

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.16-GROSS ACRE SITUATED ON THE WEST SIDE OF MERIDIAN AVENUE APPROXIMATELY 470 FEET SOUTH OF FRUITDALE AVENUE (931 MERIDIAN AVENUE) (APN:284-03-011) FROM THE R-M MULTIPLE RESIDENCE 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 the 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 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. C20-006 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

April 22, 2020
Sheet 1 of 2

EXHIBIT "A"
Legal Description for Conforming Rezoning
Lands of Shariff
APN 284-03-011
931 Meridian Avenue, San Jose, Ca.

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

Being a portion of the lands described in that certain Grant Deed, conveyed to Amirhossein Karbalaeinematmoeini and SeyedeShaboiz Sharif recorded February 5, 2020 as Document No. 24396380, Official Records of Santa Clara County, more particularly described as follows:

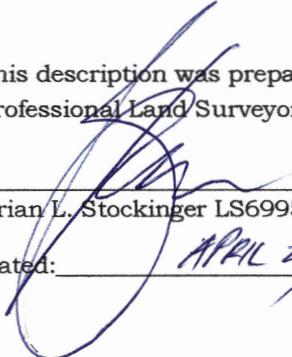
BEGINNING at a point on the westerly line of Meridian Avenue distant thereon 428.06 feet southerly from the point of intersection of the southerly line of Fruitdale Avenue with the westerly line of Meridian Avenue; Thence continuing Southerly along the westerly line of Meridian Avenue South 00°39'27" East, 46.67 feet; thence South 89°20'33" West, 150.00 feet; thence at right angles Northerly and parallel with westerly line of Meridian Avenue North 00°39'27" West 46.99 feet; thence North 89°27'55" East, 150.00 feet to the POINT OF BEGINNING.

Containing an area of 7,025 square feet (0.1612ac), more or less.

As shown on plat attached hereto as EXHIBIT "B" and made a part hereof.

BASIS OF BEARINGS: The bearing North 00°39'27" West being the center line of St Elizabeth Avenue as shown on the parcel map filed September 26th, 1984 at the Santa Clara County Recorders office in Book 534 of Maps at page 35. Records of Santa Clara County

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.



Brian L. Stockinger LS6995

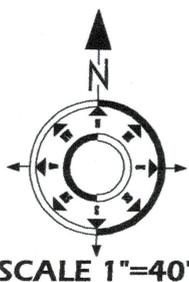
Dated: _____

APRIL 21, 2020



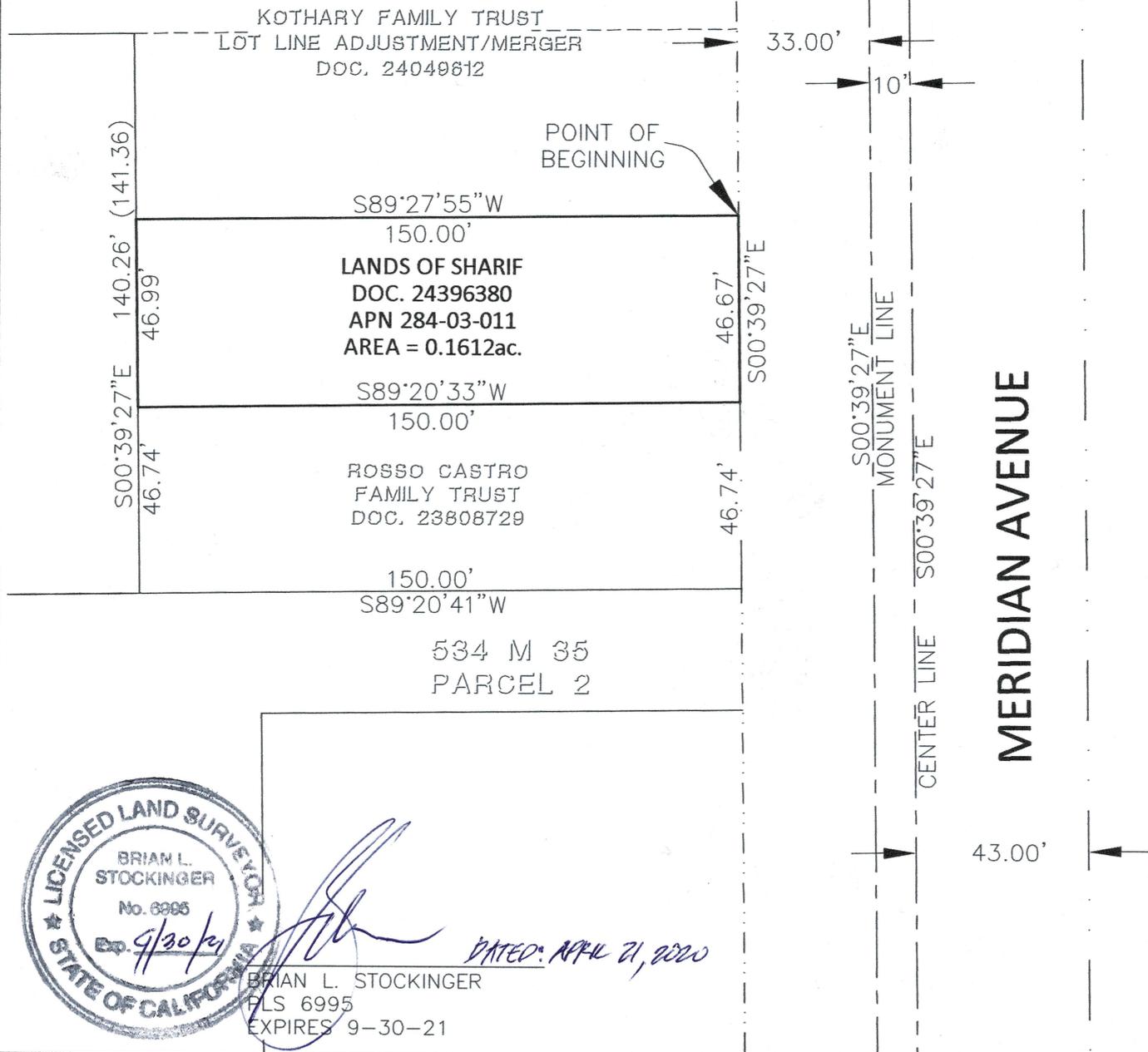
EXHIBIT "B"

PLAT MAP



LEGEND

- P.O.B. POINT OF BEGINNING
- PROPERTY LINE
- MONUMENT LINE
- RIGHT OF WAY
- SUBJECT PARCEL



[Signature]
 DATED: APRIL 21, 2020
 BRIAN L. STOCKINGER
 PLS 6995
 EXPIRES 9-30-21

CONFORMING REZONING PLAT MAP - FILE #C20-006 931 MERIDIAN AVENUE (APN 284-03-011), SAN JOSE SANTA CLARA COUNTY CALIFORNIA	DRAWN BY BLS DATE 4/21/20	NNR ENGINEERING 535 WEYBRIDGE DRIVE SAN JOSE CA, 95123 TEL: (408) 348-7813
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