

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED AT THE WEST SIDE OF NORTH SIXTH STREET, APPROXIMATELY 800 FEET SOUTHERLY OF EAST TAYLOR STREET, FROM LI-LIGHT INDUSTRIAL TO A(PD) PLANNED DEVELOPMENT 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 was the subject of an Final Environmental Impact Report (EIR), entitled “Japantown Corporation Yard Redevelopment Project,” prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on April 21, 2008, which certification has not been protested nor appealed; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, is the decision-making body for and proposes to approve a project which was the subject of said Final EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to A(PD) Planned Development Zoning District; and

WHEREAS, this Council has, on February 23, 2010 adopted Resolution No. _____ in connection with the proposed rezoning and as required under CEQA; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such Final EIR prior to acting upon or approving such rezoning 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 rezoned as A(PD) Planned Development Zoning District. The base zoning district of the subject property shall be the A-Agricultural Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, “Japantown Senior Apartments, San Jose, CA,” **last revised February 23, 2010.**

Said General Development Plan is on file in the office of the Director of Planning
DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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. PDC08-010 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 , 2010 by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk



OLD REPUBLIC
TITLE COMPANY

1900 The Alameda
San Jose, CA 95126
(408) 557-8400 Fax: (408) 249-2314

PRELIMINARY REPORT

Issued for the sole use of:

FIRST COMMUNITY HOUSING
2 NORTH SECOND ST., STE. 1250
SAN JOSE, CA 95113

Attention: Geoff Morgan

FIRST AMENDED REPORT

Our Order Number 0616002586-SR

When Replying Please Contact:

Sandy Rose
(408) 557-8400

Property Address:

San Jose, CA

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit A attached. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of February 4, 2008, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

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The form of policy of title insurance contemplated by this report is:

A CLTA Standard Coverage Owner's Policy; AND an ALTA Loan Policy. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

a Fee.

Title to said estate or interest at the date hereof is vested in:

City of San Jose, a municipal corporation

The land referred to in this Report is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Beginning at the point of intersection of the line dividing Lots 203 and 204 in Block 19, as shown on the Map above referred to, with the Southwestern line of Sixth Street; running thence Southeasterly along the Southwestern line of Sixth Street, 173.30 feet to the Northernmost corner of that certain parcel of land described in the Deed from John Heinlen Company, a corporation to Wasaru Inada and Toshinaga Takota dated and recorded July 18, 1929 in Book 472, Page 327, Official Records of Santa Clara County; thence Southwesterly along the Northwestern line of the land described in said Deed to Inada et al, 137.83 feet to the line dividing Lots 196 and 202 in said Block 19; thence Northwesterly along the line dividing said Lots 196 and 202 and continuing along the line dividing Lots 197 and 203 in said Block 19, 173.30 feet to the corner common to Lots 197, 198, 203 and 204 in said Block 19; thence Northeasterly along the line dividing Lots 203 and 204, 137.83 feet to the point of beginning, being a portion of Lot 202 and all of Lot 203, Block 19.

White's Addition, as shown upon that certain Map entitled, "City of San Jose , copied from the original Map drawn by Sherman Day Civil Engineer", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, I Book A of Maps, at pages 72 and 73.

249-39-011 17108 D/CI/AG A249-39-11

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2008 - 2009, a lien, but not yet due or payable.

2. Taxes were not assessed for fiscal year 2007-2008.

3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

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4. Any unrecorded and subsisting leases.
5. Any facts, rights, interests or claims which are not shown by the public records, but which could be ascertained by making inquiry of the lessors in the lease or leases described or referred to herein.
6. The terms, covenants and conditions of the lease or leases described or referred to herein and the effect of any failure to comply therewith.
7. The requirement that this Company be provided with an opportunity to inspect the land (the Company reserves the right to make additional exceptions and/or requirements upon completion of its inspection).

----- **Informational Notes** -----

- A. NOTE: According to the public records, there have been no deeds conveying the property described in this report recorded within a period of 24 months prior to the date hereof except as follows:

NONE
- B. In addition to existing requirements pertaining to sellers who are non-residents of California, as a result of recent changes to Section 18662 of the Revenue and Taxation Code, in transactions closing after January 1, 2003 the buyer may then be responsible to withhold 3 1/3% of the sales price (as defined therein) from any seller, if this property is not the seller's principal residence. The statute, as modified, also provides for certain exemptions to the buyer's responsibility to withhold, which may apply.