

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.18 GROSS ACRE SITE SITUATED ON THE NORTHEAST CORNER OF DELMAS AVENUE AND WEST VIRGINIA STREET (796 DELMAS AVENUE) (APN: 264-23-056) FROM THE R-2 TWO FAMILY 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, a Statement of Exemption was prepared for a rezoning under File No. C20-013, and said Statement of Exemption (CEQA Categorical Exemption Section 15301[a] Existing Facilities that applies to interior or exterior alterations involving negligible or no expansion of the existing or former use) was adopted on July 27, 2020; 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 Statement of Exemption as the appropriate environmental clearance for the proposed project 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 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. C20-013 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

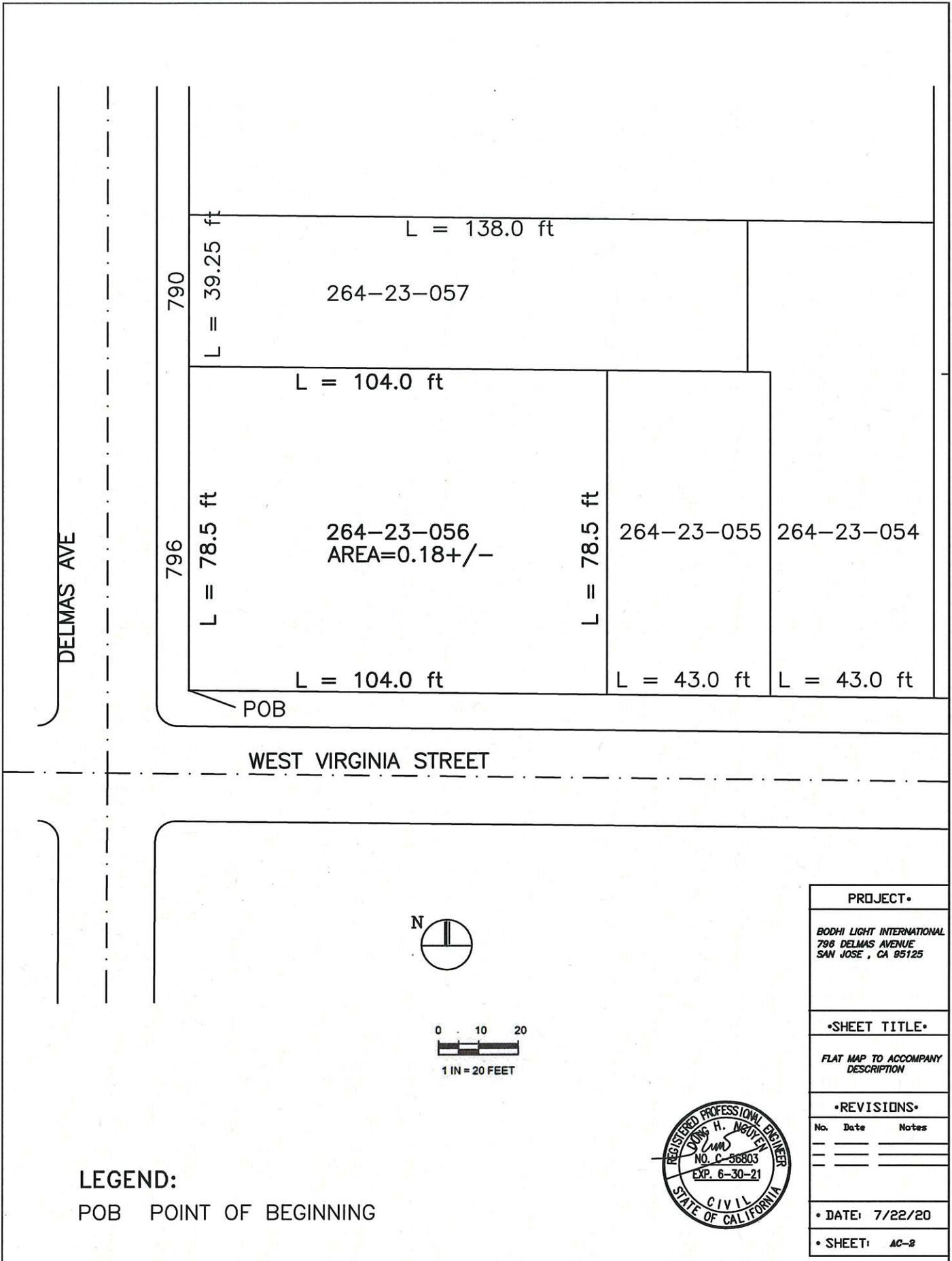
EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 264-23-056

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

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF HOME STREET WITH THE EASTERLY LINE OF DELMAS AVENUE AS SHOWN UPON THE MAP HEREINAFTER REFERRED TO; THENCE FROM SAID POINT OF BEGINNING, EASTERLY ALONG SAID NORTHERLY LINE OF HOME STREET, 104 FEET TO THE POINT OF INTERSECTION THEREOF, WITH THE WESTERLY LINE OF THE PARCEL OF LAND CONVEYED BY ROBERT B. GRAY, ET UX, TO SAMUEL P. SOBERANES, ET UX, BY DEED RECORDED MAY 8, 1931, IN BOOK 567 OFFICIAL RECORDS, PAGE 208, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE NORTHERLY ALONG SAID WESTERLY LINE OF THE SOBERANES PARCEL AND PARALLEL WITH THE AFOREMENTIONED EASTERLY LINE OF DELMAS AVENUE, 78 1/2 FEET TO THE NORTHERLY LINE OF LOT 23 AND SHOWN UPON SAID MAP; THENCE WESTERLY PARALLEL WITH SAID NORTHERLY LINE OF HOME STREET AND ALONG SAID NORTHERLY LINE OF LOT 23, 104 FEET TO THE SAID EASTERLY LINE OF DELMAS AVENUE; THENCE SOUTHERLY ALONG SAID LINE 78 1/2 FEET TO THE POINT OF BEGINNING.

BEING THE WESTERLY 104 FEET OF LOTS 23 AND 24 AS SHOWN UPON THE MAP ENTITLED, "MAP OF THE BENDER SUBDIVISION IN THE ODD FELLOWS SAVINGS BANK TRACT", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 6, 1888 IN BOOK D OF MAPS, PAGE 11.



LEGEND:

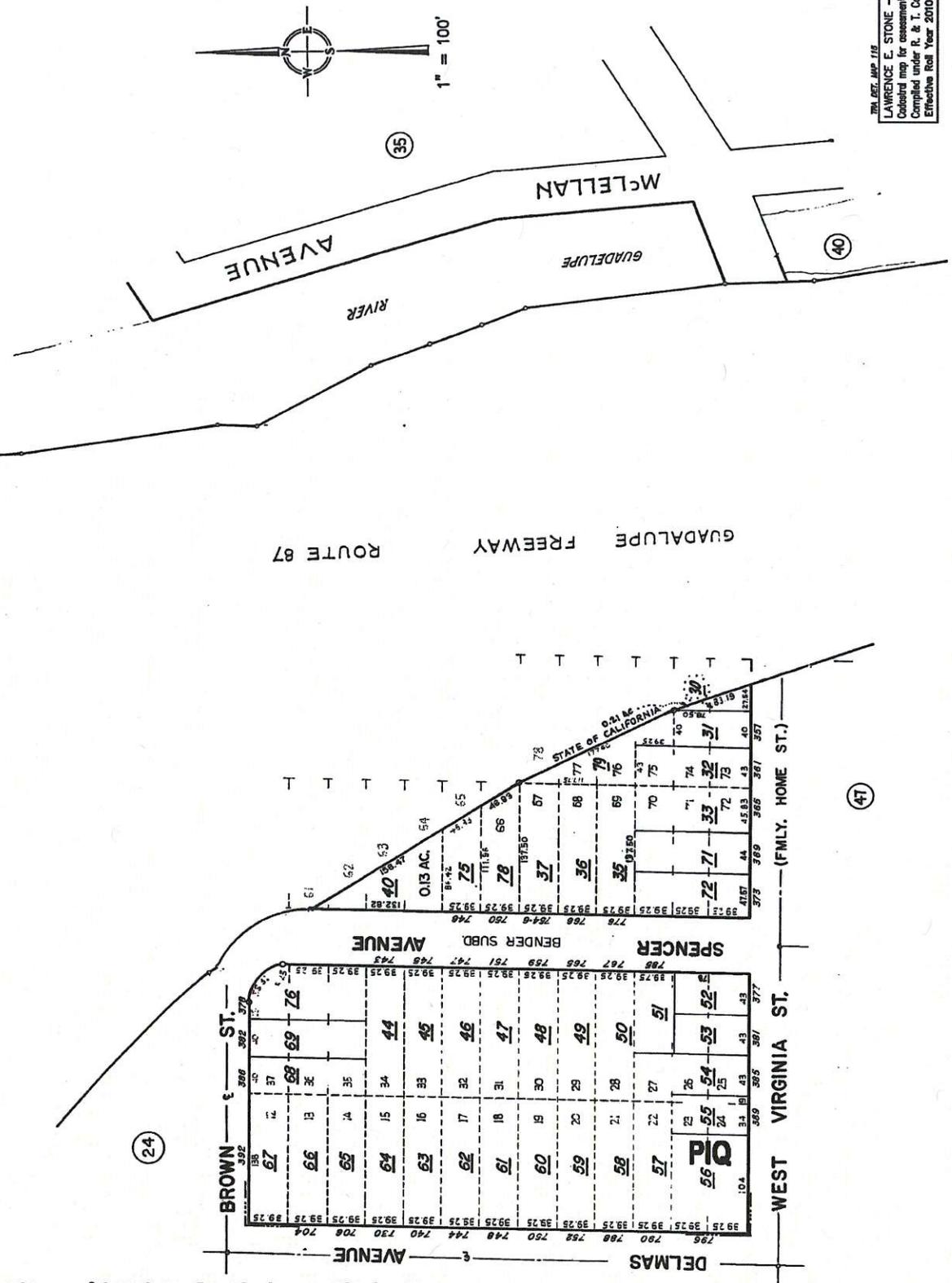
POB POINT OF BEGINNING

PROJECT		
BODHI LIGHT INTERNATIONAL 796 DELMAS AVENUE SAN JOSE, CA 95125		
SHEET TITLE		
FLAT MAP TO ACCOMPANY DESCRIPTION		
REVISIONS		
No.	Date	Notes
DATE: 7/22/20		
SHEET: AC-8		



77A REG. MAP 118
 LAWRENCE E. STONE - ASSESSOR
 Contained map for assessment purposes only
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2010-2011

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA



This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.