

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF NORTH 33RD STREET, 140 FEET SOUTH OF MCKEE ROAD (280 NORTH 33RD STREET) TO 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, the area encompassed by the subject proposed rezoning under File No. C08-053 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 CP Commercial Pedestrian 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 CP Commercial Pedestrian 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 CP - Commercial Pedestrian.

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.

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

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

SECTION 3. The land development approval that is the subject of City File No. C08-053 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 for Rezoning Purposes

Being All of that certain real property described in Deed Document Number 7508385 recorded November 4, 1982 and Deed Document Number 15697064, Recorded May 29, 2001, Official Records of Santa Clara county California

APN 481-03-017 and APN 481-03-016

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a point on the Northeasterly line of 33rd Street, formerly Chace Avenue, distant thereon South 37°49' East 37.85 feet from the intersection of the Northeasterly line of said 33rd Street with the Southeasterly line of McKee Road, as said Chace Avenue and Mc Kee Road are shown on the Map of the Chace Villa Lots filed in Book “F-2” of maps, page 34, Santa Clara County Records, said point of beginning also being the most Southerly corner of that certain parcel of land conveyed by Antone Smith, et al, to City of San Jose, a Municipal Corporation, by deed dated April 9, 1951 and recorded July 21, 1951 in Book 2256 of Official Records, page 531, Santa Clara County Records, thence along said Northeasterly line of 33rd Street, South 37°49' East 162.15 feet to the Southern most corner of Lands Described in that certain Affidavit-Death of Trustee document recorded May 29, 2001 in Document number 15697064, Official Records of Santa Clara County, California; Thence parallel with the Southeasterly line of McKee Street, North 49°42' East, 122.00 feet to the Eastern most corner of last said Lands Described; Thence, parallel with the Northeasterly line of said 33rd Street, North 37°49' West, 181.30 feet to the easterly corner of said parcel of land conveyed to the City of San Jose; Thence, along the southeasterly lines of said parcel of land conveyed to the City of San Jose, South 49°42' West 102.85 feet; Thence, southerly along an arc of a curve to the left having a radius of 20 feet through an angle of 87°31' an arc distance of 30.55 feet to the POINT OF BEGINNING. This legal description is created for re-zoning purposes. End of Description.

