

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF AN APPROXIMATELY
3.3-GROSS ACRE SITE LOCATED AT THE NORTHEAST
CORNER OF MABURY ROAD AND TIMOTHY DRIVE (967
MABURY ROAD), FROM THE LI LIGHT INDUSTRIAL
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, 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 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 HI Heavy Industrial 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 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. C17-044 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 _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 254-39-012

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

Beginning at the Southwesterly corner of that certain parcel of land described in the Deed to Beatrice V. Kirschenbaum, et al, recorded August 16, 1966 in Book 7475 Official Records, Page 121, Santa Clara County Records, said parcel designated as Parcel "A" on that certain Map entitled, "Record of Survey for Carl N. Swenson", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 15, 1966 in Book 212 of Maps, at Page 17, in the Northerly line of Bayshore Frontage Road, as said Road is shown upon the Record of Survey Map hereinabove referred to;

thence from said point of beginning along said Northerly line of Bayshore Frontage Road for the two following courses and distances: North 82° 18' 45" West, 1.56 feet and North 82° 17' 10" West, 218.44 feet;

thence Northwesterly along an arc of a curve to the right, tangent to the preceding course, with a radius of 30.00 feet, through a central angle of 90°, for an arc distance of 47.12 feet to an iron pipe set in the Easterly line of Timothy Drive (80.00 feet in width), as said Drive is shown upon the Record of Survey Map above referred to;

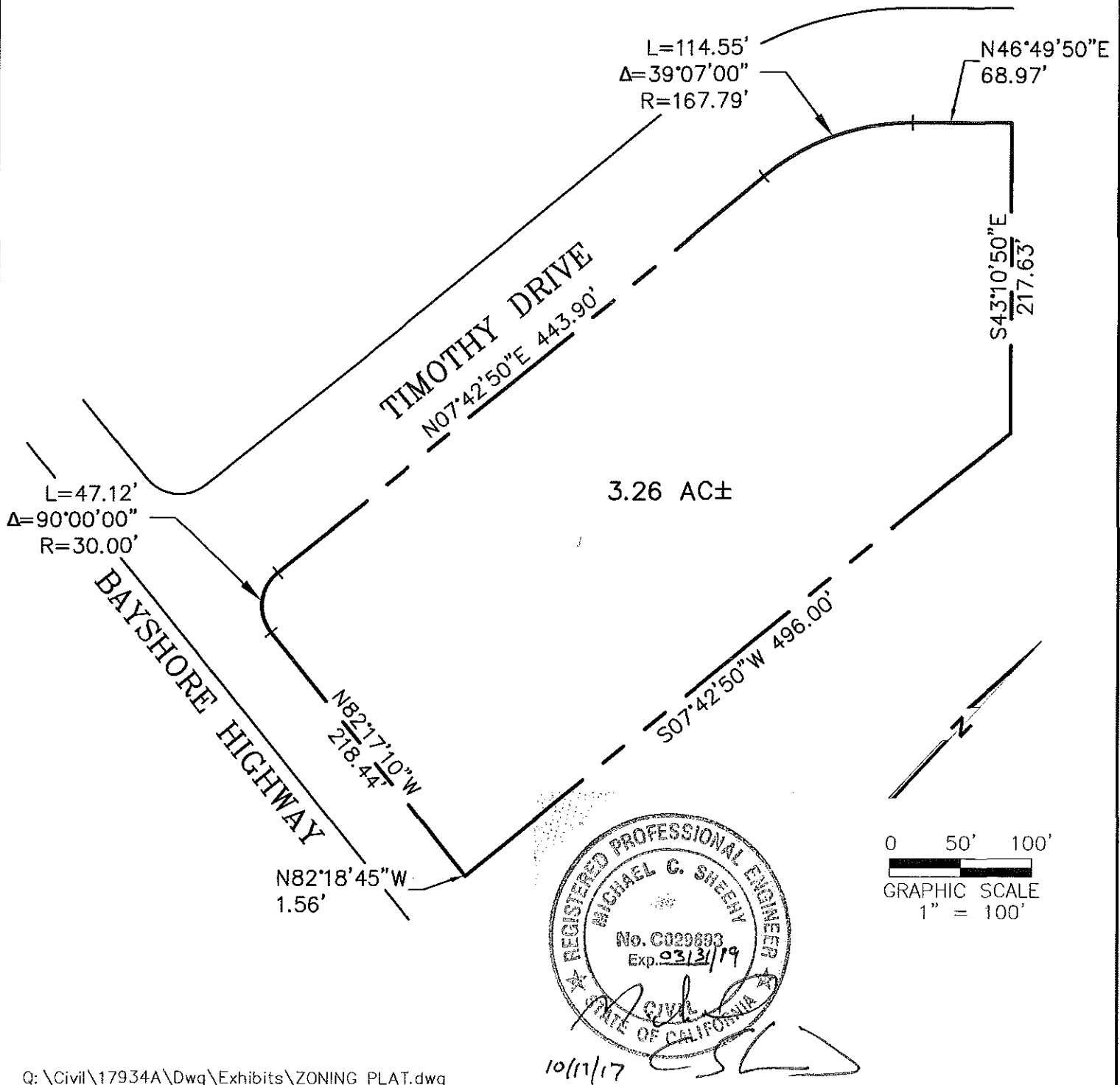
thence along the Easterly and Southeasterly lines of said Timothy Drive for the following courses and distances: North 7° 42' 50" East, 443.90 feet.

thence Northeasterly along an arc of a curve to the right, tangent to the preceding course, with a radius of 167.79 feet, through a central angle of 39° 07' for an arc distance of 114.55 feet and North 46° 49' 50" East, 68.97 feet to the Westernmost corner of that certain tract of land described in the Deed to Genevieve I. Hanscom, a married woman, recorded February 8, 1967 in Book 7634 Official Records, Page 335, Santa Clara County Records;

thence South 43° 10' 50" East along the Southwesterly line of land so described in the Deed to said Hanscom for a distance of 217.63 feet to the point of intersection thereof with the Northerly prolongation of the Westerly line of land so described in the Deed to said Kirschenbaum, above referred to;

thence South 7° 42' 50" West along said prolongation and the Westerly line of land so described in the Deed to said Kirschenbaum for a distance of 496.00 feet to the point of beginning, and being a portion of 500 acre Lot 15, San Jose City Pueblo Lands, and being that certain 3.2620 acres parcel as shown on Record of Survey filed May 23, 1967 in Book 222 of Maps at Page 43, Santa Clara County Records.

C17-044



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RUTH AND GOING, INC.

Civil Engineering Land Surveying

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(408) 236-2400

ZONING PLAT

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

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