ORDINANCE NO. 28793

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHWEST CORNER OF WEST JULIAN STREET AND PLEASANT STREET (350 WEST JULIAN STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE DC DOWNTOWN CORE 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 Environmental Impact Report (EIR), entitled "San José Downtown Strategy 2000 EIR," and related City Council Resolution No. 72767; 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 the DC Downtown Core Zoning District; and

WHEREAS, the City Council has, on June 21, 2005, adopted Resolution No. 72767 in connection with the EIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the subject rezoning from the LI - Light Industrial Zoning District to the DC Downtown Core Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 72767 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 DC Downtown Core Zoning District.

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.

C10-008 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 17th day of August, 2010 by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.

Chuck Reed

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. 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:

Fee

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

The City of San Jose, a municipal corporation of the State of California

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:

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of Parcels CC, D, DD, E, EE, and all of the Parcel labeled Chavez and a portion of Saint James Street as shown on that certain Map entitled, "Record of Survey, Guadalupe Freeway Unit No. 3 being portions of Lots 2 and 3 Block 9, portions of Lots 3 and 4, Block 10, of the Northwestern Addition Survey of the City of San Jose, which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on January 12, 1966 in Book 204 of Maps at Page 15, and more particularly described as follows:

PARCEL ONE:

Beginning at the intersection of the Westerly line of Pleasant Street, with the Southerly line of Saint James Street; thence proceeding Southerly along the Westerly line of Pleasant Street South 29° 47' 22" East 161.45 feet to the Southerly line of the lands of Chavez; thence Westerly along the Southerly line of the lands of Chavez South 60° 06' 57" West, 137.50 feet to the Westerly line of the lands of Chavez; thence North 29° 47' 22" West, 26.45 feet to a point on the Southerly line of the lands of the City of San Jose; thence Westerly along the lands of the City of San Jose, South 60° 06' 57' West, 59.44 feet to the Santa Clara Valley Water District line as shown on the Map filed for record in Book 666 of Maps at Pages 5-17, in the Office of the Recorder, County of Santa Clara, State of California; thence along the Santa Clara Valley Water District line North 29° 49' 05" West, 59.78; thence continuing along the Santa Clara Valley Water District line North 12° 47 04" East, 43.93 feet to a point designated point a for convenience, said point being on the Southwesterly line of the Parcel designated DD on said Record of Survey; thence leaving the Santa Clara Valley Water District line South 29° 47' 22" East, 41.08 feet to the most Southern corner of the Parcel labeled DD on said Record of Survey; thence along the Southerly boundary line of said Parcel DD North 60° 06' 57" East, 29.75 feet to the Easterly line of Parcel DD; thence along the Easterly line of Parcel DD North 29° 47' 22" West, 73.42 feet to the Santa Clara Valley Water District line; thence along the Santa Clara Valley Water District line, North 12° 47' 04" East, 14.40 feet to the Southerly line of Saint James Street; thence along the Southerly line of Saint James Street North 60° 06' 57" East, 127.76 feet to the true point of beginning.

PARCEL TWO:

Beginning at the point designated Point A for convenience; thence South 29° 47' 22" East, 41.08 feet to the most Southern corner of the Parcel labeled DD; thence along the Southerly boundary line of said Parcel DD the following courses: 1) North 60° 06' 57" East, 29.75 feet 2) North 29° 47' 22" West, 73.42 feet to said Santa Clara Valley Water District line; thence along said line South 12° 47' 04" West, 43.97 feet to the true point of beginning.

PARCEL THREE:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California being a portion of Parcel EE, as shown on that certain Map entitled, "Record of Survey, Guadalupe Freeway Unit No. 3 being portions of Lots 2 and 3 Block 9, portions of Lots 3 and 4, Block 10; of the "Northwestern Addition Survey of the City of San Jose", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on January 11, 1966 in Book, 204 of Maps at Page 15, and more particularly described as follows:

Beginning at the intersection of the Southerly line of Saint James Street with the Easterly line of River Street as shown on said Map; thence proceeding along the Easterly line of River Street South 29° 49' 05" East 84.00 feet to the true point of beginning for the herein described Parcel; thence leaving the Easterly line of River Street along the Southerly line of Parcels AA and BB as shown on said Map North 60° 06' 57" East, 77.42 feet to a point lying on the Santa Clara Valley Water District line as said line is shown on that Record of Survey filed for record in the Office of the Recorder of the County of Santa Clara in Book 666 of Maps at Pages 5-17; thence along the Santa Clara Valley Water District line South 29° 49' 05" East, 51.00 feet to a point on the Southerly boundary of the Parcel herein described; thence along said Southerly boundary South 60° 06' 57" West, 77.42 feet to the Easterly line of River Street; thence along the Easterly line of River Street North 29° 49' 05" West, 51.00 feet to the true point of beginning.

APN: 259-30-103

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

1. NOTE: APN 259-30-103 was not Assessed for Fiscal Year 2009-2010 Taxes.

2. 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.

3. The effect of the Record of Survey entitled, "Guadalupe Freeway Unit No. 3", filed for record in the Office of the Recorder of the County of the County of Santa Clara on January 11, 1966 in Book 204 of Record of Survey Map, at Page 15, which indicates that a portion of herein described property lies within the right of way.