

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTH SIDE OF PARK AVENUE BETWEEN GRAND AVENUE AND RACE STREET, AND BOTH SIDES OF LINCOLN AVENUE BETWEEN PARK AVENUE AND PACIFIC AVENUE, AND BETWEEN SUNOL STREET AND SOUTH MORRISON AVENUE, IN THE COUNTY OF SANTA CLARA TO R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning 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 prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; 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 prezoning certain real property hereinafter described to the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject prezoning from unincorporated County to R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts 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 JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single-Family Residence Zoning District.

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

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.

SECTION 3. The land development approval that is the subject of City File No. C08-023 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 September, 2009 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: SUNOL NO. 82

R-1-8 Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being all of Lots 35 and 36, a portion of Park Avenue, and a Portion of Grand Avenue as shown on the Red Letter Tract recorded on May 2, 1889 in Book D of Maps at Page 97, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexation "College Park, Burbank and Sunol", said property being more particularly described as follows:

Beginning at the intersection of the centerline of Grand Avenue (60' wide) with the centerline of Park Avenue (66' wide) as said streets are shown on said Red Letter Tract, said point being on the general southerly line of said "College Park, Burbank and Sunol"; thence along said centerline of Park Avenue and said general southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 117.29 feet to its intersection with the northerly projection of the easterly line of said Lot 35; thence leaving said centerline of Park Avenue and said general southerly line of "College Park, Burbank and Sunol", along said easterly line of Lot 35 and its northerly projection, S 02°27'17" E 165.00 feet to the southeasterly corner of said Lot 35; thence along the southerly line of said Lots 35 and 36 and their westerly projection, S 86°35'34" W 118.81 feet to said centerline of Grand Avenue; thence along said centerline of Grand Avenue, N 01°55'30" W 165.00 feet to the Point of Beginning.

EXHIBIT ' _____ '

The described property contains approximately 0.45 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

The above description of real property was prepared by me in conformance with the requirements of Section 8726(g,k,l,m) of the Business and Professions Code of the State of California.



Patricia A. Cannon 8/26/09
Patricia A. Cannon, PLS 8186

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: SUNOL NO. 82

R-1-8 Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being all of Lots 1 and 2, a portion of Park Avenue, and a Portion of Race Street as shown on the Red Letter Tract recorded on May 2, 1889 in Book D of Maps at Page 97, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexation "College Park, Burbank and Sunol", said property being more particularly described as follows:

Beginning at the intersection of the centerline of Park Avenue (66' wide) with the centerline of Race Street (60' wide) as said streets are shown on said Red Letter Tract, said point being on the general southerly line of said "College Park, Burbank and Sunol"; thence leaving said general southerly line of "College Park, Burbank and Sunol", along said centerline of Race Street, S 03°30'50" E 165.00 feet to its intersection with the easterly projection of the southerly line of said Lots 1 and 2; thence along said southerly line of Lots 1 and 2 and their easterly projection, S 86°35'34" W 118.80 feet to the southwesterly corner of said Lot 2; thence along the westerly line of said Lot 2 and its northerly projection, N 02°59'03" W 165.00 feet to said centerline of Park Avenue and said general southerly line of "College Park, Burbank and Sunol"; thence along said centerline of Park Avenue and said general southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 117.28 feet to the Point of Beginning.

EXHIBIT ' _____ '

The described property contains approximately 0.45 acres.

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Patricia A. Cannon 8/26/09
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DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: SUNOL NO. 82

R-1-8 Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lots 56, 57, 58, 59, a portion Lincoln Avenue and a portion of Sunol Street as shown on the Map showing the Subdivisions of the Rancho De Los Coches recorded on November 6, 1867 in Book A of Maps at Page 47, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Sunol No. 32, Sunol No. 43 and Sunol No. 65, said property being more particularly described as follows:

Beginning at the northwesterly corner of Lot 12 as shown on Tract No. 41 "Mc Cormick - Caldwell Tract recorded on December 23, 1936 in Book 1 of Maps at Pages 40-41, Records of Santa Clara County; thence along the northerly line of Lots 12-22 as shown on said Tract No. 41, and their easterly projection, a portion of said line being the southerly line of said Sunol No. 43 and the southerly line of said Sunol No. 65, N 86°35'00" E 556.80 feet to the centerline of Lincoln Avenue as shown on said Tract No. 41; thence along said centerline of Lincoln Avenue, N 03°23'00" W 35.10 feet to the westerly prolongation of the northerly line of the property described in the Correcting Quit Claim Trust Transfer Deed recorded on November 18, 2003 as Document No. 17479989, Official Records of Santa Clara County; thence along said northerly line of Document No. 17479989 and its easterly prolongation, a portion of said line being the southerly line of said Sunol No. 32, N 86°35'00" E 555.00 feet to the northeasterly corner of Parcel Two as described in the Grant Deed recorded on July 26, 2007 as Document No. 19525997, Official Records of Santa Clara County, said point also being on the westerly line of Lot 1 as shown on the Reversion to Acreage Parcel Map recorded on April 3, 1981 in Book 482 of Maps at Page 18, Records of Santa Clara County; thence along said westerly line of Lot 1, S 03°25'00" E 88.70 feet to the southwest corner of

EXHIBIT ' _____ '

said Lot 1; thence along the southerly line of said Lot 1, N 86°51'45" E 209.56 feet to the centerline of Sunol Street as shown on said Reversion to Acreage Parcel Map; thence along said centerline of Sunol Street, S 03°08'17" E 543.51 feet to its intersection with the easterly projection of the southerly line of Lot 3 as shown on the Map of the Mayhew Subdivision recorded on April 29, 1903 in Book F3 of Maps at Page 15, Records of Santa Clara County; thence along said southerly line of Lot 3 and along the southerly lines of Lot 21, and Lots 24-34 as shown on said Mayhew Subdivision, and their westerly prolongation, S 86°35'00" W 762.75 feet to the centerline of Lincoln Avenue (formerly Northrup Street) as shown on said Mayhew Subdivision; thence along said centerline of Lincoln Avenue, N 03°23'00" W 153.64 feet to its intersection with the centerline of Pacific Avenue as shown on the Map of the Gilt Edge Tract recorded on February 10, 1890 in Book D of Maps at Page 173, Records of Santa Clara County; thence along said centerline of Pacific Avenue, S 86°38'00" W 250.00 feet to the northerly prolongation of the easterly line of Lot 22 as shown on said Gilt Edge Tract; thence along said easterly line of Lot 22 and its projection, S 03°21'00" E 151.00 feet to the southeast corner of said Lot 22; thence along the southerly line of said Lot 22 and the southerly line of Lots 17-21 as shown on said Gilt Edge Tract, S 86°38'00" W 264.00 feet to the southwest corner of said Lot 17; thence along the westerly line of said Lot 17, N 03°21'00" W 126.00 feet to the southerly line of said Pacific Avenue; thence along said southerly line of Pacific Avenue, S 86°38'00" W 44.00 feet to the westerly boundary line of said Gilt Edge Tract; thence along said westerly boundary line of Gilt Edge Tract and the westerly boundary line of said Tract No. 41, N 03°21'00" W 467.97 feet to the Point of Beginning.

EXHIBIT ' _____ '

The described property contains approximately 17.26 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

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