

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY ON AN APPROXIMATELY 9.26-GROSS ACRE SITUATED ON THE NORTH SIDE OF FORTUNE DRIVE, APPROXIMATELY 500 FEET WESTERLY OF LUNDY AVENUE (2001 FORTUNE DRIVE) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE TEC TRANSIT EMPLOYMENT CENTER 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(c)(2) 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 thereto; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the TEC Transit Employment Center 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 TEC Transit Employment Center 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 by plat map in Exhibit "B," which both exhibits are attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C19-006 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

February 01, 2019
 Project No. A07229-6
 Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
FOR: PLANNING PURPOSES

That portion of Parcel 13, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on January 28, 1977 in Book 388 of Maps at Page(s) 16 through 27, described as follows:

Beginning at the southeast corner of said Parcel 13;

Thence along the southerly line of said Parcel 13 the following three (3) courses:

- 1st North 84°09'58" West, 243.39 feet to the beginning of a tangent curve concave southerly with a radius of 740.00 feet,
- 2nd Westerly along said curve through a central angle of 9°13'33" an arc length of 119.16 feet,
- 3rd South 86°36'29" West, 147.04 feet to the southwest corner of said Parcel 13;

Thence along the westerly line of said Parcel 13, North 03°24'28" West, 843.41 feet to the northerly line of said Parcel 13;

Thence along said northerly line, South 84°10'36" East, 450.14 feet to a point on the easterly line of said Parcel 13;

Thence along the easterly line of said Parcel 13 the following four (4) courses:


- 1st South 04°57'39" East, 239.55 feet to an angle point,
- 2nd South 38°35'27" East, 225.10 feet to an angle point,
- 3rd South 51°24'33" West, 91.34 feet to an angle point,
- 4th South 03°25'03" East, 343.86 feet to the Point of Beginning.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

Contains 9.260± acres.

Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

2-1-19
 Date


 Ryan M. Amaya, L.S. 8134

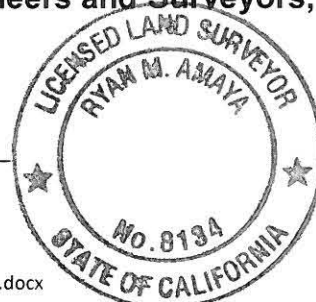




EXHIBIT "B"
PLAT
FOR: PLANNING PURPOSES
SAN JOSE, CALIFORNIA

DATE	FEBRUARY, 2019
SCALE	1" = 120'
BY	TWL
JOB NO.	A07229-6
SHEET	1 OF 1

PLANNING PURPOSES.txt

Project: PLANNING PURPOSES
2/1/2019

Boundary: A07229-6

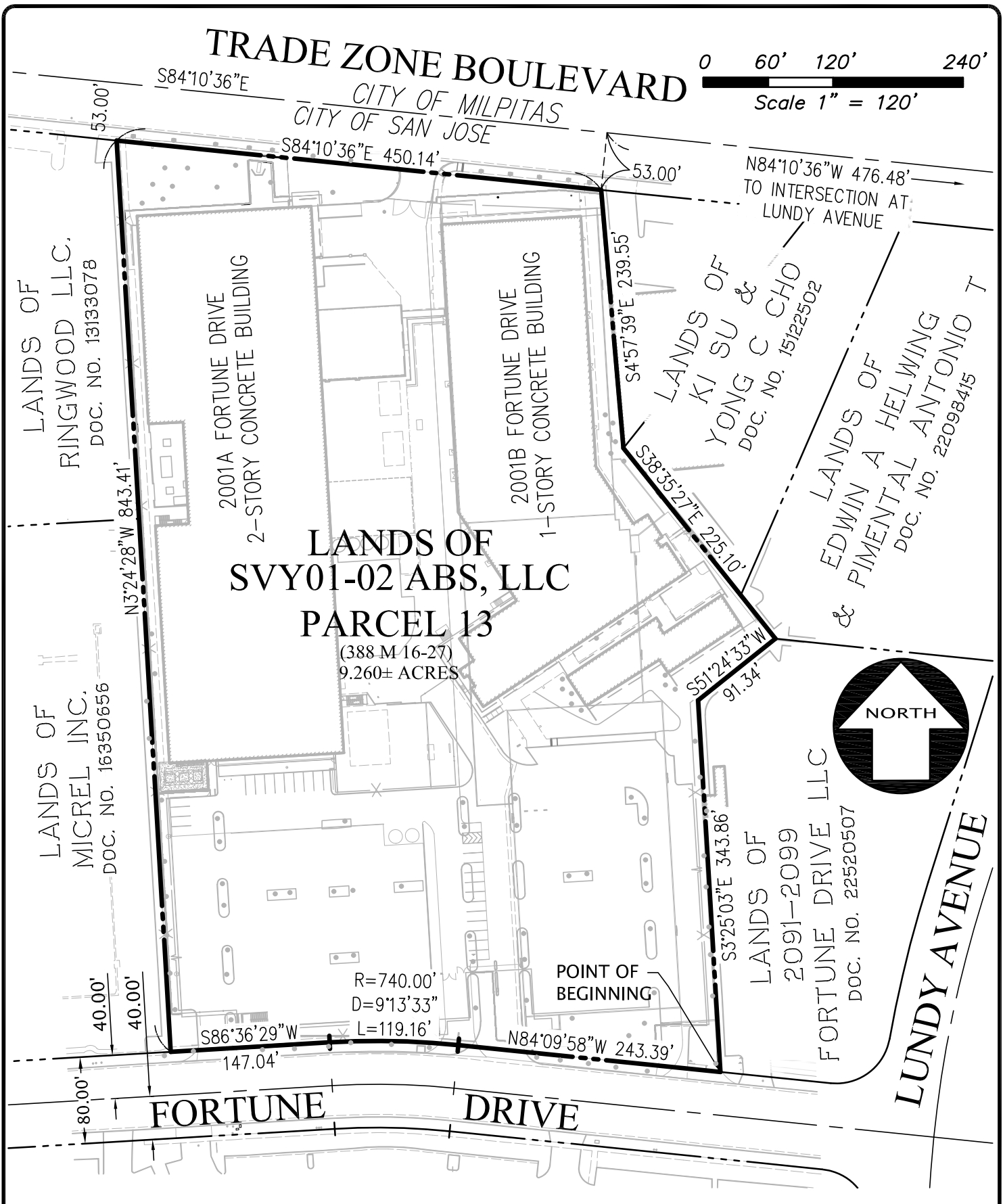
POB: N: 5000.0000 E: 5000.0000

1. Line	NW 84°09'58"	243.39'	N: 5024.7393	E: 4757.8706
2. Curve	Delta: -09°13'33"	Radius: 740.00'	Length: 119.16'	
	PC to RP: SW 05°50'02"			
	RP North: 4288.5719	RP East: 4682.6535		
	RP to PT: NW 03°23'31"			
	Chord: NW 88°46'44"	119.03'		
			N: 5027.2756	E: 4638.8706
3. Line	SW 86°36'29"	147.04'		
			N: 5018.5758	E: 4492.0882
4. Line	NW 03°24'28"	843.41'		
			N: 5860.4945	E: 4441.9543
5. Line	SE 84°10'36"	450.14'		
			N: 5814.8226	E: 4889.7714
6. Line	SE 04°57'39"	239.55'		
			N: 5576.1700	E: 4910.4864
7. Line	SE 38°35'27"	225.10'		
			N: 5400.2272	E: 5050.8935
8. Line	SW 51°24'33"	91.34'		
			N: 5343.2535	E: 4979.5004
9. Line	SE 03°25'03"	343.86'		
			N: 5000.0050	E: 4999.9983

Perimeter: 2702.99' Area: 403368.97 sq.ft. 9.260 acres

Error Closure: 0.0053' Bearing: SE 19°01'47"
Error North: 0.00498' Error East: -0.00172'
Precision: 1: 512,689.50





KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road Phone (925) 245-8788
Livermore, California 94551 Fax (925) 245-8796

EXHIBIT "B"
PLAT
SITE EXHIBIT

SAN JOSE,

CALIFORNIA

DATE	MARCH, 2019
SCALE	1" = 120'
BY	TWL
JOB NO.	A07229-6
SHEET	1 OF 1