

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.72-GROSS ACRE SITUATED AT THE SOUTH SIDE OF EAST BROKAW ROAD, APPROXIMATELY 110 FEET WEST OF JUNCTION AVENUE (524 EAST BROKAW 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, 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") as supplemented, for which findings were adopted by City Council through its Resolution Nos. 76041 and 77617 on November 1, 2011 and December 15, 2015, respectively, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR, or the FEIR and its supplement and Addenda thereto; 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, as supplemented and addenda thereto, and related

City Council Resolution Nos. 76041 and 77617 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 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" 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. C17-028 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.

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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"

RE-ZONING LEGAL DESCRIPTION
APN 237-09-139

524E BROKAW ROAD
SAN JOSE, CA 95112

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF SANTA CLARA, CITY OF SAN JOSE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 8, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "CRESENT FARM SUBDIVISION", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 5, 1903, IN BOOK F-3 OF MAPS, AT PAGE 45, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF BROKAW ROAD (60 FEET WIDE), WHICH POINT IS DISTANT NORTHEASTERLY ALONG SAID LINE 513 FEET FROM THE POINT OF INTERSECTION OF THE DIVIDING LINE BETWEEN LOTS 9 AND 10 WITH THE SAID SOUTHEASTERLY LINE OF BROKAW ROAD, AS SAID LOTS AND ROAD ARE SHOWN UPON THE MAP REFERRED TO ABOVE;

THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 270 FEET;

THENCE NORTHEASTERLY AND PARALLEL TO THE SOUTHEASTERLY LINE OF BROKAW ROAD, A DISTANCE OF 117 FEET;


THENCE NORTHWESTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 300 FEET, MORE OR LESS, TO A POINT IN THE CENTER LINE OF BROKAW ROAD;

THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF BROKAW ROAD, A DISTANCE OF 117 FEET TO A POINT WHICH IS DISTANT NORTHEASTERLY ALONG SAID CENTER LINE 513 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE DIVIDING LINE BETWEEN LOTS 9 AND 10;

THENCE SOUTHEASTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 31,590 SQUARE FEET NET, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE PART HEREOF.


KEVIN B. BRONSON
PLS 8523

06-20-17
DATE:



REFERENCES:

DOC 23546856, SANTA CLARA COUNTY RECORDS

PREPARED BY:

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SHT 1 OF 2 JOB#3375

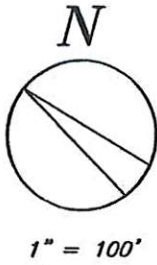


EXHIBIT "B"
RE-ZONING PLAT
APN 237-09-139

524E BROKAW ROAD
SAN JOSE, CA 95112

APN 237-20-107
525E BROKAW RD.
ZONING: HI
GP2040: CIC

AVE.

APN 237-08-079
550E BROKAW RD.
ZONING: A(PD)
GP2040: CIC

JUNCTION

ROAD

APN 237-29-028
1801 JUNCTION RD.
ZONING: HI
GP2040: CIC

APN 237-09-140
530E BROKAW RD.
ZONING: HI GP2040: CIC
S38°37'17"E 270.00'

APN 237-09-141
1787 JUNCTION RD.
ZONING: HI
GP2040: CIC

APN 237-09-139
524E BROKAW RD.
ZONING: HI
GP2040: CIC

117.00'
N51°16'43"E

117.00'
N51°16'43"E

APN 237-29-017
495E BROKAW RD.
ZONING: HI
GP2040: CIC

E. BROKAW

OLD CENTER LINE

N38°37'17"W 270.00'
P.O.B. APN 237-09-138
580E BROKAW RD.
ZONING: HI
GP2040: CIC

30'

APN 237-09-133
1788 ROGERS AVE.
ZONING: HI
GP2040: CIC

APN 237-09-137
480E BROKAW RD.
ZONING: HI
GP2040: CIC



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