

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 19.70 GROSS ACRES SITUATED ON THE SOUTHEAST CORNER OF EAST BROKAW ROAD AND JUNCTION AVENUE (550-600 EAST BROKAW ROAD) (APN: 237-08-079) FROM THE A(PD) 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; and

**WHEREAS**, the proposed rezoning is consistent with the designation of the site in the applicable General Plan;

**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 to the 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.** Any land development approval that is the subject of City File No. C19-050 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 \_\_\_\_\_, 2020 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

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**PARCEL 2**

REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD SEPTEMBER 14, 1976 IN BOOK 379 OF MAPS AT PAGE 27, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2 (379 M 27) SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY OF BROKAW AVENUE (WIDTH VARIES)

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 2 (379 M 27) SOUTH 38° 26' 17" EAST, 640.68 FEET

THENCE NORTH 51° 16' 43" EAST, 240.61 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE NIMITZ FREEWAY (21163394 OR)

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 12° 30' 16" EAST, 104.68 FEET,
- 2) SOUTH 16° 19' 07" EAST, 69.50 FEET,
- 3) SOUTH 04° 14' 15" WEST, 31.33 FEET,
- 4) SOUTH 16° 19' 07" EAST, 100.97 FEET,
- 5) SOUTH 20° 06' 27" EAST, 25.70 FEET, AND
- 6) SOUTH 10° 32' 40" EAST 148.48 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 2 (379 M 27)

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 (379 M 27) THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 48° 40' 00" WEST, 458.73 FEET,
- 2) NORTH 38° 26' 17" WEST, 376.66 FEET, AND
- 3) SOUTH 51° 33' 43" WEST, 474.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 2 (379 M 27) SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF JUNCTION AVENUE (80 FEET WIDE)

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2, NORTH 38° 26' 27" WEST, 692.37 FEET, TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT,

THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20 FEET, THROUGH A CENTRAL ANGLE OF 89° 43' 00" HAVING AN ARC LENGTH OF 31.32 FEET, TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF BROKAW AVENUE (WIDTH VARIES)

THENCE ALONG THE NOTHERLY LINE OF SAID PARCEL 2 (379 M 27), NORTH 51° 16' 43" EAST, 880.41 FEET TO THE **POINT OF BEGINNING**

CONTAINING 858,189 SQUARE FEET OR 19.7013 ACRES OF LAND, MORE OR LESS

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
JOSEPH D. THOMPSON, P.L.S. 8121

11/20/19  
DATE

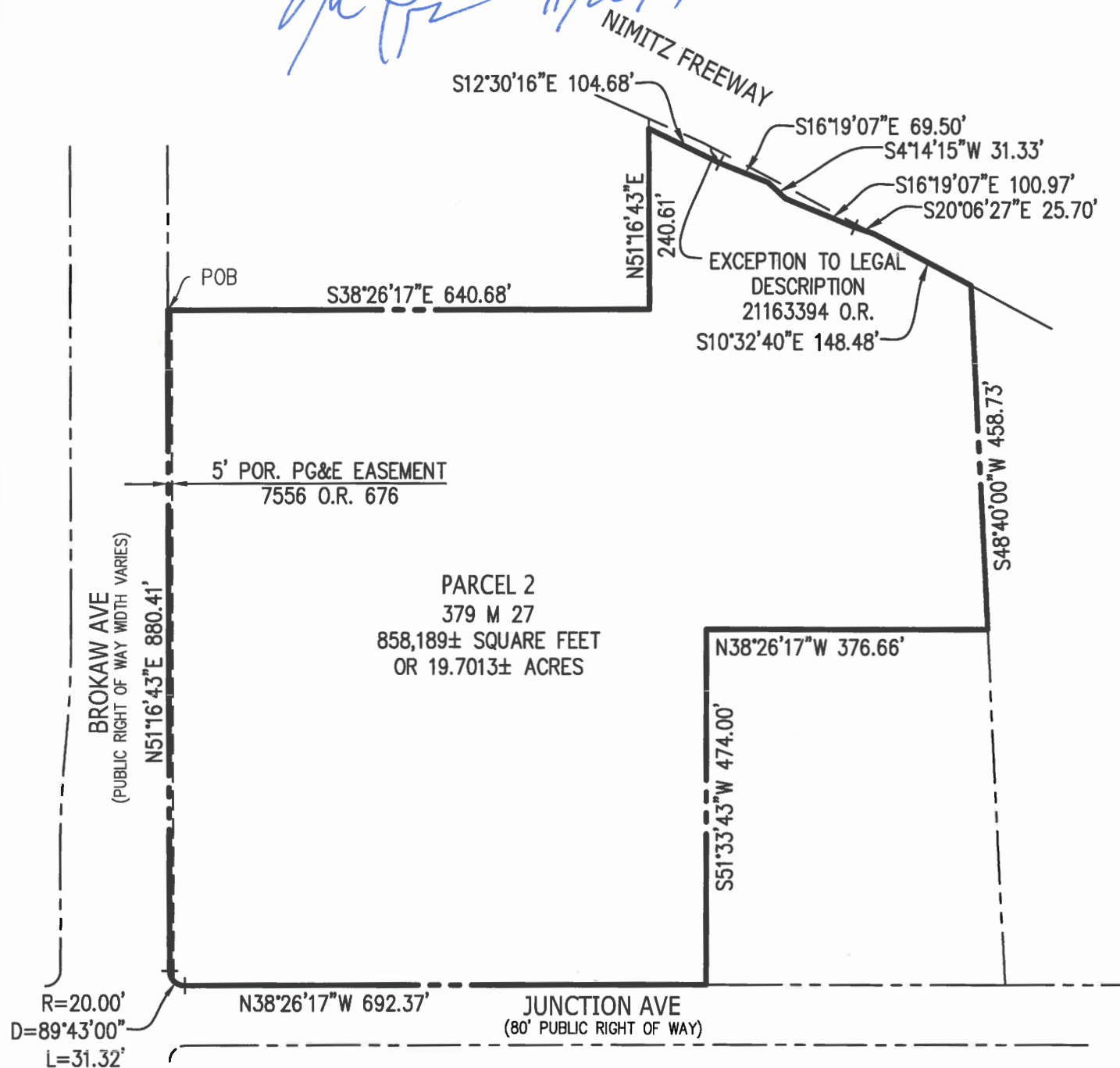


# LEGEND

OR OFFICIAL RECORDS  
 POR. PORTION  
 POB POINT OF BEGINNING  
 M MAPS



0 100' 200' 400'  
 Scale 1" = 200'



## KIER+WRIGHT

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 Livermore, CA 94551

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[www.kierwright.com](http://www.kierwright.com)

EXHIBIT "B"  
 PARCEL 2  
 379 M 27

SAN JOSE,

CALIFORNIA

DATE	NOV., 2019
SCALE	1" = 200'
BY	REG
JOB NO.	A19642
SHEET	1 OF 1