

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTHWEST CORNER OF SOUTH DE ANZA BOULEVARD AND FALLEN LEAF LANE (1051 SOUTH DE ANZA BOULEVARD) TO 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, the area encompassed by the subject proposed rezoning under File No. C08-060 was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970, as amended (CEQA), and certified by the City Council on August 16, 1994; and

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

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to CN Commercial Neighborhood Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459 in connection with the EIR; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such proposed project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CN - Commercial Neighborhood.

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 attached hereto and incorporated herein by this reference.

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C08-060 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 , 2009, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor.

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Santa Clara, State of California, described as follows:

PARCEL 1:

BEGINNING AT A FOUND GRANITE MONUMENT SET IN THE CENTER LINE OF SUNNYVALE-SARATOGA ROAD, AT THE POINT OF INTERSECTION OF SAID CENTER LINE OF SUNNYVALE-SARATOGA ROAD AT THE POINT OF INTERSECTION OF SAID CENTER LINE OF SUNNYVALE-SARATOGA ROAD WITH THE WESTERLY PROLONGATION OF THE SOUTH BOUNDARY LINE OF TRACT NO. 642, A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE SANTA CLARA COUNTY CALIFORNIA, IN BOOK 24 OF MAPS, PAGE 16, SAID POINT OF BEGINNING ALSO BEING DISTANT NORTH 0° 03' EAST 831.88 FEET ALONG SAID CENTER LINE OF THE SUNNYVALE SARATOGA ROAD FROM THE INTERSECTION THEREOF WITH THE CENTER LINE OF COTTLE AVENUE; THENCE FROM SAID POINT OF BEGINNING IN A SOUTHERLY DIRECTION ALONG SAID CENTER LINE OF THE SUNNYVALE-SARATOGA ROAD, SOUTH 0° 03' WEST 39.00 FEET; THENCE LEAVING SAID CENTER LINE OF RIGHT ANGLES IN A WESTERLY DIRECTION NORTH 89° 57' WEST 20.00 FEET TO A POINT IN THE WESTERLY LINE OF SAID SUNNYVALE-SARATOGA ROAD; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY LINE OF SAID ROAD, SOUTH 0° 03' WEST 50.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING THE WESTERLY LINE OF SAID ROAD AT RIGHT ANGLES, NORTH 89° 57' WEST 40.00 FEET TO AN IRON PIPE; THENCE SOUTH 0° 03' WEST 140.00 FEET; THENCE SOUTH 89° 57' EAST 40.00 FEET TO A POINT ON SAID WESTERLY LINE OF THE SUNNYVALE-SARATOGA ROAD; THENCE ALONG SAID LAST NAMED LINE NORTH 0° 03' WEST 140.00 FEET TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF THE WEST ½ OF SECTION 24, T. 7S. R. 2W, M.D.B. & M.

PARCEL 2:

BEGINNING AT A FOUND GRANITE MONUMENT SET IN THE CENTER LINE OF SUNNYVALE-SARATOGA ROAD, AT THE POINT OF INTERSECTION OF SAID CENTER LINE OF SUNNYVALE-SARATOGA ROAD WITH THE WESTERLY PROLONGATION OF THE SOUTH BOUNDARY LINE OF TRACT NO. 642, A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, CALIFORNIA, IN BOOK 24 OF MAPS, AT PAGE 16, SAID POINT OF BEGINNING ALSO BEING DISTANT NORTH 0° 03' EAST 831.88 FEET ALONG SAID CENTER LINE OF THE SUNNYVALE-SARATOGA ROAD FROM THE INTERSECTION THEREOF WITH THE CENTER LINE OF COTTLE AVENUE; THENCE FROM SAID POINT OF BEGINNING IN A SOUTHERLY DIRECTION ALONG SAID CENTER LINE OF THE SUNNYVALE-SARATOGA ROAD. SOUTH 0° 03' WEST 39.00 FEET THENCE LEAVING SAID CENTER LINE AT RIGHT ANGLES IN A WESTERLY DIRECTION NORTH 89° 57' WEST 20.00 FEET TO A POINT IN THE WESTERLY LINE OF SAID SUNNYVALE-SARATOGA ROAD; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY LINE OF SAID ROAD, SOUTH 0° 03' WEST 50.00 FEET TO A POINT; THENCE LEAVING THE WESTERLY LINE OF SAID ROAD AT RIGHT ANGLES NORTH 89° 57' WEST 40.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM A TANGENT BEARING NORTH 0° 03' EAST NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 20 FEET THROUGH A CENTRAL ANGLE OF 90° FOR AN ARC DISTANCE OF 31.42 FEET; THENCE ALONG A TANGENT LINE NORTH 89° 57' WEST 120 FEET TO AN IRON PIPE; THENCE SOUTH 0° 03' WEST 160.00 FEET; THENCE SOUTH 89° 57' EAST 140 FEET; THENCE NORTH 0° 03' EAST 140 FEET TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF THE WEST ½ OF SECTION 24, T.7S, R2 W., M.D.B. & M.

APN: 359-33-002

First American Title Insurance Company