ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF MERIDIAN AVENUE, ON THE SOUTH SIDE OF PARK AVENUE AND THE NORTH SIDE OF WEST SAN CARLOS STREET, AND WEST OF MCEVOY STREET IN THE COUNTY OF SANTA CLARA TO CP COMMERCIAL PEDESTRIAN 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 CP Commercial Pedestrian 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 CP Commercial Pedestrian 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 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.

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

EXHIBIT '_____'

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California
Name of Annexation: SUNOL NO. 82
CP Zoning District
Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lots 60 and 61 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 "SW Industrial District" and Sunol No. 46, said property being more particularly described as follows:

Beginning at the intersection of the centerline of San Carlos Street as shown on the Record of Survey recorded on August 23, 1963 in Book 165 of Maps at Page 37, Records of Santa Clara County with the southerly projection of the westerly line of the property described in the Quitclaim Deed recorded on November 26, 1997 as Document No. 13956182, Official Records of Santa Clara County, said point being on the northerly line of said "SW Industrial District"; thence leaving said northerly line of "SW Industrial District", along the westerly and general northwesterly lines of said Document No. 13956182:

- N 03°13'32" W 121.80 feet to an angle point
- N 86°45'20" E 40.24 feet to the beginning of a non-tangent curve to the left, concave northwesterly, having a radius of 588.50 feet, a radial line to said point bears S 50°46'39" E
- Along said curve, through a central angle of 12°28'48", for an arc length of 128.18 feet

thence along the northerly line of said Document No. 13956182 and the northerly line of the property described in the Grant Deed recorded on December 20, 1995 in Book P134 at Pages 678-679, Official Records of Santa Clara County, N 86°35'00" E 114.30 feet to the westerly line of McEvoy Street as shown on the Map of the McEvoy Subdivision

recorded on July 14, 1891 in Book E of Maps at Page 109, Records of Santa Clara County, said line also being the westerly line of said Sunol No. 46; thence along said westerly line of McEvoy Street and said westerly line of Sunol No. 46, S 03°24'50" E 225.00 feet to said centerline of San Carlos Street and said northerly line of "SW Industrial District"; thence along said centerline of San Carlos Street, and said northerly line of "SW Industrial District", S 86°45'20" W 230.50 feet to the Point of Beginning.

The described property contains approximately 1.00 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.

PROFESSIONAL LAND SURVEYOR
PATRICIA A. CANNON
Exp. Dec. 31, 2010
No. 8186
STATE OF CALIFORNIA

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

EXHIBIT '_____'

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California
Name of Annexation: SUNOL NO. 82
CP Zoning District
Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lot 59, a portion of Park 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 "College Park, Burbank and Sunol", Sunol No. 32, and Sunol No. 51, said property being more particularly described as follows:

Beginning at the southeasterly corner of said Sunol No. 32; thence along the easterly line of said Sunol No. 32, N 03°23'00" W 121.40 feet to the centerline of Park Avenue, also being the southerly line of said "College Park, Burbank and Sunol"; thence along said centerline of Park Avenue and said southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 333.07 feet to the most northwesterly corner of said Sunol No. 51; thence along the westerly and general southerly lines of said Sunol No. 51 the following courses:

- S 03°25'00" E 49.17 feet to the beginning of a non-tangent curve to the right, concave southwesterly, having a radius of 24.00 feet, a radial line to said point bears N 01°22'01" W
- along said curve, through a central angle of 88°13'46", for an arc length of 36.96 feet to a point on the westerly line of said Sunol Street
- along said westerly line of Sunol Street, S 03°08'15" E 31.63 feet
- N 86°51'45" E 25.00 feet to the centerline of said Sunol Street

thence leaving said general southerly line of Sunol No. 51, along said centerline of Sunol Street, S 03°18'15" E 106.10 feet to the easterly projection of the southerly 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 southerly line of

EXHIBIT '_____'

Lot 1, S 86°51'45" W 209.56 feet to the southwesterly corner of said Lot 1; thence along the westerly line of said Lot 1, N 03°25'00" W 88.70 feet to the northeasterly corner of the property described in the Grant Deed recorded on July 26, 2007 as Document No. 19525997, Official Records of Santa Clara County; thence along the northerly line of said Document No. 19525997 and its westerly projection, and the southerly line of the property described in the Grant Deed recorded on January 25, 2002 as Document No. 16075761, Official Records of Santa Clara County, S 86°35'00" W 171.00 feet to the Point of Beginning.

The described property contains approximately 1.40 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.

PROFESSIONAL LAND SURVEYOR
PATRICIA A. CANNON
Exp. Dec. 31, 2010
No. 8186
STATE OF CALIFORNIA

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

EXHIBIT '_____'

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California
Name of Annexation: SUNOL NO. 82
CP Zoning District
Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lot 58, a portion of Park Avenue and a portion of Lincoln Avenue 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 "College Park, Burbank and Sunol", Sunol No. 32, and Sunol No. 65, said property being more particularly described as follows:

Beginning at the southwesterly corner of said Sunol No. 32; thence along the southerly line of the properties described in the Grant Deed recorded on September 11, 1998 as Document No. 14385819, the Deed in Lieu of Forclosure recorded on April 25, 2008 as Document No. 19831014, the Grant Deed recorded on October 12, 2005 as Document No. 18618847, the Grant Deed recorded on September 7, 2007 as Document No. 19578959, and the Grant Deed recorded on January 28, 2000 as Document No. 15135804, all Official Records of Santa Clara County, S 86°35'00" W 337.00 feet to the centerline of said Lincoln Avenue; thence along said centerline of Lincoln Avenue, S 03°23'00" E 35.10 feet; thence along the southerly line of Lots 1-4 as shown on Tract 41 "Mc Cormick – Caldwell Tract" recorded on December 23, 1936 in Book 1 of Maps at Pages 40-41, Records of Santa Clara County, S 86°35'00" W 222.00 feet to the southwesterly corner of said Lot 4, said point also being the southeasterly corner of said Sunol No. 65; thence along the general southerly line of said Sunol No 65 the following courses:

- along the westerly line of said Lot 4, N 03°23'00" W 116.50 feet to the northwesterly corner of said Lot 4, said point also being on the southerly line of said Park Avenue

- along said southerly line of Park Avenue, N 86°35'00" E 171.99 feet to the beginning of a tangent curve to the right, concave southwesterly, having a radius of 20.00 feet
- along said curve, through a central angle of 90°02'00", for an arc length of 31.43 feet to a point on the westerly line of said Lincoln Avenue
- N 86°37'00" E 55.00 feet to the beginning of a non-tangent curve to the right, concave southeasterly, having a radius of 20.00 feet, a radial line to said point bears S 86°37'00" W
- along said curve, through a central angle of 89°58'00", for an arc length of 31.40 feet
- N 03°25'00" W 40.00 feet to the centerline of said Park Avenue, also being the southerly line of said "College Park, Burbank and Sunol"

thence along said centerline of Park Avenue and said southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 292.00 feet to the northwesterly corner of said Sunol No. 32; thence along the westerly line of said Sunol No. 32, S 03°23'00" E 121.40 feet to the Point of Beginning.

The described property contains approximately 1.46 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

EXHIBIT '_____'

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California
Name of Annexation: SUNOL NO. 82
CP Zoning District
Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lots 54, 55, 56, 57, 58, 59, 60, 65, and 66, and portions of Meridian Avenue Avenue, Race Street, Lincoln Avenue, Sunol Street, and Park Avenue 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 "College Park, Burbank and Sunol", Sunol No. 2, Sunol No. 19 Sunol No. 30, Sunol No. 43, Sunol No. 56, Sunol No. 60, Sunol No. 71, and "SW Industrial District", said property being more particularly described as follows:

Beginning at the intersection of the centerline of Meridian Avenue (formerly Meridian Road) with the centerline of Park 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 point being an angle point in 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 321.88 feet to its intersection with the centerline of Grand Avenue as shown on said Red Letter Tract; thence leaving said general southerly line of "College Park, Burbank and Sunol", along said centerline of Grand Avenue, S 01°55'30" E 165.01 feet to the westerly projection of the northerly line of Lot 33 as shown on said Red Letter Tract; thence along said northerly line of Lot 33, N 86°35'34" E 118.81 feet to the southwesterly corner of Lot 34 as shown on said Red Letter Tract; thence along the westerly line of said Lot 34 and its northerly projection, N 02°27'17" W 165.00 feet to said centerline of Park Avenue and general southerly line of "College Park, Burbank and Sunol"; thence along said centerline of Park Avenue and said southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 87.27 feet to

the northerly projection of the easterly line of Lot 3 as shown on said Red Letter Tract; thence leaving said centerline of Park Avenue and said general southerly line of "College Park, Burbank and Sunol", along said easterly line of Lot 3, S 02°59'03" E 165.00 feet to the northerly line of Lot 4 as shown on said Red Letter Tract; thence along said northerly line of Lot 4 and its easterly projection, N 86°35'34" E 118.80 feet to the centerline of Race Street as shown on said Red Letter Tract; thence along said centerline of Race Street, N 03°30'50" W 165.00 feet to its intersection with said centerline of Park Avenue and said southerly line of "College Park, Burbank and Sunol"; thence along said centerline of Park Avenue and said southerly line of "College Park, Burbank and Sunol", N 86°35'00" E 287.80 feet to the northerly projection of the easterly line of Lot 11 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, said point also being the northwesterly corner of said Sunol No. 43; thence along said easterly line of Lot 11 and the westerly line of said Sunol No. 43, S 03°23'00" E 156.50 feet to the southeasterly corner of said Lot 11, said point also being the southwesterly corner of said Sunol No. 43; thence leaving said westerly line of Sunol No. 43, along the southerly line of said Lot 11, S 86°35'00" W 46.80 feet to the westerly boundary of said Tract No. 41; thence along said westerly boundary of Tract No. 41 and the westerly boundary of the Gilt Edge Tract recorded on February 10, 1890 in Book D of Maps at Page 173, Records of Santa Clara County, S 03°21'00" E 467.97 feet to the southerly line of Pacific Avenue as shown on said Gilt Edge Tract; thence along the southerly line of said Pacific Avenue, N 86°38'00" E 44.00 feet to the northwesterly corner of Lot 17 as shown on said Guilt Edge Tract; thence along the westerly line of said Lot 17, S 03°21'00" E 126.00 feet to the southwesterly corner of said Lot 17; thence along the southerly line of Lots 17-24, Lot 4 and its easterly projection, N 86°38'00" E 514.00 feet to the centerline on Lincoln Avenue (formerly Northrop Street) as shown on said Guilt Edge Tract; thence along said centerline of Lincoln Avenue, S 03°23'00" E 1.00 feet to the westerly projection of the northerly line of Lot 20 as shown on the Map of the Mayhew Subdivision recorded on April 29, 1903 in Volume F-3 of Maps at Page 15, Records of Santa Clara County; thence along said northerly line of Lot 20, the northerly line of Lots 7-17, and the northerly line of Lot 4 as shown on said Mayhew Subdivision, N 86°35'00" E 762.75 feet

to the centerline of Sunol Street as shown on said Mayhew Subdivision; thence along said centerline of Sunol Street, S 03°08'17" E 33.21 feet to the westerly projection of the northerly line of Parcel Two as described in the Individual Grant Deed recorded on November 18, 2003 in Book K032 at Pages 22-23, Official Records of Santa Clara County; thence along said northerly line of Parcel Two and the northerly line of the property described in the Grant Deed recorded on March 8, 1999 as Document No. 14693177, Official Records of Santa Clara County, N 86°45'20" E 181.72 feet to the northeasterly corner of said Document No. 14693177; thence along the easterly line of said Document No. 14693177, S 03°08'17" E 121.80 feet to the centerline of W. San Carlos Street as shown on the Record of Survey recorded on August 23, 1963 in Book 165 at Page 37, Records of Santa Clara County also being the northerly line of said "SW Industrial District"; thence along said centerline of W. San Carlos Street and said northerly line of "SW Industrial District", S 86°45'20" W 181.72 feet to said centerline of Sunol Street; thence along the centerline of San Carlos Street as shown on said Mayhew Subdivision, continuing along said northerly line of "SW Industrial District", S 86°38'00" W 434.06 feet to the general westerly line of said "SW Industrial District"; thence leaving said general westerly line of "SW Industrial District", continuing along said centerline of San Carlos Street, S 86°38'00" W 328.00 feet to its intersection with the centerline of said Lincoln Avenue; thence along said centerline of Lincoln Avenue, S 03°23'00" E 64.00 feet to the northerly line of said Sunol No. 2, also being the southerly line of San Carlos Street (94.00 feet wide) as shown on the Record of Survey recorded on August 16, 1978 in Book 424 of Maps at Page 54, Records of Santa Clara County; thence along said southerly line of San Carlos Street and said northerly line of Sunol No. 2, S 86°38'00" W 797.10 feet to the centerline of Race Street as shown on said Record of Survey; thence continuing along said southerly line of San Carlos Street and said northerly line of Sunol No. 2, S 89°23'00" W 314.28 feet to the southerly projection of the easterly line of said Grand Avenue, said point also being the southeasterly corner of said Sunol No. 60; thence along said easterly line of Grand Avenue and the easterly line of said Sunol No. 60, N 01°55'32" W 319.51 feet to the southwesterly corner of said Sunol No. 71; thence along the southerly, easterly, and northerly lines of said Sunol No. 71 the following 3 courses:

- N 88°57'30" E 139.12 feet
- N 02°40'45" E 46.18 feet
- S 88°43'56" W 138.52 feet to said easterly line of Grand Avenue and said easterly line of Sunol No. 60

thence along said easterly line of Grand Avenue and said easterly line of Sunol No. 60, N 01°55'32" W 228.10 feet to the easterly projection of the northerly line of Lot 44 as shown on said Red Letter Tract, said point being the northeast corner of said Sunol No. 60; thence along the northerly line of said Sunol No. 60 and the northerly line of said Sunol No. 30, S 87°38'32" W 195.51 feet to the northwesterly corner of said Lot 44 and of said Sunol No. 30; thence along the general westerly line of said Sunol No. 30 the following courses:

- S 01°09'23" E 89.60 feet to an angle point
- N 88°08'36" E 136.70 feet to the westerly line of said Grand Avenue
- along said westerly line of Grand Avenue, S 01°55'32" E 136.11 feet to the northerly line of said Sunol No. 19

thence along the northerly line of said Sunol No. 19, S 88°52'42" W 138.52 feet to the southeasterly corner of said Sunol No. 56; thence along the general easterly line of said Sunol No. 56 the following courses:

- N 01°09'23" W 44.80 feet to an angle point
- S 88°38'08" W 137.91 feet to the easterly line of said Meridian Avenue
- along said easterly line of Meridian Avenue, N 00°22'30" W 205.55 feet to an angle point
- leaving said easterly line of Meridian Avenue, S 87°23'19" W 30.02 feet to said centerline of Meridian Avenue and said general southerly line of "College Park, Burbank Sunol"

thence along said centerline of Meridian Avenue and said general southerly line of "College Park, Burbank Sunol", N 00°22'30" W 313.05 feet to the Point of Beginning.

EXHIBIT '_____'

The described property contains approximately 20.77 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