

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.90-GROSS ACRE, SITUATED ON THE WEST SIDE OF SILVER CREEK ROAD, APPROXIMATELY 200 FEET NORTHWEST OF THE INTERSECTION OF EAST CAPITOL EXPRESSWAY AND SILVER CREEK ROAD (3155 SILVER CREEK ROAD) (APN: 670-15-018) FROM THE (LI)PD PLANNED DEVELOPMENT ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD 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. C20-016, and said Statement of Exemption (CEQA Categorical Exemption Section 15315 for Minor Land Divisions) was adopted on March 19, 2021; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CN Commercial Neighborhood 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;

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 CN Commercial Neighborhood 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. C20-016 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.

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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"

**LEGAL DESCRIPTION
CITY OF SAN JOSE**

BEING A PORTION OF PARCEL 1 OF THAT CERTAIN MAP ENTITLED "PARCEL MAP", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 13, 1974, IN BOOK 340 OF MAPS, PAGE 2, AS AMENDED BY A CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 26, 1974 IN BOOK B103, PAGE 41, OFFICIAL RECORDS OF SAID COUNTY, SAID PORTION BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SILVER CREEK ROAD, A 55.00 FOOT WIDE HALF-STREET, AS SHOWN ON SAID PARCEL MAP, SAID POINT BEING DISTANT WESTERLY ALONG SAID NORTHERLY LINE AND SAID SOUTHERLY RIGHT-OF-WAY LINE, 35.11 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL 1;

THENCE ALONG SAID NORTHERLY LINE AND SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. NORTH 33°54'44" WEST 65.84 FEET;
2. THENCE NORTH 31°02'59" WEST 40.05 FEET TO A LINE PARALLEL WITH AND DISTANT 53.00 FEET SOUTHERLY FROM THE CENTERLINE OF SAID SILVER CREEK ROAD;
3. THENCE ALONG SAID PARALLEL LINE NORTH 33°54'44" WEST 73.14 FEET;

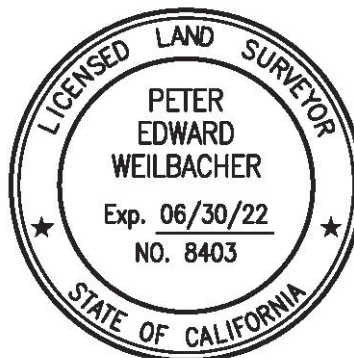
THENCE LEAVING SAID NORTHERLY LINE AND SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 51°00'47" WEST 32.75 FEET; THENCE NORTH 38°20'44" WEST 12.98 FEET; THENCE SOUTH 51°31'13" WEST 138.19 FEET; THENCE SOUTH 38°11'45" EAST 156.47 FEET; THENCE SOUTH 51°39'16" WEST 43.79 FEET; THENCE SOUTH 38°11'45" EAST 34.12 FEET TO A POINT OF INTERSECTION WITH A LINE, SAID LINE BEING PARALLEL WITH AND DISTANT 35.00 FEET WESTERLY FROM THE WESTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP; THENCE ALONG SAID PARALLEL LINE, NORTH 51°39'16" EAST 199.40 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 32,331 SQUARE FEET, MORE OR LESS.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD, IF ANY.

PREPARED BY ME OR UNDER MY DIRECTION
ON FEBRUARY 11, 2021.

Peter E. Weilbacher



PETER E. WEILBACHER, PLS 8403

Kimley»Horn

4637 CHABOT DRIVE, SUITE 300, PLEASANTON, CA 94588






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NOTES

1. THE EXISTING PROPERTY LINE AND BOUNDARY INFORMATION SHOWN ON THIS MAP IS PER ALTA/NPSP LAND TITLE SURVEY PREPARED BY PBLA SURVEYING INC. DATED APRIL 4 2019. KIMLEY-HORN DOES NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE PROPERTY LINE/BOUNDARY INFORMATION. THE INFORMATION SHALL NOT BE USED FOR RECORDATION PURPOSES UNTIL VERIFIED BY A LICENSED CALIFORNIA SURVEYOR PER THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.

LEGEND

	EXISTING PROPERTY LINE
	EXISTING RIGHT OF WAY LINE
	CENTERLINE
	SUBJECT PROPERTY
	EASEMENT LINE

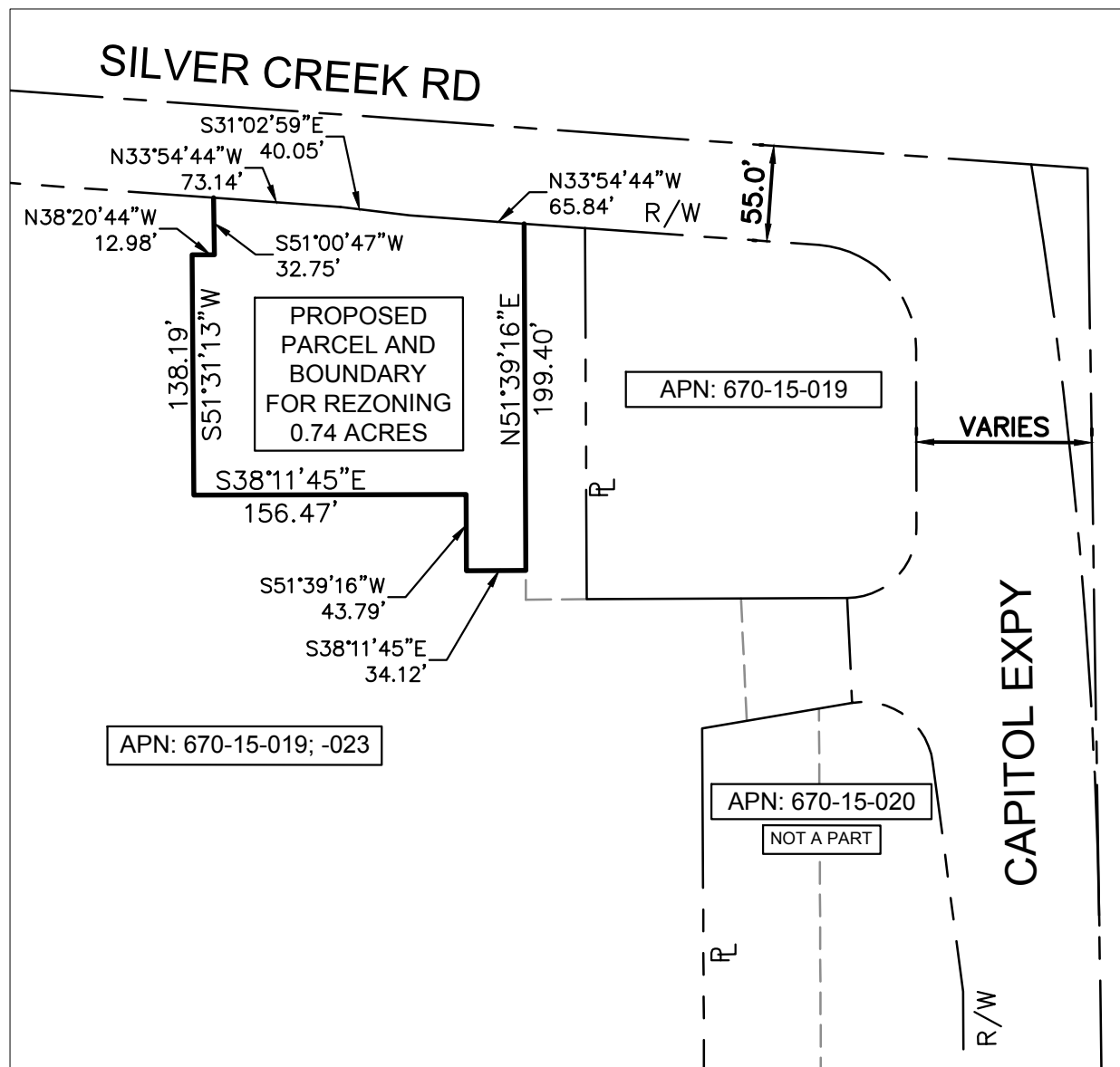
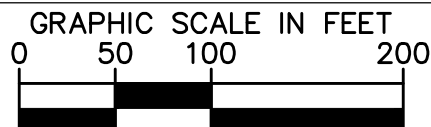


EXHIBIT "B"

3155 SILVER CREEK ROAD - PLAT MAP
FOR: PLANNING PURPOSES

DATED: 03/29/2021



SHEET 1 OF 1

EXHIBIT "B"
(File Nos. C20-016; T20-030)