

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY ON AN APPROXIMATELY
3.71 GROSS ACRE SITE SITUATED ON THE SOUTHEAST
CORNER OF OAKLAND ROAD AND CORIE COURT (1510
& 1530 OAKLAND ROAD) FROM THE LI(PD) LIGHT
INDUSTRIAL PLANNED DEVELOPMENT 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(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 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 CIC Combined Industrial/Commercial 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 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 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. C19-038 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



October 24, 2019
HMH 5467.01.270
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EXHIBIT "A"
FOR ZONING PURPOSES

PARCEL 1

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 1 as shown on that certain Parcel Map filed for record on February 25, 1987, in Book 571 of Maps, page 28, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Parcel 1,
Thence along the southeasterly line of said Parcel 1, South 66°22'22" West, 272.64 feet, to the easterly line of Oakland Road;

Thence along said easterly line and the southerly line of Bern Court the following five courses:

1. Thence North 16°05'24" West, 305.00 feet;
2. Thence along a tangent curve to the right, having a radius of 20.00 feet, through a central angle of 90°00'00" for an arc length of 31.42 feet;
3. Thence North 73°54'36" East, 197.00 feet;
4. Thence along a tangent curve to the right, having a radius of 30.00 feet, through a central angle of 41°24'35" for an arc length of 21.68 feet;
5. Thence along a reverse curve to the left, having a radius of 50.00 feet, through a central angle of 17°55'56" for an arc length of 15.65 feet, to the general easterly line of said Parcel 1;

Thence along said general easterly line the following four courses:

1. Thence South 16°05'24" East, 159.14 feet;
2. Thence North 73°54'36" East, 18.00 feet;
3. Thence South 16°05'24" East, 96.98 feet;
4. Thence South 23°37'38" East, 17.40 feet, to the POINT OF BEGINNING.

Containing 1.81 acres, more or less.

PARCEL 2

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 3 as shown on that certain Parcel Map filed for record on July 22, 1982, in Book 515 of Maps, page 12, Santa Clara County Records, described as follows:

BEGINNING at the northeasterly corner of said Parcel 3;

Thence along the northerly line of said Parcel 3, South 77°37'03" West, 235.26 feet, to the easterly line of Oakland Road;

Thence along said easterly line and the northerly line of Bern Court the following six courses:

1. Thence southerly, along a non-tangent curve to the left, having a radius of 3,400.00 feet, whose center bears North 77°37'03" East, through a central angle of 03°42'27" for an arc length of 220.01 feet;
2. Thence South 16°05'24" East, 104.48 feet;
3. Thence along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of 90°00'00" for an arc length of 31.42 feet;

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4. Thence North 73°54'36" East, 197.00 feet;
5. Thence along a tangent curve to the left, having a radius of 30.00 feet, through a central angle of 41°24'35" for an arc length of 21.68 feet;
6. Thence along a reverse curve to the right, having a radius of 50.00 feet, through a central angle of 36°37'22" for an arc length of 31.96 feet, to the general easterly line of said Parcel 3;

Thence along said general easterly line the following four courses:

1. Thence North 14°14'10" West, 81.30 feet;
2. Thence South 75°45'50" West, 31.50 feet;
3. Thence North 14°14'10" West, 193.00 feet;
4. Thence North 18°11'44" West, 34.14 feet, to the POINT OF BEGINNING.

Containing 1.90 acres, more or less.

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

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

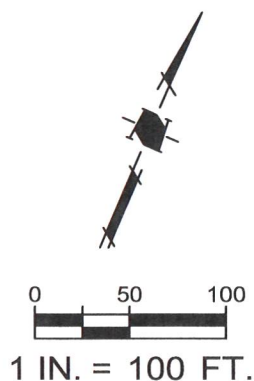
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 10-24-19

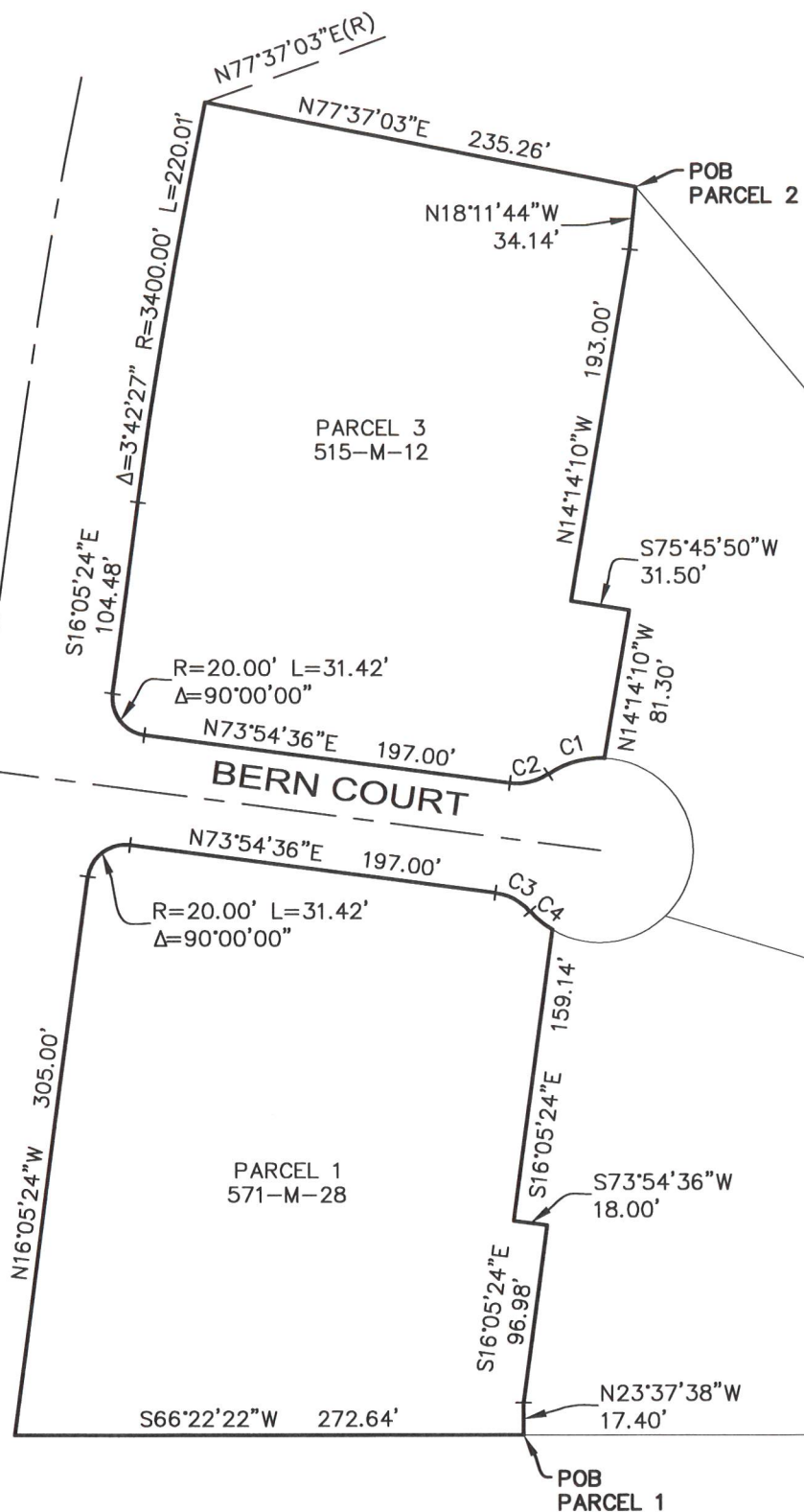
Tracy L. Giorgetti
Tracy L. Giorgetti, LS 8720



| CURVE TABLE | | | |
|-------------|--------|-----------|--------|
| CURVE | RADIUS | DELTA | LENGTH |
| C1 | 50.00' | 36°37'22" | 31.96' |
| C2 | 30.00' | 41°24'35" | 21.68' |
| C3 | 30.00' | 41°24'35" | 21.68' |
| C4 | 50.00' | 17°55'56" | 15.65' |



OAKLAND ROAD



LEGEND
 (R) RADIAL BEARING
 POB POINT OF BEGINNING



SHEET 1 OF 1

Date: 2019-10-24
 Designed: —
 Drawn: RF
 Checked: TC
 Proj. Engr.:
 54670



EXHIBIT "B"
 PLAT TO ACCOMPANY DESCRIPTION:

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