

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.69 ACRES SITUATED ON THE WEST SIDE OF SENTER ROAD APPROXIMATELY 1,200 FEET NORTHWESTERLY OF BURKE STREET (APN 477-50-024) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE HI HEAVY INDUSTRIAL 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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (~~%CEQA+~~), as amended, for the subject rezoning to the HI Heavy Industrial Zoning District under File Number C16-034 (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 HI Heavy Industrial 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 this 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 site," is hereby rezoned as HI Heavy Industrial 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. C16-034 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
FOR: PLANNING PURPOSES

All that land situate in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 2 as shown on that certain Parcel Map filed for record in Book 664 of Maps, at Pages 1 and 2, Santa Clara County Records, being more particularly described as follows:

Beginning at the easterly corner of said Parcel 2, said corner also being a point on the southwesterly right of way line of Senter Road as shown on said Parcel Map;

Thence along said southwesterly line North 40°46'52" West, 453.24 feet;

Thence leaving said southwesterly line along the following five (5) courses and distances:

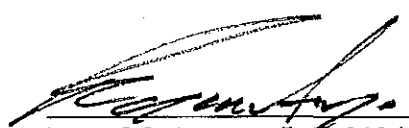
1. South 51°01'43" West, 207.10 feet;
2. South 40°46'52" East, 166.53 feet;
3. South 49°13'08" West, 82.00 feet;
4. South 40°46'52" East, 284.08 feet;
5. North 51°02'11" East, 289.15 feet to the Point of Beginning.

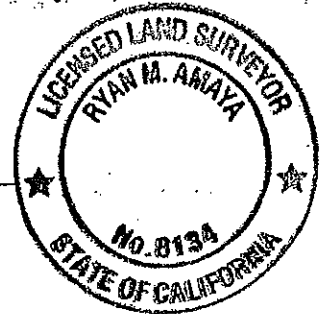
Containing 2.691 ± acres.

As shown on Exhibit "B" Attached hereto and by this reference made a part hereof.

Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

7-12-16
Date

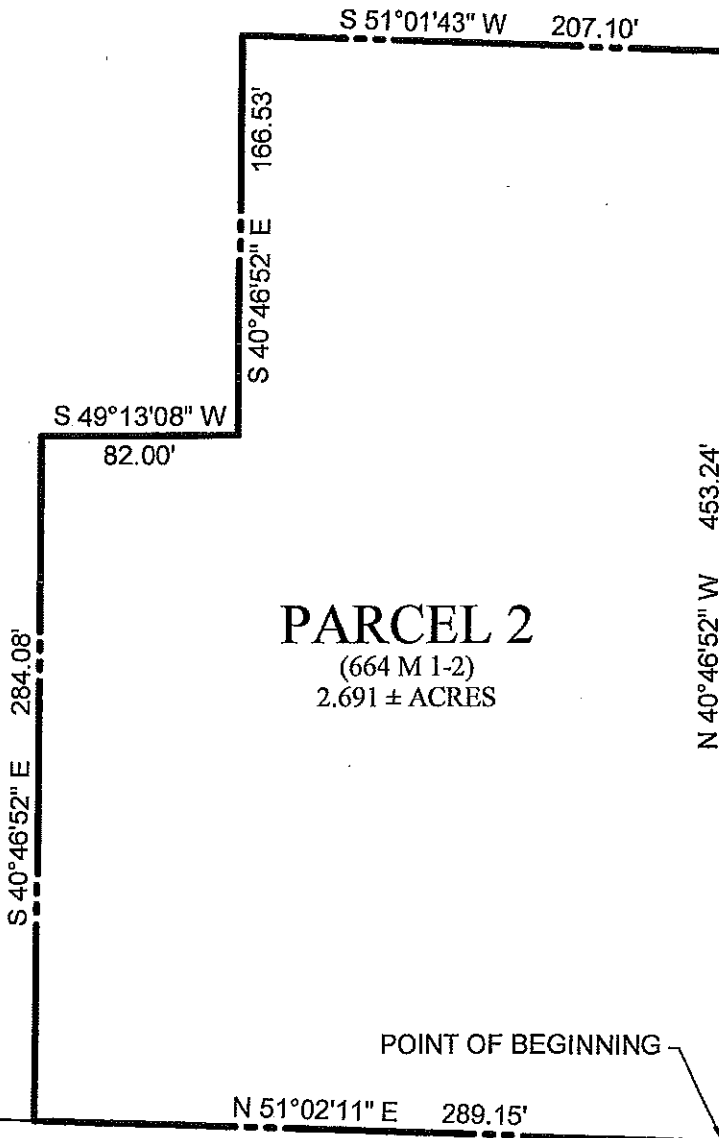

Ryan M. Amaya, L.S. 8134



11
C16-037

PARCEL 1
(664 M 1)

PARCEL 2
(664 M 1-2)
2.691 ± ACRES



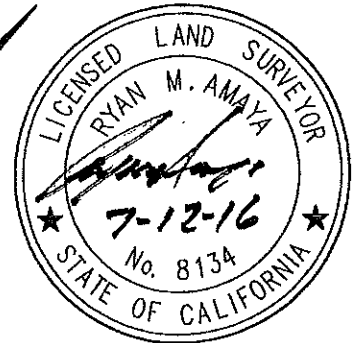
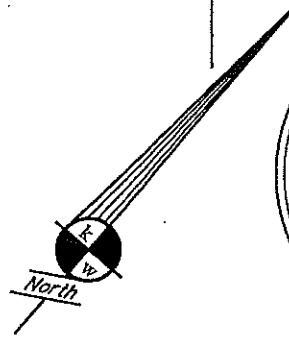
SENER ROAD

PARCEL 1
(429 M 19)

POINT OF BEGINNING

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE



PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR: PLANNING PURPOSES

SAN JOSE

CALIFORNIA

EXHIBIT "B"



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.

DATE	JULY, 2016
SCALE	1" = 80'
DR. BY	EK
JOB	A14121-3
SHEET NO.	1

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

Boundary: PARCEL 2

POB:			N: 5000.0000	E: 5000.0000
1. Line	NW 40°46'52"	453.24'	N: 5343.1981	E: 4703.9568
2. Line	SW 51°01'43"	207.10'	N: 5212.9462	E: 4542.9448
3. Line	SE 40°46'52"	166.53'	N: 5086.8479	E: 4651.7173
4. Line	SW 49°13'08"	82.00'	N: 5033.2879	E: 4589.6261
5. Line	SE 40°46'52"	284.08'	N: 4818.1796	E: 4775.1789
6. Line	NE 51°02'11"	289.15'	N: 5000.0048	E: 5000.0062

Perimeter: 1482.10' Area: 117217.55 sq.ft. 2.691 acres

Error Closure: 0.0078' Bearing: SW 52°08'41"
Error North: 0.00481' Error East: 0.00619'
Precision: 1: 188,976.79

