

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE WEST SIDE OF WILSON AVENUE, APPROXIMATELY 200 FEET SOUTHERLY OF THE ALAMEDA, ON A 1.04 GROSS-ACRE SITE (45 WILSON AVENUE) TO THE CG COMMERCIAL GENERAL 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**, pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that no new effects would occur from and no new mitigation measures would be required for this rezoning action and that the rezoning action is within the scope of and in furtherance of the Envision San José 2040 General Plan, for which a Final Program Environmental Impact Report was prepared and for which related findings were adopted by the City Council under its Resolution No. 76041 on November 1, 2011; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this subject rezoning to the CG-Commercial General Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves said use of the Envision San José 2040 General Plan Final Environmental Impact Report and related Resolution No. 76041 prior to taking any approval actions on this 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 CG-Commercial General.

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. C12-017 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 October, 2012 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk

Exhibit "A"

**LEGAL DESCRIPTION**

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

RESULTANT PARCEL B AS SHOWN ON LOT LINE ADJUSTMENT CITY OF SAN JOSE FILE NO. AT07-065 EVIDENCED BY THE DOCUMENT RECORDED DECEMBER 26, 2007 AS DOCUMENT NO. 19692822 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

BEGINNING AT A POINT IN THE WESTERLY LINE OF WILSON AVENUE THAT IS DISTANT THEREON SOUTHERLY 100 FEET FROM THE POINT OF INTERSECTION OF SAID WESTERLY LINE OF WILSON AVENUE WITH THE SOUTHERLY LINE OF THE ALAMEDA (AS SAID THE ALAMEDA WAS ESTABLISHED AND RELOCATED BY ACT OF THE BOARD OF SUPERVISIONS IN THE YEAR 1872); THENCE RUNNING SOUTHERLY AND ALONG THE WESTERLY LINE OF WILSON AVENUE 46.10 FEET TO THE TRUE POINT OF BEGINNING; THENCE RUNNING SOUTHERLY AND CONTINUING ALONG THE WESTERLY LINE OF WILSON AVENUE 136.65 FEET TO THE POINT OF INTERSECTION OF SAID LINE WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY LEWIS BRONSON TO JAMES HAGAN BY DEED DATED APRIL 15, 1869 AND RECORDED APRIL 16, 1869 IN BOOK 14, PAGE 210 OF DEEDS, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE RUNNING WESTERLY AND ALONG THE WESTERLY LINE OF SAID LANDS SO CONVEYED TO JAMES HAGAN, 115.75 FEET TO A POINT; THENCE NORTHERLY AND PARALLEL WITH THE WESTERLY LINE OF WILSON AVENUE 60 FEET; THENCE WESTERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID LAND SO CONVEYED TO JAMES HAGAN 0.75 FEET; THENCE RUNNING NORTHERLY AND PARALLEL WITH THE WESTERLY LINE OF WILSON AVENUE 76.65 FEET TO A POINT ON SAID PARALLEL LINE DISTANT 146.10 FEET SOUTHERLY FROM SAID REESTABLISHED LINE OF THE ALAMEDA; THENCE RUNNING EASTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF THE ALAMEDA 115 FEET TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF THE LOS COCHES RANCHO.

APN: 261-33-053; ARB No: 261-33-024