

**DRAFT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.9-GROSS ACRE SITUATED ON THE NORTH SIDE OF ALUM ROCK AVENUE (1661, 1663, 1665 ALUM ROCK AVENUE) FROM THE CG COMMERCIAL GENERAL, CP COMMERCIAL PEDESTRIAN, AND R-2 TWO-FAMILY RESIDENCE ZONING DISTRICTS TO THE 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 the CP(PD) Planned Development Zoning District under File No. PDC18-021 (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 CP(PD) Planned Development 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; 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(PD) Planned Development District. The base district zoning of the subject property shall be the Commercial Pedestrian Zoning District. The CP(PD) Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Little Portugal Gateway" dated June 28, 2018 ("General Development Plan"), and revised March 2, 2020.

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 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. PDC18-021 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:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



**EXHIBIT "A"**  
Legal Description

**Lot Line Adjustment**

Lands of Jaswal Properties, LLC and Catina Investments, LLC

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

Being all of the lands granted to Jaswal Properties, LLC as recorded on June 30, 2014 in Document No. 22634325, Records of Santa Clara County, and the lands granted to Catina Investments, LLC as recorded on December 08, 2017 in Document No. 23823008, Records of Santa Clara County;

Being a portion of Lot 1, all of Lot 2, and all of Lot 3, Block 1, as shown on Map of Observatory View Tract, filed for record on August 12, 1892 in Book G of Maps at Pages 90 and 91, Records of Santa Clara County, more particularly described as follows:

**BEGINNING** at the most southerly corner of Lot 3, being a point on the northwesterly line of Alum Rock Avenue, formerly Santa Clara Street, said northwesterly line bears North 59°17'40" East as shown on a Record of Survey, filed for record on November 01, 1978 in Book 429 of Maps at Pages 45-47;

Thence along the southwesterly line of said Lot 3, North 30°42'20" West, 262.45 feet to the most westerly corner thereof;

Thence along the northwesterly line of Lot 3 and Lot 2, North 59°17'40" East, 150.00 feet to the most northerly corner of Lot 2;

Thence along the northeasterly line of Lot 2, South 30°42'20" East, 112.45 feet;

Thence leaving said northeasterly line, South 36°24'58" East, 150.75 feet to a point on the southeasterly line of Lot 1, from which the southerly most corner of Lot 2 bears along said northwesterly line of Alum Rock Avenue, South 59°17'40" West, 90 feet distant;

Thence along the southeasterly line of Lots 1, 2, and 3 and along said northwesterly line of Alum Rock Avenue South 59°17'40" West, 165.00 feet to the **POINT OF BEGINNING**.

Containing 40,493 square feet or 0.930 acres, more or less.

A plat of the herein described lands, labeled EXHIBIT "A", is attached hereto and made a part thereof.

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

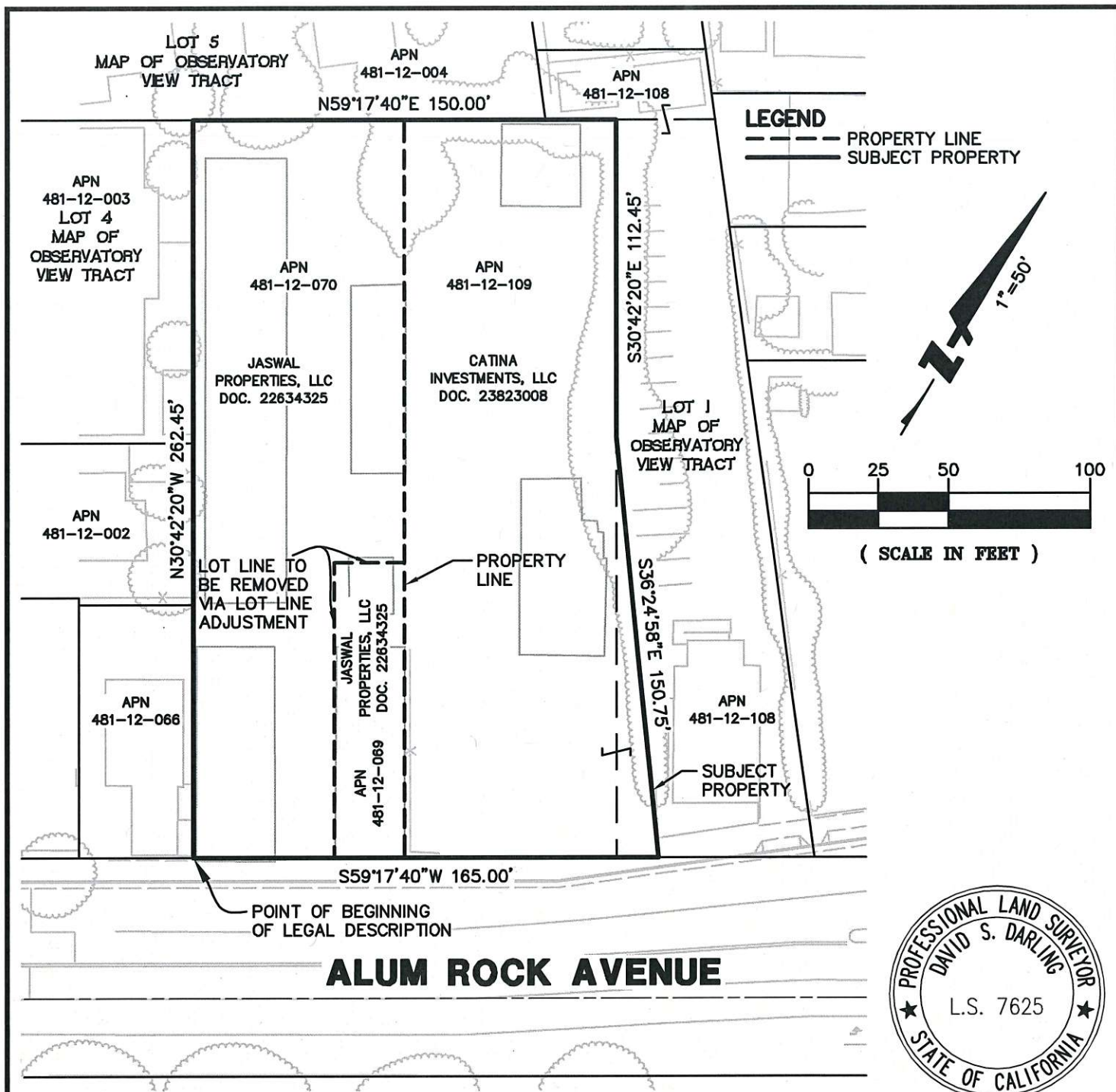
Signed

*David Darling*

07/10/2018

Date





# LOT LINE ADJUSTMENT DATA

LOT REF.	481-12-069	481-12-070	481-12-109	PARCEL A
EXIST. AREA	2,625 SF±	17,059 SF±	20,809 SF±	-----
ADJ. AREA	0 SF	0 SF	0 SF	40,493 SF±

ADDRESS: 1661, 1663, & 1665 ALUM ROCK AVENUE, SAN JOSE, CA 95116  
K: \2018\181075\_1661\_AlumRock\SUR\LLA\1665\_PLAT.dwg



1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
408-467-9199 (FAX)

Subject **REZONING PLAT EXHIBIT**  
**LANDS OF JASWAL PROPERTIES, ET AL**  
Job No. 20181075 SAN JOSE, CA  
By KAB Date 11-03-20 Chkd. DD  
SHEET 1 OF 1