DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.97 ACRE SITUATED ON THE SOUTHSIDE OF WEST CAPITOL EXPRESSWAY, APPROXIMATELY 140 FEET WEST OF SNELL AVENUE (222 WEST CAPITOL EXPRESSWAY), FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE CG COMMERCIAL GENERAL 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 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 the Supplemental EIR ("SEIR") adopted by City Council through its Resolution No. 77617 on December 15, 2015, and all Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR, SEIR, and Addenda; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CG Commercial General Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and SEIR, and Addenda thereto, and related City

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Council Resolution Nos. 76041 and 77617, respectively, 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 CG Commercial General 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 ñAò and depicted in Exhibit ñB,ò 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. C17-029 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

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EXHIBIT 'A'

LEGAL DESCRIPTION

REZONE PARCEL

ALL OF PARCEL 1, AS SHOWN ON PARCEL MAP FILED MARCH 2, 1973 IN BOOK 317 OF MAPS, AT PAGE 46, SANTA CLARA COUNTY RECORDS, BEING ALSO DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LIN OF CAPITOL EXPRESSWAY AS SHOWN ON SAID MAP;

THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 51°41'00" EAST, A DISTANCE OF 178.00 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, SOUTH 38°19'00" EAST, A DISTANCE OF 245.89 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, SOUTH 53°41'39" WEST, A DISTANCE OF 127.17 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF BARONI AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 89°33'12" WEST, A DISTANCE OF 20.49 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 330.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°24'50", AND A ARC DISTANCE OF 42.70 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, NORTH 38°19'00" WEST, A DISTANCE OF 204.09 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL CONTAINS 0.97 ACRES, MORE OR LESS.

PREPARED BY: BASE CONSULTING GROUP, INC.



6/30/2017

NEIL E. THONESEN
P.L.S. 8656
LIC. EXP. 12/31/2017

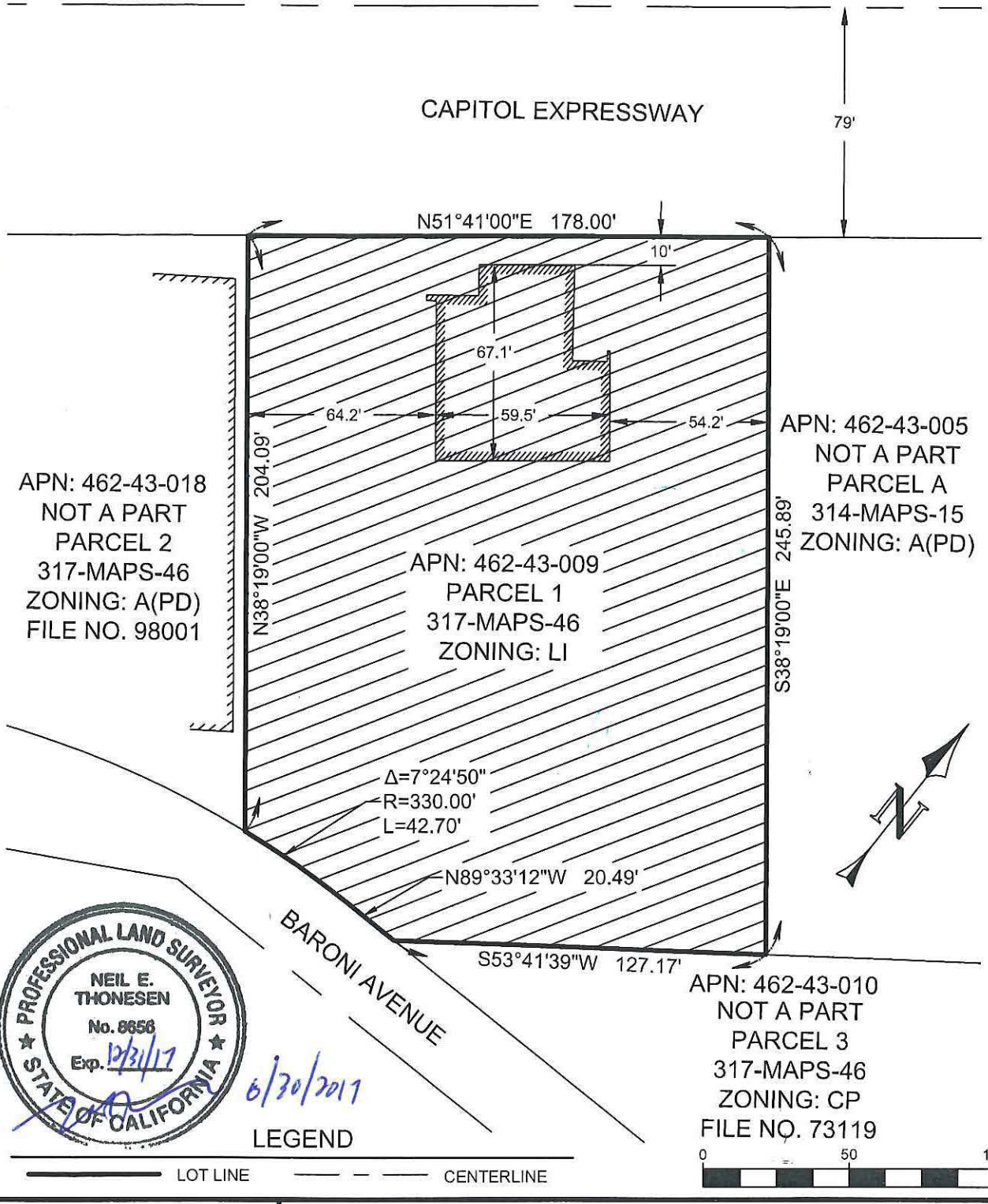
DATE

Rev 06/26/2017

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EXHIBIT "A" (File No. C17-029)

EXHIBIT 'B'



PROFESSIONAL LAND SURVEYOR
NEIL E. THONESEN
No. 8656
Exp. 12/31/17
STATE OF CALIFORNIA

6/30/2017

LEGEND

LOT LINE — CENTERLINE

PREPARED BY:

BASE
CONSULTING GROUP, INC.

16453 E. MANNING AVE,
REEDLEY, CA 93654
PH:(559) 637-1544

PLOT PLAN

PARCEL 1, AS SHOWN ON PARCEL MAP FILED MARCH 2, 1973 IN BOOK 317 OF MAPS, AT PAGE 46, SANTA CLARA COUNTY RECORDS.

DATE: 06/26/2017	DRAWN BY: NET	JOB NO.: 17100	PAGE 1 OF 1

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