

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 1.2-GROSS ACRE SITE LOCATED NORTHEAST OF THE INTERSECTION OF NORTH 4TH STREET AND EAST ROSEMARY STREET (1302 NORTH 4TH 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 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, 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 the CIC Combined Industrial/Commercial Zoning District; and

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**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 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, depicted in Exhibit "A" and described 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. C18-004 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:

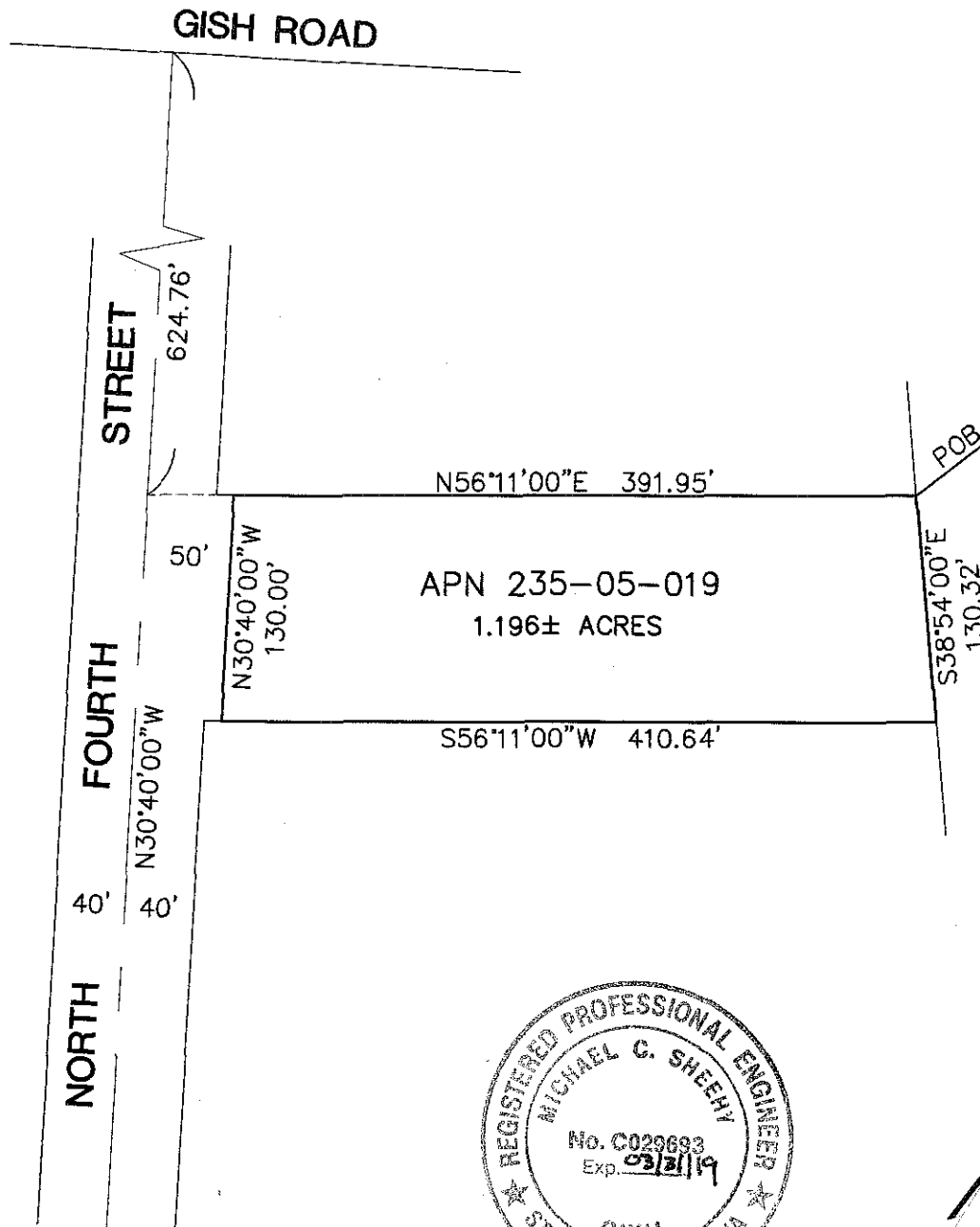
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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



C18-004

**LEGEND:**

POB POINT OF BEGINNING



0 50' 100'  
GRAPHIC SCALE  
1" = 100'

Drawing file: Q:\Civil\17926E\Dwg\Exhibits\ 2018-01-22 ZONING PLAT.dwg  
Jan 22, 2018 - 2:12pm

**RUTH AND GOING, INC.**

Civil Engineering Land Surveying  
2216 THE ALAMEDA SANTA CLARA, CA. 95050  
(408) 236-2400

**EXHIBIT "A"**  
**ZONING PLAT**

**LANDS OF GREEN VALLEY CORP.**  
**1302 N.4TH STREET**  
*City of San Jose California*

01-22-2018

17926E

Drwn.: ATN

Dept.: Survey

Scale: 1" = 100'

Chkd.: MCS

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

EXHIBIT "B"  
 LEGAL DESCRIPTION  
 TO ACCOMPANY ZONING APPLICATION  
 LANDS OF GREEN VALLEY CORPORATION  
 1302 NORTH 4<sup>th</sup> STREET

All that real property situate in the City of San Jose, County of Santa Clara, State of California, being described as follows:

Being a portion of that certain 1.226 parcel of land shown on that certain Map entitled "Record of Survey of the Land of W. E. Kiersted", as said Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 28, 1966 in Book 216 of Maps at Page 52, being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel; Thence southerly along the northeasterly line of said Parcel South 38° 54' East 130.32 feet to the southeasterly corner of said Parcel;

Thence westerly along the southeasterly line of said Parcel South 56° 11' West 410.64 feet to the southwesterly corner of said Parcel, said corner being a point on the northeasterly line of North 4<sup>th</sup> Street;

Thence northerly along said northeasterly line of North 4<sup>th</sup> Street and the southwesterly line of said Parcel North 30° 40' West 130.00 feet to the northwesterly corner of said Parcel;

Thence leaving said line of North 4<sup>th</sup> Street along the northwesterly line of said Parcel North 56° 11' East 391.95 feet, more or less, to the northeasterly corner of said Parcel and the POINT OF BEGINNING;

The Basis of Bearings for this description is the center line of North 4<sup>th</sup> Street (North 30° 40' West) as shown on the "Record of Survey of the Land of W. E. Kiersted", recorded in Book 216 of Maps at Page 52, Santa Clara County Records.

Containing 52,090 Square Feet (1.196 Acres), more or less.

APN 235-05-019

Prepared by: Ruth and Going, Inc.  
 PO Box 26460  
 San Jose, CA 95159  
 R+G Job # 17-926E  
 January 24, 2018



Note:

The purpose of the above legal description is to accompany the Rezoning Application for the property located at 1302 North 4<sup>th</sup> Street (File XX-XXX). The above legal description is based on record information and is not a resolved boundary survey.