

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.18-GROSS ACRES SITUATED AT THE SOUTH SIDE OF SILVER CREEK VALLEY ROAD, APPROXIMATELY 400 FEET EAST OF HELLYER AVENUE (5952 SILVER CREEK VALLEY ROAD) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL 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(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”) as supplemented, for which findings were adopted by City Council through its Resolution Nos. 76041 and 77617 on November 1, 2011 and December 15, 2015, respectively, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR, or the FEIR and its supplement and Addenda thereto; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CIC Combined Industrial/Commercial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City

Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to acting upon or approving the subject rezoning;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CIC Combined Industrial/Commercial 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" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. The land development approval that is the subject of City File No. C17-036 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.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2017 by the following
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

**"EXHIBIT A"
LEGAL DESCRIPTION**

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being a portion of "Parcel B" as shown on the Parcel Map Filed February 20, 1976 in Book 368 of Maps, at Page 2, Records of Santa County, California, being more particularly described as follows:

Beginning at the east corner of said "Parcel B"; thence along the southeast line of said "Parcel B", S44°34'49"W, a distance of 221.43 feet; thence along the southwest line of said "Parcel B", N45°25'11"W, a distance of 428.07 feet to the southerly right-of-way line of Silver Creek Valley Road (formerly Fontanoso Avenue) as shown on the Record of Survey Filed March 14, 1984 in Book 525 of Maps at Pages 52 through 59 Records of Santa Clara County, California; thence along said southerly right-of-way line, N44°34'17"E, a distance of 221.43 feet to the northeast line of said "Parcel B"; thence along said northeast line, S45°25'11"E, a distance of 428.11 feet to the **Point of Beginning**.

Containing 2.176 acres, more or less.
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.





This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

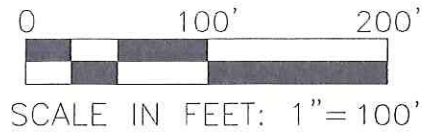
Bryan Pierce 08/25/2017

Bryan Pierce, PLS 8859 Date
Expires: 12/31/2017



LEGEND

-  BOUNDARY LINE
-  EXISTING LOT LINE
-  EXISTING EASEMENT
-  POB POINT OF BEGINNING



MWEST
679-02-022
(INDUSTRIAL)

SILVER CREEK VALLEY ROAD
(FORMERLY FONTANOSO AVENUE)



IONICS ULTRAPURE WATER CORP.
678-93-031
(INDUSTRIAL)

SUBJECT PARCEL
678-93-015
(VACANT)

SEEBACH
678-93-011
(COMMERCIAL)

KUMAR
678-93-016
(COMMERCIAL)

VENTURE COMMERCE CENTER
678-93-021...048
(INDUSTRIAL/OFFICE)

"EXHIBIT B"
BEING A PORTION OF "PARCEL B" AS
SHOWN ON THE PARCEL MAP FILED
FEBRUARY 20, 1976 IN BOOK 368 OF
MAPS, AT PAGE 2, RECORDS OF SANTA
CLARA COUNTY, CALIFORNIA
SAN JOSE, CA

RJA
RUGGERI-JENSEN-AZAR
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8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:
1"=100'

DATE:
08-25-2017

JOB NO.:
172015-001