

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.49 GROSS ACRES SITUATED ON THE SOUTHEAST CORNER OF AUZERAIS AVENUE AND LINCOLN AVENUE (460 LINCOLN AVENUE) (APN: 264-12-033) FROM THE HI HEAVY INDUSTRIAL 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"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; 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

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WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan.

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 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. Any land development approval that is the subject of City File No. C19-028 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



June 21, 2019
HMM 4725.10.270
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EXHIBIT "A"
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Grant Deed recorded May 5, 2016, in Document No. 23297331 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the centerline of Auzerais Avenue with the centerline of Lincoln Avenue;
Thence along said centerline of Auzerais Avenue, North 87°32'16" East, 265.45 feet, to the easterly line of said parcel of land;
Thence along said easterly line and the general southeasterly line of said parcel of land the following seven courses:

1. Thence South 02°27'06" East, 319.79 feet;
2. Thence South 42°04'00" West, 296.27 feet;
3. Thence North 02°50'06" West, 39.96 feet;
4. Thence North 04°57'19" West, 466.48 feet;
5. Thence South 87°32'16" West, 12.08 feet;
6. Thence South 02°27'06" East, 539.27 feet;
7. Thence South 42°04'00" West, 35.66 feet, to the centerline of Lincoln Avenue;

Thence along said centerline, North 02°27'06" West, 589.69 feet, to the POINT OF BEGINNING.

Containing 2.49 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

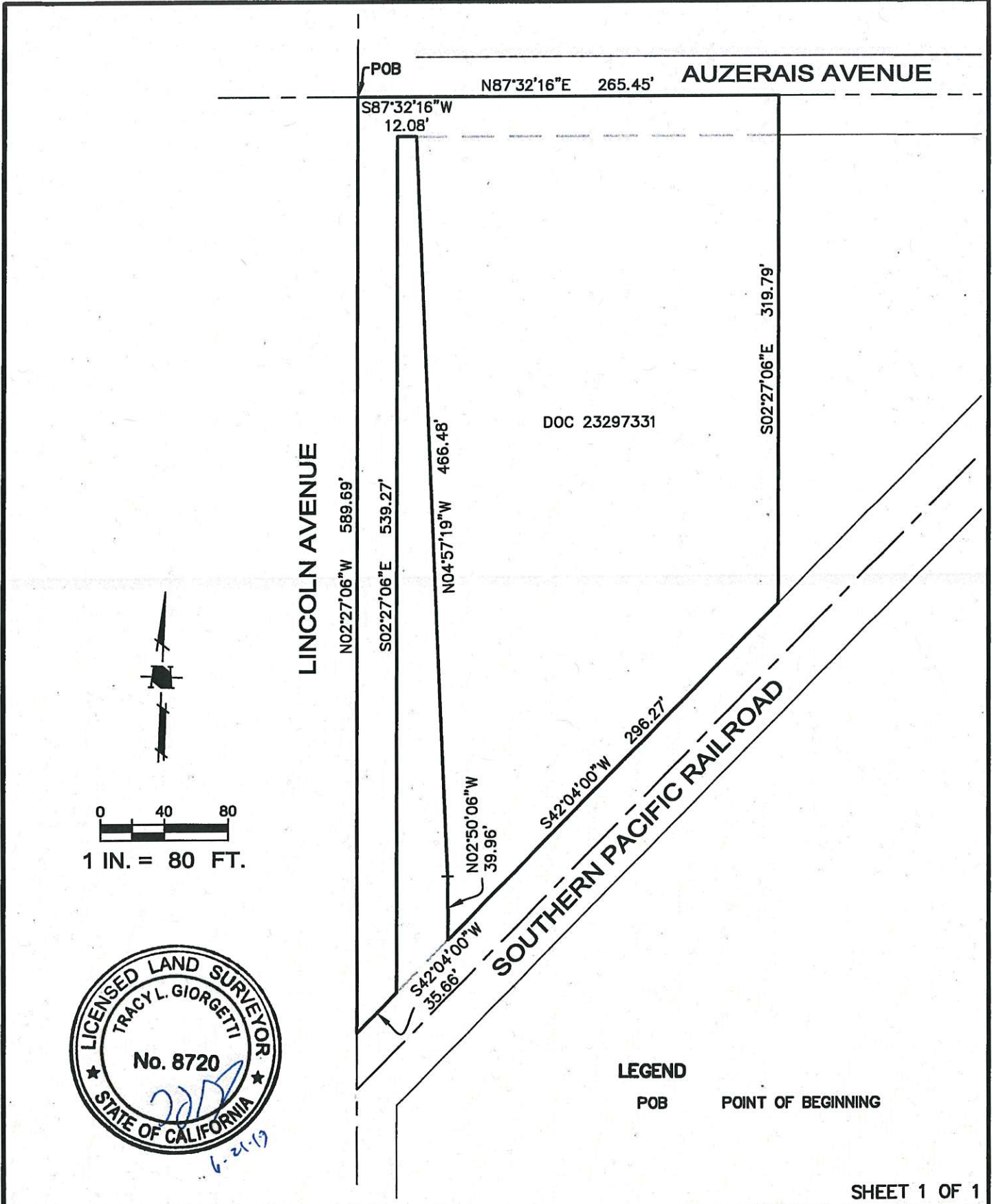
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 6/21/19


Tracy L. Giorgetti, LS 8720





LEGEND
 POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2019-06-20
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Engr.:	-
472510PL01	



1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMHca.com

EXHIBIT "B"
 PLAT TO ACCOMPANY DESCRIPTION:
 FOR ZONING PURPOSES

SAN JOSE CALIFORNIA