

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.66 ACRES SITUATED ON THE SOUTHWEST CORNER OF OAKLAND ROAD AND HORNING STREET FROM THE LI LIGHT 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

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;

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. C18-013 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
ZONING EXHIBIT

PARCEL A

All of Lots 1 through 3, inclusive, together with a portion of Lot 1, in Block 2, as shown on that certain map entitled "Map of Lewis Subdivision, No. 3", filed in the office of the Recorder of the County of Santa Clara, State of California on April 7, 1913, in Book O of Maps Page 30, and a portion of Lots 3 through 6, inclusive, as shown on that certain map entitled, "Map of L.B. Lathrop's addition to San Jose" recorded March 4, 1868 in the Office of said County in Volume "A" of Maps, Page 79, being more particularly described as follows:

BEGINNING at the South Corner of said Lot 1, Block 2 of said "Lewis Subdivision";

Thence, along the Southwest line of said Lot 1, Lot 2, and Lot 3, of Block 2 of said "Lewis Subdivision", North 30°49'00" West 118.40 Feet to the Northerly Corner of land described in the deed from Anton Corriea, et ux, to John G. Dick, et ux, dated February 27, 1945, recorded March 2, 1945 in Book 1248 of Official Records, Page 163;

Thence, along the Northwesterly line of said "Lands of John G. Dick", South 59°11'48" West 40.26 feet to the Easterly Corner of land described in the deed from W.K. Morgan, et ux, to Alejandro Barragan, et ux, by Instrument dated July 29, 1949, and recorded August 1, 1949 in Book 1826 of Official Records, Page 40;

Thence, along the Northeasterly line of the said "Lands of Alejandro Barragan", North 30°50'00" West 45.00 Feet to the North Corner of the said "Lands of Alejandro Barragan";

Thence, along the Southeast line of land described in the deed from Anton Corriea, et ux, to James s. Nakamura, dated November 24, 1945, recorded November 29, 1945, Book 1319, Page 27, recorder's serial no. 372071, North 59°11'48" East 40.27 Feet to the Easterly Corner of said "Land of Nakamura";

Thence, along the Northeasterly line of Block 2 of said "Lewis Subdivision", North 30°49'00" West 392.72 Feet to Southeasterly line that of Horning Street, (formerly Willow Street), having a half-width of 40 feet as shown on a Record of Survey, filed for record in said County in Book 412 Page 56;

Thence, along said Southeasterly line of Horning Street, North 59°16'57" East 278.51 Feet to the beginning of a tangent curve concave Southerly and having a radius of 25.00 feet;

Thence, along said curve Northeasterly and Southeasterly 44.95 feet through a central angle of 103°01'44" to Westerly Right-of-way line of

EXHIBIT "A"
LEGAL DESCRIPTION
ZONING EXHIBIT

Oakland Road, (formerly Milpitas Road), being a variable width as shown on said Record of Survey;

Thence, along said Westerly Right-of-Way line, South 17°41'19" East 65.96 feet to a line, said line being parallel with and 40.00 feet Westerly from the centerline of said Oakland Road, as said centerline is shown on the Map of Tract 9753, filed for record in Book 797, of Maps, Pages 46 through 49, inclusive, said parallel line being the Westerly Right-of-Way line of said Oakland Road, having a half-width of 40.00 feet per the Map of said Tract 9753;

Thence, continuing along said Westerly Right-of-Way line, South 07°04'53" East 503.32 feet to the Easterly Corner of said Lot 1, Block 2 of said "Lewis Subdivision";

Thence, along the Southeasterly line of said Lot 1, Block 2 of said "Lewis Subdivision", South 59°11'48" West 85.24 feet to the **POINT OF BEGINNING**;


Said land containing an area of 2.662 Acres.

SUBJECT TO covenants, conditions, restrictions, reservations, easements, and rights-of-way of record, if any.

All as shown on **EXHIBIT "B"**, attached hereto and by this reference made a part hereof.



Prepared by: Stantec Consulting Inc.
under the direction of:



Gregory C. Seburn, P.L.S. 8395

March 06, 2018
J.N. 222310633

☪ HORNING STREET

(FORMERLY MILPITAS ROAD)

N59°16'57"E
278.51'

☪ TWELFTH STREET

25'

25'

25'

☪ MADERA AVENUE

APN 235-16-012

APN 235-16-011

PARCEL A
(2.662 ACRES)

APN 235-16-013

APN 235-16-014

LEWIS SUBDIVISION
NO. 3
"O" MAPS 30
LOTS 1-3

POB
SOUTH CORNER
OF LOT 1

N30°49'00"W 392.72'

N30°49'00"W
118.40'

85.24'
N59°11'48"E

POR. LOTS 3 TO 6
MAP OF LB
LATHROPS' ADDITION
TO SAN JOSE
"A" MAPS 78

☪ OAKLAND ROAD
(FORMERLY MILPITAS ROAD)

☪ CARNIVAL WAY



SCALE 1"=80'

C18-013

ARC TABLE

NO.	DELTA	RADIUS	LENGTH
C1	Δ=103°01'44"	25.00'	44.95'

LINE TABLE

NO.	BEARING	LENGTH
L1	S 59°11'48" W	40.26'
L2	N 30°50'00" W	45.00'
L3	N 59°11'48" E	40.27'
L4	S 17°41'19" E	65.96'

SEE SHEET 2 FOR # DESCRIPTIONS

Project: BLUE WAVE

Description: ZONING EXHIBIT

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EXHIBIT "B"

(A) SOUTHWEST LINE OF SAID LOT 1, LOT 2, AND LOT 3, OF BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF LEWIS SUBDIVISION, NO. 3"

(B) NORTHERLY CORNER OF LAND DESCRIBED IN THE DEED FROM ANTON CORRIEA, ET UX, TO JOHN G. DICK, ET UX

(C) NORTHWESTERLY LINE OF LAND DESCRIBED IN THE DEED FROM ANTON CORRIEA, ET UX, TO JOHN G. DICK, ET UX

(D) EASTERLY CORNER OF SAID LAND DESCRIBED IN THE DEED FROM W.K. MORGAN, ET UX, TO ALEJANDRO BARRAGAN, ET UX

(E) NORTHEASTERLY LINE OF SAID LAND DESCRIBED IN THE DEED FROM W.K. MORGAN, ET UX, TO ALEJANDRO BARRAGAN, ET UX

(F) NORTHERLY CORNER OF SAID LAND DESCRIBED IN THE DEED FROM W.K. MORGAN, ET UX, TO ALEJANDRO BARRAGAN, ET UX

(G) SOUTHEASTERLY LINE OF LAND DESCRIBED IN THE DEED FROM ANTON CORRIEA, ET UX, TO JAMES S. NAKAMURA

(H) EASTERLY CORNER OF LAND DESCRIBED IN THE DEED FROM ANTON CORRIEA, ET UX, TO JAMES S. NAKAMURA

(I) NORTHEASTERLY LINE OF BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF LEWIS SUBDIVISION, NO. 3"

(J) SOUTHEASTERLY LINE OF HORNING STREET (FORMERLY WILLOW STREET)

(K) WESTERLY LINE OF OAKLAND ROAD (FORMERLY MILPITAS ROAD)

(L) EASTERLY CORNER LOT 1, IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF LEWIS SUBDIVISION, NO. 3"

(M) SOUTHEAST LINE LOT 1, IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF LEWIS SUBDIVISION, NO. 3"

(N) PORTION OF LOT 4, IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF LEWIS SUBDIVISION NO. 3"

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