 IN BOOK 516 OF MAPS, PAGE 30 OF SAID
SANTA CLARA COUNTY, HEREIN COLLECTIVELY REFERRED TO AS THE
"DEVELOPMENT SITE" AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 1 AND
BEING A POINT ON THE SOUTHEASTERLY BOUNDARY OF SARATOGA
AVENUE (PUBLIC STREET);

THENCE DEPARTING FROM SAID SOUTHEASTERLY BOUNDARY AND
HEADING EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL
1, NORTH 89° 39' 57" EAST, A DISTANCE OF 674.55 FEET TO THE
NORTHEASTERLY CORNER OF SAID PARCEL 1 AND BEING A POINT ON THE
WESTERLY BOUNDARY OF NORTHLAKE DRIVE (PUBLIC STREET);

THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY OF NORTHLAKE
DRIVE, SOUTH 00° 20' 30" EAST, A DISTANCE OF 535.70 FEET TO THE
BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF
20.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A
CENTRAL ANGLE OF 90° 02' 00", AN ARC DISTANCE OF 31.43 FEET TO A
POINT ON THE NORTHERLY BOUNDARY OF KEILY BOULEVARD (PUBLIC
STREET);

THENCE WESTERLY ALONG SAID NORTHERLY BOUNDARY OF KEILY
BOULEVARD, SOUTH 89° 41' 30" WEST, A DISTANCE OF 769.91 FEET;

THENCE DEPARTING FROM SAID NORTHERLY BOUNDARY AND HEADING
NORTHERLY ALONG THE WESTERLY BOUNDARY OF SAID PARCEL 1, NORTH
00° 18' 30" WEST, A DISTANCE OF 83.41 FEET;

EXHIBIT "A" (File No. C20-003)

THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY OF PARCEL 1,
NORTH 56° 00' 05" WEST, A DISTANCE OF 171.00 FEET TO A POINT ON SAID
SOUTHEASTERLY BOUNDARY OF SARATOGA AVENUE;

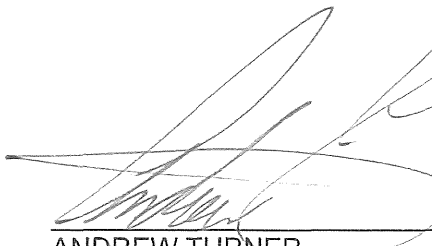
THENCE NORTHERLY ALONG SAID SOUTHEASTERLY BOUNDARY OF
SARATOGA AVENUE, NORTH 33° 59' 56" EAST, A DISTANCE OF 454.73
FEET TO **THE POINT OF BEGINNING.**

CONTAINING 450,382 SQUARE FEET (10.34 ACRES) OF LAND, MORE
OR LESS

BASIS OF BEARINGS: THE BEARING NORTH 00°20'30" WEST, OF THE
CENTERLINE OF NORTHLAKE DRIVE, BETWEEN TWO FOUND MONUMENTS,
AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 369 OF
MAPS AT PAGE 28, SANTA CLARA COUNTY RECORDS, WAS USED AS THE
BASIS OF ALL BEARINGS SHOWN.

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A
PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED
BY ME OR PREPARED UNDER MY DIRECTION.


ANDREW TURNER
P.L.S. 9104
CIVIL ENGINEERING ASSOCIATES, INC.



1/28/2020
DATE

1 OF 3
SHT.NO.

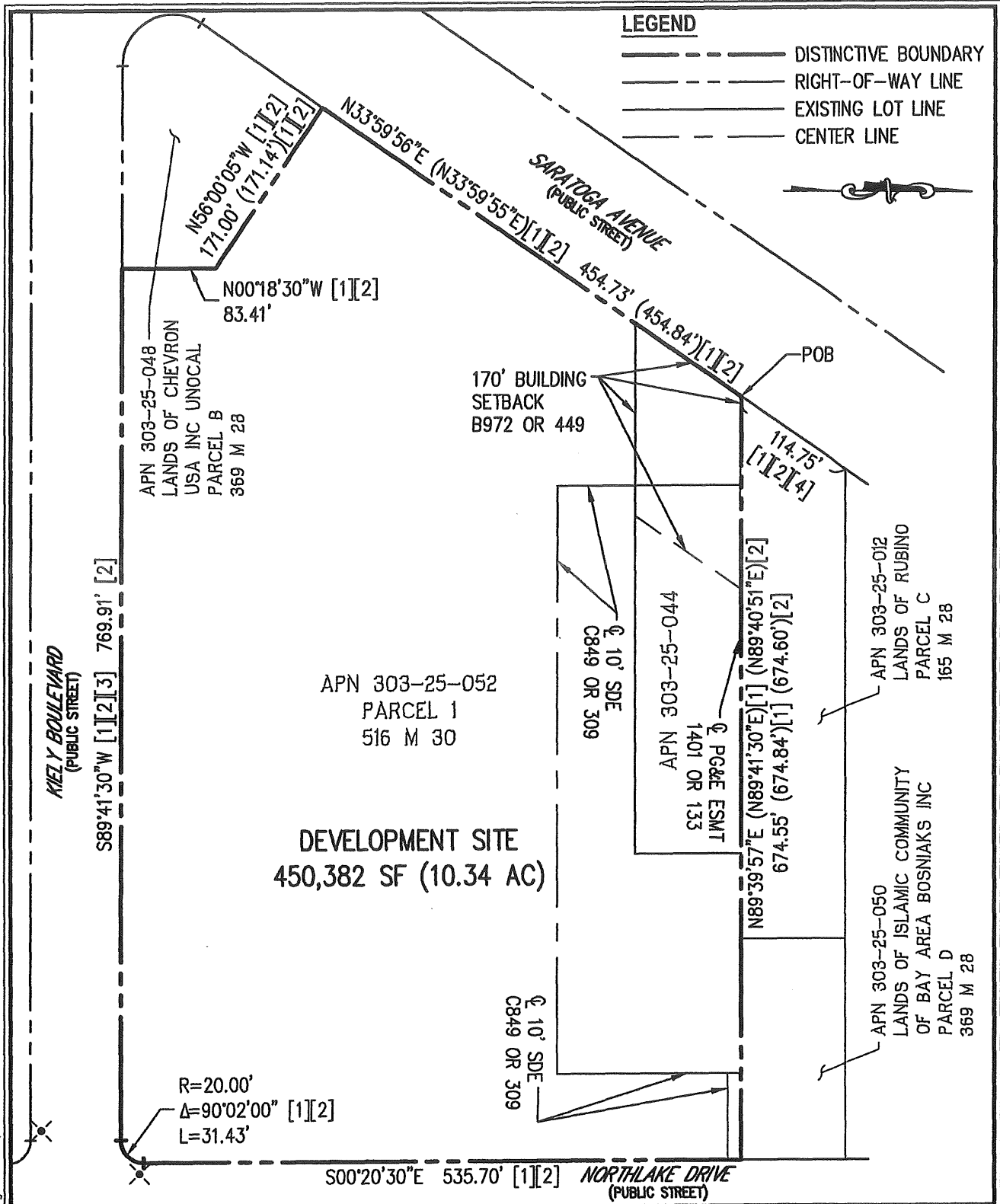


EXHIBIT "B" - DEVELOPMENT SITE
PLAT TO ACCOMPANY LEGAL DESCRIPTION



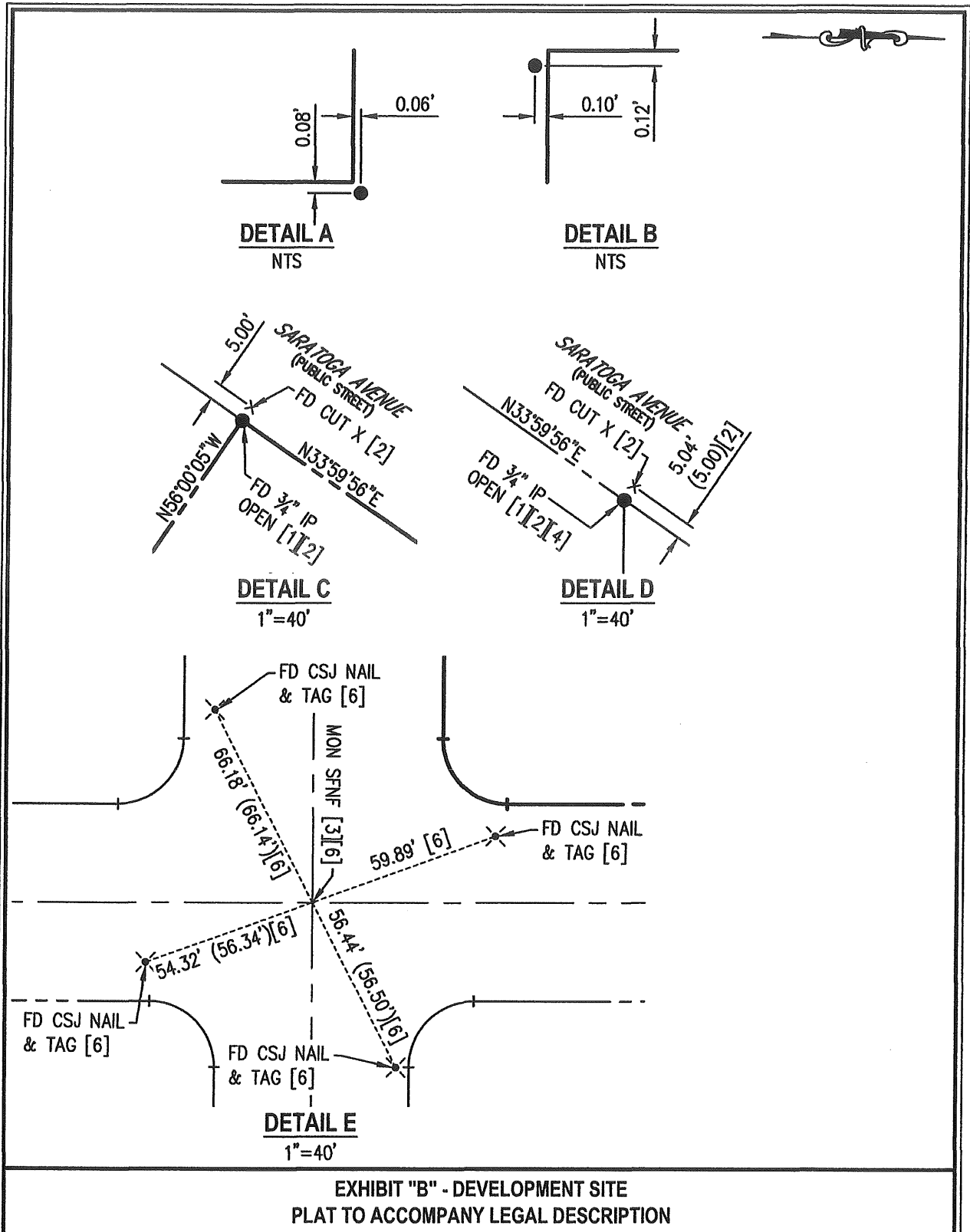
Civil Engineering Associates

Civil Engineers • Planners • Surveyors

2055 Gateway Place Suite 550
San Jose, CA 95110
T: (408) 453-1066

BY: CH
DATE: 1/28/2020
SCALE: 1"=120'
JOB NO. 15-132-20

2 OF 3
SHT.NO.



15132-20 PLAT DEVELOPMENT.dwg Jan 28, 2020



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3 OF 3
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