

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.54-GROSS ACRES SITUATED AT THE NORTHEAST CORNER OF COMMERCIAL STREET AND OAKLAND ROAD (1202 OAKLAND ROAD) 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**, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 ("CEQA"), as amended, for the subject rezoning to CIC Combined Industrial/Commercial Zoning District under Planning File Nos. GP16-011, C17-008, and CP17-015 (the "IS/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 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 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" 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. C17-008 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.

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PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the following  
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,  
DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE OAKLAND ROAD, SAID LAST MENTIONED POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG SAID NORTHWESTERLY LINE OF THE 37.752 ACRE TRACT 161.00 FEET; THENCE SOUTH 39° 45' 26" EAST 280.03 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE SOUTH 49° 28' 20" WEST ALONG SAID LAST NAMED LINE 10.21 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE OF SAID PROPOSED STREET (80.00 FEET IN WIDTH), SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 210.00 FEET, THROUGH A CENTRAL ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 122.79 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE OF SAID PROPOSED STREET SOUTH 82° 58' 30" WEST 141.24 FEET; THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM SAID CENTER LINE OF SAN JOSE-OAKLAND ROAD; THENCE NORTH 7° 01' 30" WEST ALONG SAID LAST NAMED PARALLEL LINE 167.22 FEET TO THE TRUE POINT OF BEGINNING.

BEING A PORTION OF 500 ACRE LOT 18, SAN JOSE PUEBLO LANDS OF THE CITY OF SAN JOSE.  
EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE

TRUE POINT OF BEGINNING.

PARCEL TWO:

AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES OVER A STRIP OF LAND, 80.00 FEET IN WIDTH, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD (100.00 FEET IN WIDTH) DISTANT THEREON SOUTH 7° 01' 30" EAST 213.98 FEET FROM THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 82° 58' 30" EAST 181.24 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT, WITH A RADIUS OF 250.00 FEET; THROUGH AN ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 146.18 FEET; THENCE NORTH 49° 28' 20" EAST AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 920.44 FEET TO THE TERMINUS OF SAID EASEMENT.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITH IN THE PARCEL OF LAND CONVEYED TO SEBASTIAN NOLA AND FRANCES ANNA NOLA, AS TRUSTEES UNDER TRUST DATED NOVEMBER 30, 1982 FROM CITY OF SAN JOSE, A MUNICIPAL CORPORATION, BY DEED RECORDED JUNE 28, 1989, INSTRUMENT NO. 10161220, BOOK L001, PAGE 338, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT IN THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL THREE:

BEGINNING AT AN IRON PIPE SET IN THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD, STATE HIGHWAY (100.00 FEET IN WIDTH), AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 49° 28' 20" EAST ALONG A

NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT FOR A DISTANCE OF 23.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 70.00 FEET AT RIGHT ANGLES FROM THE CENTER LINE OF SAID SAN JOSE-OAKLAND ROAD; THENCE SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 27.22 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 7° 01' 30" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 140.00 FEET; THENCE EASTERLY ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 00', FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT IN THE NORTHWESTERLY LINE OF A PROPOSED STREET (80.00 FEET IN WIDTH); THENCE NORTH 82° 58' 30" EAST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL FOUR:

AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES OVER A STRIP OF LAND, 80.00 FEET IN WIDTH, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE SAN JOSE-OAKLAND ROAD (100.00 FEET IN WIDTH) DISTANT THEREON SOUTH 7° 01' 30" EAST 213.98 FEET FROM THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 82° 58' 30" EAST 181.24 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT, WITH A RADIUS OF 250.00 FEET; THROUGH AN ANGLE OF 33° 30' 10", FOR AN ARC DISTANCE OF 146.18 FEET; THENCE NORTH 49° 28' 20" EAST AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID 37.752 ACRE TRACT 920.44 FEET TO THE TERMINUS OF SAID EASEMENT.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE PARCEL OF LAND CONVEYED TO SEBASTIAN NOLA AND FRANCES ANNA NOLA, AS TRUSTEES UNDER TRUST DATED NOVEMBER 30, 1982 FROM CITY OF SAN JOSE, A MUNICIPAL CORPORATION, BY DEED RECORDED JUNE 28, 1989, INSTRUMENT NO. 10161220, BOOK L001, PAGE 338, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

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**EXHIBIT "A"**  
**(File Nos. C17-008; CP17-015)**

LAST MENTIONED LINE FOR A DISTANCE OF 110.00 FEET; THENCE NORTH 14° 09' 24" WEST 161.248 FEET TO A POINT WHICH BEARS NORTH 82° 58' 30" EAST 110.00 FEET FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 82° 58' 30" WEST 110.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL FIVE:

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF OAKLAND ROAD, FORMERLY SAN JOSE-OAKLAND ROAD, AT THE NORTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OF OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 13' 31" EAST (DEED BEARING NORTH 49° 28' 20" EAST) 23.98 FEET; THENCE SOUTH 7° 16' 19" EAST (DEED BEARING NORTH 7° 01' 30" WEST) 167.22 FEET TO THE TRUE POINT OF BEGINNING; ALONG THE NORTHERLY LINE OF COMMERCIAL STREET WHICH IS TO BE VACATED HEREWITH THE FOLLOWING COURSES; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00" AND AN ARC LENGTH OF 31.42 FEET; THENCE NORTH 82° 43' 41" EAST (DEED BEARING NORTH 82° 58' 30" EAST) 141.24 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 210.00 FEET THROUGH A CENTRAL ANGLE OF 33° 30' 10" AND AN ARC LENGTH OF 122.79 FEET; THENCE ALONG THE NEW NORTHERLY LINE OF COMMERCIAL STREET THE FOLLOWING COURSES SOUTH 49° 13' 31" WEST 77.65 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 960.00 FEET THROUGH A CENTRAL ANGLE OF 8° 51' 17" AND AN ARC LENGTH OF 148.36 FEET; THENCE ALONG THE SOUTHERLY LINE OF COMMERCIAL STREET VACATED HEREWITH SOUTH 82° 43' 41" WEST 62.87 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 28° 09' 18" AND AN ARC LENGTH OF 9.83 FEET; THENCE ALONG A CURVE TO THE RIGHT FROM A TANGENT LINE BEARING NORTH 49° 53' 38" WEST WITH A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 42° 37' 19" AND AN ARC LENGTH OF 29.75 FEET; THENCE NORTH 7° 16' 19" WEST (DEED BEARING NORTH 7° 01' 30" WEST) 75.28 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL SIX:

BEGINNING AT AN IRON PIPE SET ON THE EASTERLY LINE OF OAKLAND ROAD FORMERLY SAN JOSE-OAKLAND ROAD, AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN 37.752 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM FORTUNATO PIERACCI, ET AL, TO GEORGE WILSON, ET UX, DATED DECEMBER 22, 1956, RECORDED DECEMBER 31, 1956 IN BOOK 3696 OF OFFICIAL RECORDS, PAGE 253, SANTA CLARA COUNTY RECORDS; THENCE NORTH 49° 25' 11" EAST (DEED BEARING NORTH 49° 40' 00" EAST) 23.93 FEET; THENCE NORTH 7° 16' 19" WEST (DEED BEARING NORTH 7° 01' 30" WEST) 160.00 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 61° 50' 42" AN ARC LENGTH OF 21.59 FEET TO A POINT ON A CURVE HAVING A RADIAL BEARING OF NORTH 35° 25' 37" WEST TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED CURVE WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 28° 09' 18" AND AN ARC LENGTH OF 9.83 FEET; THENCE NORTH 82° 43' 41" EAST (DEED BEARING NORTH 82° 58' 30" EAST) 62.87 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT FROM A TANGENT LINE THAT BEARS SOUTH 58° 04' 48" WEST WITH A RADIUS OF 960.00 FEET THROUGH A CENTRAL ANGLE OF 0° 57' 16" AND AN ARC LENGTH OF 15.99 FEET; THENCE SOUTH 59° 02' 04" WEST 13.33 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 71° 04' 18" AN ARC LENGTH OF 49.62 FEET TO THE TRUE POINT OF BEGINNING.

**EXHIBIT "A"**  
**(File Nos. C17-008; CP17-015)**

APN: 241-11-014 AND 241-11-020 (AFFECTS PARCEL ONE)  
241-11-021(AFFECTS PARCEL THREE) AND  
241-11-022(AFFECTS PARCELS FIVE AND SIX)

ARB NO'S: 243-13-136, 243-13-137, 243-13-78 AND 243-13-153