

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 5.08-GROSS ACRES SITUATED ON THE NORTHEASTERN CORNER OF HELLYER AVENUE AND PIERCY ROAD (459 AND 469 PIERCY ROAD) FROM THE INDUSTRIAL PARK 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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the CIC Combined Industrial/Commercial Zoning District under File Number C18-029 (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 Combined Industrial/Commercial 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 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. C18-029 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

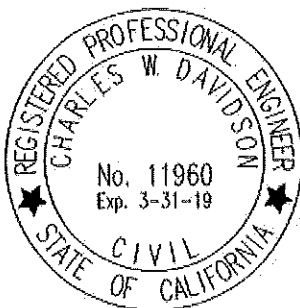
TONI J. TABER, CMC
City Clerk

REZONE DESCRIPTION
LANDS OF LIP2, LLC AND KNEA

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being all of Parcels 1 and 2 as described in that certain Lot Line Adjustment Permit, AT 14-013, filed for record as Document Number 23288648 of Official Records, Santa Clara County Records, more particularly described as follows:

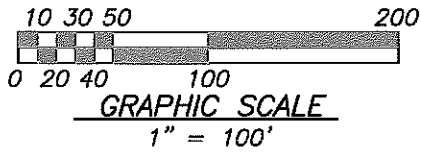
BEGINNING at the westerly corner of said Parcel 2 as described in above said Lot Line Adjustment Permit; thence from said point of beginning along the northwesterly line of said Parcel 2 N45°00'00"E 336.36 feet to the northerly corner of said Parcel 2; thence along the northeasterly line of Parcel 2 and Parcel 1 as described in said Lot Line Adjustment Permit S45°00'00"E 738.16 feet to the easterly corner of said Parcel 1; thence leaving said northeasterly line along the southeasterly line of said Parcel 1 S45°00'00"W 442.86 feet; thence leaving said southeasterly line along the southwesterly line of said Parcel 1 the following courses: N44°21'03"E 29.79 feet; N45°00'00"E 64.01 feet to a point of cusp; from a radial bearing of N04°33'11"E along a curve to the right with a radius of 28.00 feet through a central angle of 55°00'19" for an arc length of 26.88 feet; N30°26'30"W 21.35 feet; along a tangent curve to the left with a radius of 1253.00 feet through a central angle of 14°58'46" for an arc length of 327.59 feet; thence continuing along said southwesterly line of Parcel 1 and the southwesterly line of said Parcel 2 N45°00'00"W 338.64 feet to the POINT OF BEGINNING.

Containing 5.92 acres, more or less.



Charles W. Davidson
10-24-18

Prepared by:
Charles W. Davidson Co.
Consulting Civil Engineers
255 W. Julian St. Ste. 200
San Jose, CA 95110



POB

HELLYER AVENUE

PARCEL 2
LANDS OF LIP2, LLC

N 45°00'00" E 336.36'

261.59'

261.59'

77.05'

N 45°00'00" E 336.36'

S 45°00'00" E 738.16'

476.57'

PARCEL 1
LANDS OF KNEA & CAPRISTA

S 30°26'30" E 21.35'

L=26.88' R=28.00'
Δ=55°00'19"

S 45°00'00" W 64.01'

S 44°21'03" E 29.79'

L=327.59' R=1253.00'
Δ=14°58'46"

N 4°33'11" E(R)

EX. ROADWAY EASEMENT

30'

N 45°00'00" E 442.86'

PIERCY ROAD

Charles W. Davidson
10-26-18



REZONE PLAT
Lands of LIP2, LLC and Knea
Piercy Road
San Jose, California

DATE: 9-4-18
SCALE: 1" = 100'
DRAWN BY: SKD
CHECKED BY: *[Signature]*
JOB NO.: 1964

Charles W. Davidson Co.
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