

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.39 GROSS ACRES SITUATED APPROXIMATELY 230 FEET FROM THE NORTHWEST CORNER OF WEST SAN CARLOS STREET AND MERIDIAN AVENUE (259 MERIDIAN AVENUE; APN: 274-14-152) FROM THE R-2 TWO-FAMILY RESIDENCE AND CO COMMERCIAL OFFICE ZONING DISTRICTS TO A CP(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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to a CP(PD) Planned Development Zoning District under File Numbers PDC18-016 & PD19-011 (the “MND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to a CP(PD) Planned Development 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 site," is hereby rezoned as CP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CP Commercial Pedestrian Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for 259 Meridian Avenue," dated received on May 12, 2020 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement 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 and depicted 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. PDC18-016 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

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

PARCEL ONE:

BEGINNING at a point in the center line of Meridian Road, distant thereon 373.50 feet Northerly of the intersection of said center line of Meridian Road with the center line of San Carlos Street, also known as Stevens Creek Road, as the same formerly existed 60 feet wide, in 1928, running thence Westerly and parallel with San Carlos Street, also known as Stevens Creek Road, 170 feet; thence at right angles Northerly and parallel with the center line of Meridian Road, 55 feet to the land now or formerly of Norton; thence at right angles Easterly, parallel with San Carlos Street, also known as Stevens Creek Road, 170 feet to the center line of Meridian Road; thence Southerly along the center line of Meridian Road 55 feet to the point of beginning.

PARCEL TWO:

BEGINNING at the point of intersection of the center line of San Carlos Street, also known as Stevens Creek Road, as the same formerly existed 60 foot in width, in 1928, with the center line of Meridian Road; thence running Northerly along the center line of Meridian Road 427.50 feet; thence running Westerly and parallel with the center line of San Carlos Street, also known as Stevens Creek Road, 170.00 feet to the true point of beginning of this description, said true point of beginning being at the Northwest corner of that certain parcel of land described in the Deed from Glen A. Robertson to Angelo Lo Coco, dated May 10, 1937 recorded May 11, 1937 in Book 818 of Official Records, page 505, Santa Clara County Records, said true point of beginning being also at an angle corner of that certain parcel of land described in the Deed from Antonio Masino, et ux, to Giuseppe Basile, dated April 20, 1928, recorded April 27, 1928 in Book 394 of Official Records, page 453, Santa Clara County Records; thence running Westerly and parallel with the center line of San Carlos Street, also known as Stevens Creek Road, and along the Northerly line of the parcel of land described in the Deed to said Giuseppe Basile 160, N feet to the Northwest corner thereof; thence running Southerly and parallel with the center line of Meridian Road and along the Westerly line of the parcel of land so described in the Deed to Giuseppe Basile 55.00 feet; thence running Easterly and parallel with the centerline of San Carlos Street, also known as Stevens Creek Road, 160.0 feet to the Southwest corner of the parcel of land so described in the Deed to Angelo La Coco above referred to; thence running Northerly and parallel with the center line of Meridian Road and along the Westerly line of the parcel of land described in the Deed to said Angelo Lo Coco 55.00 feet to the true point of beginning.

PARCEL THREE;

BEGINNING at a point in the center line of Meridian Road and distant thereon 320 feet Northerly from the intersection of the center line of San Carlos Street with the center line of Meridian Road; thence Westerly and parallel with San Carlos Street, 170 feet; thence at a right angle Northerly and parallel with Meridian Road 52 1/2 feet to the Southwest corner of land, now or formerly of Robinson; thence at a right angle Easterly and parallel with San Carlos Street 170 feet to the center line of Meridian Road and thence Southerly and along the center line of Meridian Road 52 4 feet to the point of beginning, and being a part of Los Caches Rancho.

PARCEL FOUR:

BEGINNING at a point in the center line of Meridian Road distant thereon 267.50 feet Northerly of the intersection of said center line of Meridian Road with the center line of San Carlos Street, as the same formerly existed 60 feet wide, in 1928; thence Westerly and parallel with said line of San Carlos Street, 330 feet; thence Northerly and parallel with said line of Meridian Road 105 feet to the Southwesterly corner of the parcel of land conveyed by Giuseppe Basile to Angelo Lo Coco by Deed dated November 23, 1948 and recorded November 23, 1948 in Book 1708 of Official Records, page 386; thence Easterly along the Southerly line of said parcel of land and parallel with said line of San Carlos Street, 160 feet to the Northwesterly line of the parcel of land conveyed by Giuseppe Basile to Dominic E. Basile by Deed dated July 25, 1942 and recorded February 10, 1943 in Book 1130 of Official Records, page 199; thence Southerly along the Westerly line of said parcel of land so conveyed to Dominic E. Basile and parallel with said line of Meridian Road, 52.50 feet to the Southwesterly corner thereof; thence Easterly along the Southerly line of said parcel of land so conveyed to Dominic E. Basile and parallel with said line of San Carlos Street, 170 feet to said center line of Meridian Road; thence Southerly along said last mentioned line 52.50 feet to the point of beginning, and being a portion of the Los Caches Rancho.

PARCEL FIVE:

COMMENCING at the Northeasterly corner of that certain parcel of land conveyed by Joseph Gippet, et ux, to Nathan H. Havlin, et ux, on May 4, 1959 and recorded in Book 4404 of Official Records, page 443, Santa Clara County Records; thence South 0° 13' East, along the Easterly boundary of said land so conveyed, 160 feet, more or less, to the Southwesterly corner of that certain tract of land deeded by Dominic E. Basile, et al, to Irvin Herman, et al, by Deed dated June 9, 1953 and recorded June 22, 1953 in Book 2668, page 53, Santa Clara County Records; thence South 89° 47' West 50 feet; thence North 0° 13' West 160 feet more or less, to the Northerly boundary of the lands conveyed to Nathan H. Halvin by Deed first hereinabove referred to; thence North 89° 47' East along the Northerly boundary of said lands, 50 feet to the point of beginning.

PARCEL SIX:

AN EASEMENT for drainage purposes over a strip of land 5.00 feet in width the Easterly and Southeasterly line of which is more particularly described as follows:

BEGINNING at a point in the Westerly line of Parcel 5, as described in the Deed dated March 19, 1968 from Jeanne Herman to M.Y. Frazee, et al, recorded in the office of the Recorder of the County of Santa Clara, State of California on March 26, 1960 in Book 8067 of Official Records, at page 350 distant thereon South 0° 13' East 5.00 feet from the Northwesterly corner thereof; thence from said point of beginning and along the Westerly line of said Parcel 5 and the Northerly prolongation thereof, North 0° 13' West to a point on the Northwesterly line of Lot 7, as shown on that certain Map entitled, "Map of the J.A. Norton Subdivision in the Los Coches Rancho", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on April 27, 1909 in Book "M" of Maps, at page 61; thence along the Northwesterly line of said Lot 7 North 46° 13' East to a point on the Southwesterly line of Norton Avenue, as shown on said Map of the J.A. Norton Subdivision in the Los Coches Rancho and the terminus of the line described herein, the Southerly terminus of said 5.00 foot easement is to terminate on a line which is at a right angle to the Westerly line of said Parcel 5, and the Northeasterly terminus of said 5.00 foot easement is to terminate on the Southwesterly line of said Norton Avenue.

PARCEL SEVEN:

AN EASEMENT for ingress and egress over a strip of land 20.00 feet in width the Easterly and Southeasterly line of which is more particularly described as follows:

BEGINNING at the Southwesterly corner of Parcel 5 as described in the Deed dated March 19, 1968 from Jeanne Herman to M.I. Frazee, et al, recorded in the office of the Recorder of the County of Santa Clara, State of California on March 26, 1968 in Book 8067 page 350 of Official Records; thence from said point of beginning and along the Westerly line of said Parcel 5 and along the Northerly prolongation thereof, North 0° 13' West to a point on the Northwesterly line of Lot 7 as said Lot is shown on that certain Map entitled, "Map of the J.A. Norton Subdivision in the Los Coches Rancho", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on April 27, 1909 in Book "M" of Maps, at page 61; thence along the Northwesterly line of said Lot 7 North 46° 13' East to a point on the Southwesterly line of Norton Avenue, as shown on said Map of the J.A. Norton Subdivision in the Los Coches Rancho and the terminus of the line described herein, the Southerly terminus of said 20.00 foot easement is to terminate on the Westerly prolongation of the Southerly line of said Parcel 5 and the Northeasterly terminus of said 20.00 foot easement is to terminate on the Southwesterly line of said Norton Avenue.

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