

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 4.84 GROSS ACRES SITUATED ON THE SOUTHSIDE OF STEVENS CREEK BOULEVARD BETWEEN SARATOGA AVENUE AND NORTHLAKE DRIVE (3896 STEVENS CREEK BOULEVARD) (APN: 303-25-023, 303-25-022, 303-25-016, 303-25-013 AND 303-25-012) FROM THE CG COMMERCIAL GENERAL AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT

FILE NO. C19-020

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, the approximately 4.84-gross acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for 3896 Stevens Creek Commercial Project (File Nos. C19-020, CP19-031 & T19-038) ("FEIR") which evaluated the impact of the demolition of four commercial buildings, the removal of 65 trees, and the construction of an approximately 791,000 square-foot commercial mixed-use office building and an approximately 122,700 square foot health club with late-night use located on the southside of Stevens Creek Boulevard between Saratoga Avenue and Northlake Drive (3896 Stevens Creek Boulevard), which FEIR was certified and for which findings were adopted by the City Council on ____, 2021; 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, approved, and adopted said FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] prior to taking any approval actions on this project.

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. C19-020 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 _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



EXHIBIT "A"
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of those parcels of land described in the Quitclaim Deed recorded October 15, 2003 in Document No. 17418530; the Gift Deed recorded January 5, 2012 in Document No. 21487776; the Gift Deed recorded January 5, 2012 in Document No. 21487775; and the Individual Grant Deed recorded December 20, 2011 in Document No. 21465118, all of Santa Clara County Records, described as follows:

BEGINNING at the southeast corner of Parcel One as described in said Gift Deed recorded in Document No. 21487776, being on the centerline of North Lake Drive;
Thence along said centerline, North 00°21'34" East, 359.27 feet, to the northerly line of said parcel of land described in the Grant Deed recorded in Document No. 21465118;
Thence along said northerly line, North 89°41'40" West, 129.98 feet, to the general northerly line of said parcel of land described in the Gift Deed recorded in Document No. 21487776;

Thence along said general northerly line the following three courses:

1. Thence North 00°18'20" East, 10.00 feet;
2. Thence North 89°41'10" West, 99.11 feet;
3. Thence South 00°19'20" West, 15.00 feet, to the southerly line of Stevens Creek Boulevard;

Thence along said southerly line the following three courses:

1. Thence North 89°41'14" West, 95.32 feet;
2. Thence along a tangent curve to the left, having a radius of 140.00 feet, through a central angle of 55°36'50" for an arc length of 135.89 feet;
3. Thence South 34°41'56" West, 47.34 feet, to the general easterly line of Parcel One as described in said Gift Deed recorded in Document No 17418530;

Thence along said general easterly line the following four courses:

1. Thence North 89°41'14" West, 12.12 feet;
2. Thence North 34°41'56" East, 175.70 feet;
3. Thence South 89°41'10" East, 379.61 feet;
4. Thence North 00°21'34" East, 30.00 feet, to the centerline of Stevens Creek Boulevard;

Thence along said centerline North 89°41'10" West, 419.69 feet, to the centerline of Saratoga Avenue;

Thence along said centerline, South 34°41'56" West, 634.51 feet, to the southerly line of Parcel Two as described in said Gift Deed recorded in Document No 17418530;

Thence along the southerly and the easterly lines of said Parcel Two the following two courses:

1. Thence South 89°41'58" East, 552.85 feet;
2. Thence North 00°20'02" East, 94.34 feet, to the southerly line of Parcel One as described in said Gift Deed recorded in Document No. 21487776;

Thence along said southerly line, South 89°39'58" East, 224.81 feet, to the POINT OF BEGINNING.

Containing 6.30 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

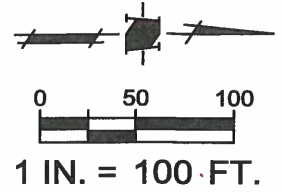
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 5-13-19


Tracy L. Giorgetti, LS 8720





SARATOGA AVENUE
S34°41'56"W 634.51'

S89°41'58"E 552.85'

PARCEL TWO
DOC 17418530

PARCEL ONE
DOC 17418530

N89°41'14"W 12.12'

S34°41'56"W 47.34'

R=140.00' L=135.89'
Δ=55°36'50"

N34°41'56"E 175.70'

DOC
21487775

95.32'
N89°41'14"W

N00°20'02"E 94.34'

S89°39'58"E 224.81'

PARCEL ONE
DOC 21487776

S00°19'20"W 15.00'

N89°41'10"W 99.11'

N00°18'20"E 10.00'

DOC
21465118

N89°41'40"W 129.98'

S89°41'10"E 379.61'

N89°41'10"W 419.69'

STEVENS CREEK BLVD

POB

N00°21'34"E 359.27'

NORTH LAKE DRIVE

N00°21'34"E 30.00'

LEGEND

POB

POINT OF BEGINNING

SHEET 1 OF 1

Date: 2019-05-13
Designed: —
Drawn: RF
Checked: TG
Proj. Engr.: —
477810PL01



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR REZONING PURPOSES

SAN JOSE

CALIFORNIA

EXHIBIT "B" (File Nos. C19-020; CP19-031; T19-038)