

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 3.26-GROSS ACRES SITUATED ON THE NORTHWEST CORNER OF HORNING STREET AND OAKLAND ROAD (645 HORNING STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE CIC(PD) PLANNED DEVELOPMENT 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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to CIC(PD) Planned Development Zoning District under File No. PDC16-041 (the “MND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CIC(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

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(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CIC Combined Industrial/Commercial Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – File No. PDC16-041" last revised on March 26, 2018.

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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" 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. PDC16-041 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

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF LOTS 1 AND 2, AND PORTION OF LOTS 3, 10, 11 AND 12, BLOCK 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF L. B. LATHROP'S ADDITION TO SAN JOSE", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 4, 1868 IN BOOK A OF MAPS, AT PAGE 79, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF THIRTEENTH STREET, FORMERLY TWELFTH STREET, WITH THE NORTHWESTERLY LINE OF HORNING STREET, FORMERLY WILLOW STREET; RUNNING THENCE NORTH 30 DEG. 42' WEST ALONG THE SAID NORTHEASTERLY LINE OF THIRTEENTH STREET 412.50 FEET TO THE COMMON CORNER OF LOTS 3 AND 4, IN BLOCK 9, AS SAID LOTS AND BLOCK ARE SHOWN ON THE MAP ABOVE REFERRED TO; RUNNING THENCE NORTH 59 DEG. 07' 30" EAST ALONG THE SAID DIVIDING LINE BETWEEN LOTS 3 AND 4, FOR A DISTANCE OF 159.25 FEET TO THE WESTERNMOST CORNER OF THAT CERTAIN 0.77 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM WILLIAM FRANCIS GIACOMAZZI, ETAL, TO STATE OF CALIFORNIA, DATED MARCH 6, 1937, RECORDED MARCH 30, 1937 IN BOOK 813 OF OFFICIAL RECORDS, PAGE 465, SANTA CLARA COUNTY RECORDS; RUNNING THENCE ALONG THE SOUTHWESTERLY LINE OF SAID 0.77 ACRE TRACT SOUTH 82 DEG. 57' EAST 215.11 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET THROUGH AN ANGLE OF 75 DEG. 52' 30" FOR A DISTANCE OF 198.64 FEET TO A POINT ON THE WESTERLY LINE OF THE SAN JOSE-OAKLAND HIGHWAY; RUNNING THENCE SOUTH 7 DEG. 05' 30" WEST ALONG SAID LAST NAMED LINE 120 FEET, MORE OR LESS, TO A POINT ON THE SAID NORTHWESTERLY LINE OF HORNING STREET, FORMERLY WILLOW STREET, RUNNING THENCE SOUTH 59 DEG. 18' WEST ALONG THE SAID NORTHWESTERLY LINE OF HORNING STREET, 325.11 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION THEREOF CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED JULY 22, 1954 IN BOOK 2920, PAGE 326 OF OFFICIAL RECORDS.

PARCEL TWO:

PORTION OF LOT 4, IN BLOCK 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF L. B. LATHROP'S ADDITION TO SAN JOSE", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 4, 1868 IN BOOK A OF MAPS, AT PAGE 79, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 4, AS SAID LOT IS SHOWN UPON THE MAP ABOVE REFERRED TO; THENCE ALONG THE SOUTHEASTERLY LINE THEREOF NORTH 59 DEG. 07' 30" EAST 159.25 FEET A POINT IN A LINE PARALLEL TO AND 62.50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY BETWEEN AGNEW UNDERPASS AND THE SAN JOSE-MILPITAS ROAD; THENCE ALONG SAID PARALLEL LINE AND ITS EXTENSION WESTERLY NORTH 82 DEG. 58' WEST 120.59 FEET; THENCE TANGENT TO THE LAST DESCRIBED COURSE, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 1425 FEET THROUGH AN ANGLE OF 3 DEG. 20' 42" A DISTANCE OF 83.19 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 4; THENCE ALONG