

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.1-GROSS ACRES SITUATED AT THE NORTHWEST CORNER OF LINCOLN AVENUE AND PEDRO STREET (945 LINCOLN AVENUE) FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT AND R-M MULTIPLE RESIDENCE 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, the Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970, as amended, for the subject rezoning to CIC Combined Industrial/Commercial Zoning District under File Number C16-012 (the "MND"); 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, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on the project.

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 and depicted in Exhibit "A" 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. C16-012 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
LOT LINE ADJUSTMENT FOR LANDS OF CROATIAN FRANCISCAN FATHERS

PARCEL 1

All that certain real property in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

All of Parcels "A" and "B", as shown on Record of Survey, which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on July 25th, 1966 in Book 212 of Maps at Page 36.

and, in addition thereto, the following area:

Commencing at the Northwesterly corner of Parcel "A", along Lincoln Avenue, as shown on the above mentioned Map;

Thence leaving said point along the Northwesterly corner of Parcel "A", S 58°39'59" W 218.95 feet to the True Point of Beginning for the herein described Parcel;

Thence from said True Point of Beginning S 31°20'01" E 124.04 feet to a point on the Northerly line of Pedro Street;

Thence along said Northerly line S 89°59'30" E 202.26 feet;

Thence N 00°00'19" W 124.53 feet;

Thence continuing along said line N 00°00'19" W 28.48 feet;

Thence N 89°59'41" E 60.00 feet;

Thence S 00°00'19" E 80.00 feet;

Thence N 89°59'41" E 77.77 feet;

Thence N 00°00'19" W 32.89 feet to the True Point of Beginning

Containing approximately 18,254 Sq.Ft. more or less.

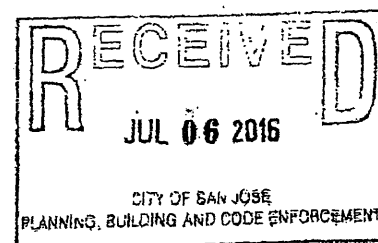
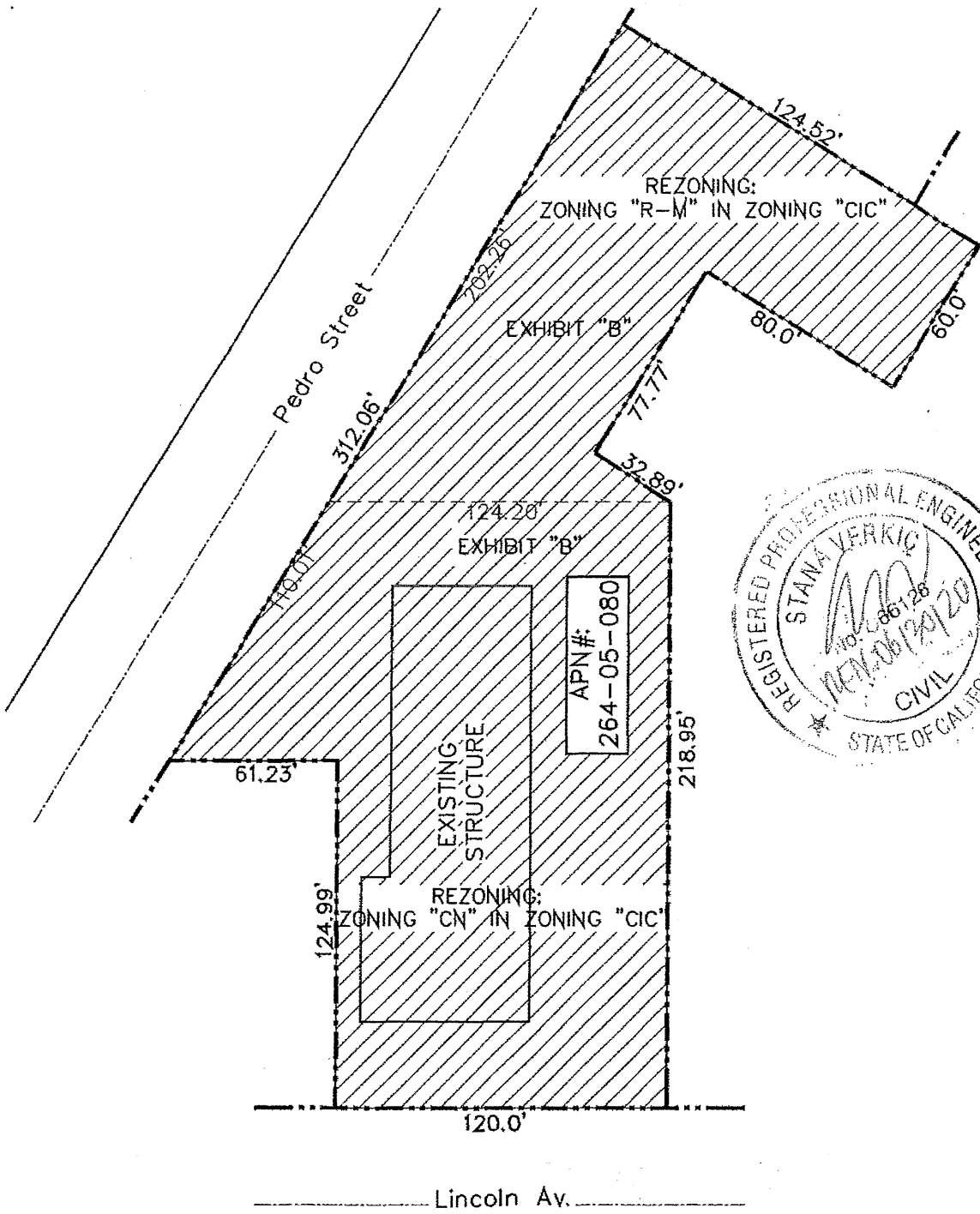


EXHIBIT A



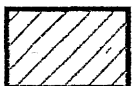
NAME OF PRESENT OWNER:
CROATIAN FRANCISCAN FATHERS

CHURCH'S BUILDING
NEW TWO STORY
COMMERCIAL RETAIL BUILDING
APN#: 264-05-080 (CASE FILE NUMBER: C16-012)
945 Lincoln Av.
San Jose, CA 95126

PLAT MAP

DRAWING: S.V.
DATE: 05/16/2018
SCALE: 1/64" = 1'-0"

ZONING:	AREA:
ZONING "CN" TO BE REZONED TO "CIC"	29,305 SQ FT
ZONING "R-M" TO BE REZONED TO "CIC"	18,254 SQ FT
AFTER REZONING WHOLE LOT WILL BE "CIC"	47,559 SQ FT



WHOLE LOT WILL BE REZONED TO COMBINED INDUSTRIAL/COMMERCIAL (AREA = 47,559 SQ FT)