

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.78 GROSS ACRES SITUATED ON THE EAST SIDE OF SEABOARD AVENUE, APPROXIMATELY 200 FEET SOUTHEAST OF WEST TRIMBLE ROAD (2586 SEABOARD AVENUE; APN: 101-01-010) FROM THE LI LIGHT INDUSTRIAL 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 Statement of Exemption was prepared for a rezoning under File No. C20-002, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction or Conversion of Small Structures) was approved by the Director of Planning, Building and Code Enforcement approved on June 25, 2021; 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 Statement of Exemption as the appropriate environmental clearance for the proposed project 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 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. C20-002 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 \_\_\_\_\_, 2021 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

All that certain parcel of land situate in the City of San Jose, County of Santa Clara County, State of California, more particularly described as follows:

Being all of Parcel 10, as shown on the Parcel Map filed on August 13, 1973 in Book 328 of Maps at Page 24, Santa Clara County records, more particularly described as follows:

**BEGINNING** at the most westerly corner of said Parcel 10; thence along the northwesterly line of said Parcel 10, North  $65^{\circ} 25' 26''$  East, 220.44 feet to the most northerly corner of said Parcel 10, said point being the beginning of a non-tangent curve, concave northeasterly, having a radius of 1,150.00 feet, from which the radius point bears North  $69^{\circ} 30' 42''$  East; thence leaving said northwesterly line, along the northeasterly line of said Parcel 10, southeasterly, along said curve, through a central angle of  $08^{\circ} 55' 39''$ , for an arc length of 179.19 feet to the most easterly corner of said Parcel 10; thence leaving said northeasterly line, along the southeasterly line of said Parcel 10, South  $65^{\circ} 25' 26''$  West, 171.59 feet to the most southerly corner of said Parcel 10, said point being the beginning of a non-tangent curve, concave southwesterly, having a radius of 592.00 feet, from which the radius point bears South  $57^{\circ} 35' 34''$  West; thence leaving said southeasterly line, along the southwesterly line of said Parcel 10, the following two (2) courses: 1) northwesterly, along said curve, through a central angle of  $11^{\circ} 21' 39''$ , for an arc length of 117.38 feet and 2) North  $43^{\circ} 46' 05''$  West, 68.88 feet to the **POINT OF BEGINNING**.

Containing an area of 0.78 acres of land, more or less.

END OF DESCRIPTION

This description is based upon the dimensions shown for Parcel 10 as shown on the Parcel Map filed on August 13, 1973 in Book 328 of Maps at Page 24, Santa Clara County records.

Kristina D. Comer

Kristina D. Comerer, PLS 6766

Sept. 2, 2020

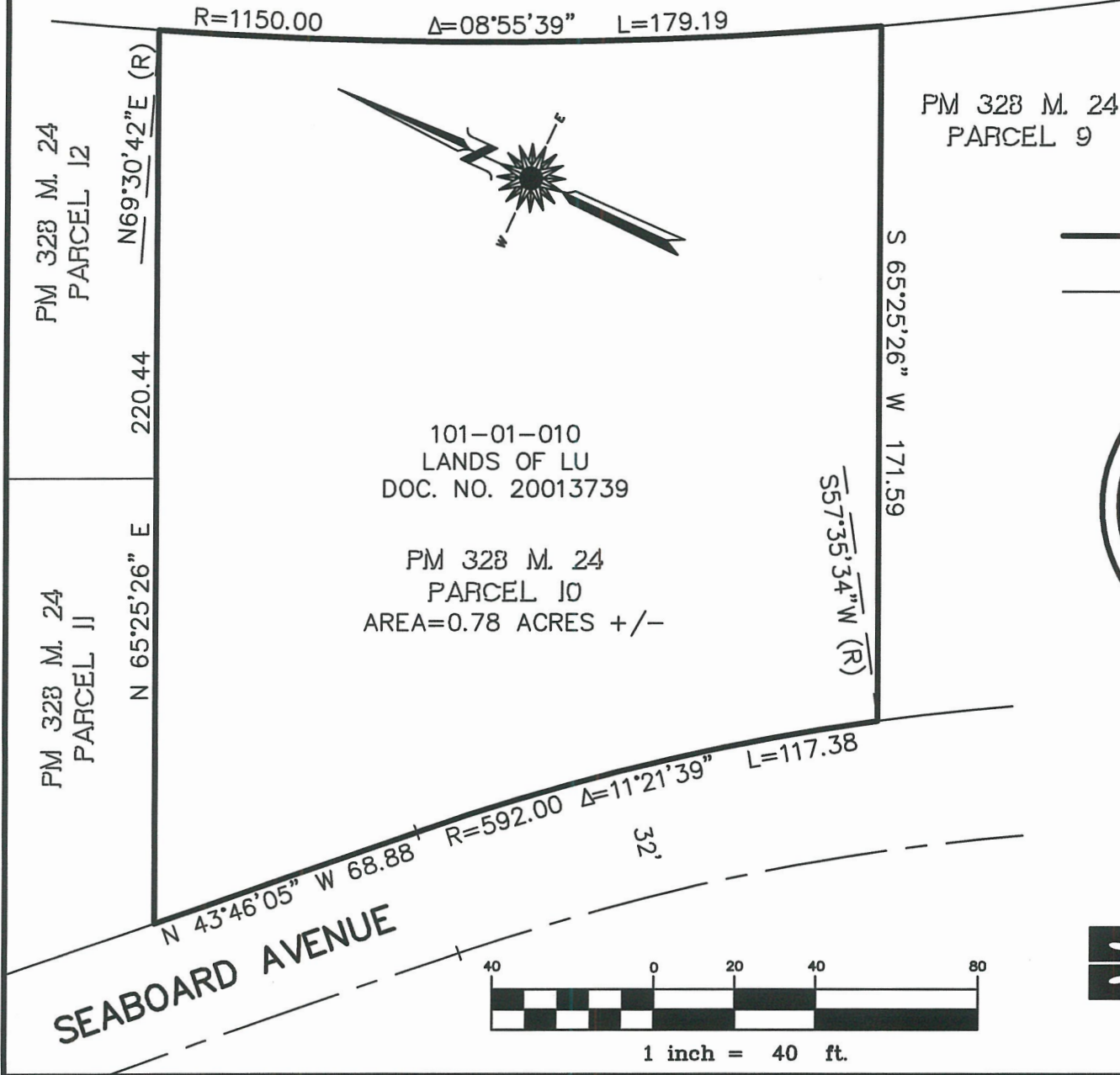
Date:



EXISTING ZONING: LIGHT INDUSTRIAL  
PROPOSED ZONING: COMBINED INDUSTRIAL COMMERCIAL

## GUADALUPE RIVER

**EXHIBIT 'B'**  
**BOUNDARY PLAT**  
**APN 101-01-010**  
**2586 SEABOARD AVENUE**  
**SAN JOSE, CALIFORNIA**  
SCALE: 1" = 40'



### LEGEND

- EXISTING BOUNDARY LINE
- - - - STREET CENTER LINE



*Kristina D. Comerer*  
KRISTINA D. COMERER, PLS 6766  
DATE: Sept. 2, 2020

**CROSS LAND SURVEYING, INC.**  
**2210 MT. PLEASANT ROAD**  
**SAN JOSE, CA 95148**  
**(408) 274-7994**  
PROJECT NO. 19-175



1 inch = 40 ft.