

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTH SIDE OF WEST SAN CARLOS STREET, NORTH OF MORRIS AVENUE AND EAST OF LINCOLN AVENUE, AND ON THE SOUTH SIDE OF PARK AVENUE BETWEEN SUNOL STREET AND MCEVOY STREET IN THE COUNTY OF SANTA CLARA TO CIC COMBINED INDUSTRIAL COMMERCIAL ZONING DISTRICT**

**WHEREAS**, all prezoning 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**, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to the CIC Combined Industrial/Commercial Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject prezoning from unincorporated County to CIC Combined Industrial Commercial Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as CIC Combined Industrial/Commercial Zoning District.

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

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" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. C08-023 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 September, 2009 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

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

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: SUNOL NO. 82

CIC Zoning District

Date: \_\_\_\_\_

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lot 67, and a portion of Lincoln Avenue as shown on the Map showing the Subdivisions of the Rancho De Los Coches recorded on November 6, 1867 in Book A of Maps at Page 47, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations "SW Industrial District", Sunol No. 2, and Sunol No. 17, said property being more particularly described as follows:

Beginning at the intersection of the centerline of San Carlos Street with the centerline of Lincoln Avenue as shown on the Record of Survey recorded on November 21, 1958 in Book 100 of Maps at Page 10-11, Records of Santa Clara County; thence along said centerline of San Carlos Street, N 86°35'00" E 328.00 feet to the general westerly line of said "SW Industrial District"; thence along said general westerly line of SW Industrial District, S 03°23'00" E 485.38 feet to the northerly line of Lot 12 as shown on the Map of the Home Tract "F. Gubbay's Subdivision" recorded on June 11, 1890 in Book E of Maps at Page 17, Records of Santa Clara County, said point being the northeast corner of said Sunol No. 17; thence along the general northerly line of said Sunol No. 17 the following courses:

- Along the northerly line of said Lot 12; the northerly line of Lots 11 and 10 as shown on said Home Tract and the general northerly line of said Sunol No. 17, S 86°35'00" W 108.00 feet to the northeasterly corner of Lot 9 as shown on said Home Tract
- along the easterly line of said Lot 9, S 03°23'00" E 125.00 feet to the southeasterly corner of said Lot 9

EXHIBIT ' \_\_\_\_\_ '

- along the southerly line of said Lot 9 and the southerly line of Lot 3 as shown on said Home Tract, S 86°35'00" W 220.00 feet to said centerline of Lincoln Avenue, said point also being on the easterly line of said Sunol No. 2; thence leaving said general northerly line of said Sunol No. 17, along said centerline of Lincoln Avenue and said easterly line of Sunol No. 2, N 03°23'00" W 610.38 feet to the Point of Beginning.

The described property contains approximately 4.29 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

The above description of real property was prepared by me in conformance with the requirements of Section 8726(g,k,l,m) of the Business and Professions Code of the State of California.



*Patricia A. Cannon* 8/26/09  
Patricia A. Cannon, PLS 8186

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: SUNOL NO. 82

CIC Zoning District

Date: \_\_\_\_\_

All that certain real property situated in the County of Santa Clara, State of California, being a portion of Lots 60 and 61, and a portion of Sunol Street as shown on the Map showing the Subdivisions of the Rancho De Los Coches recorded on November 6, 1867 in Book A of Maps at Page 47, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Sunol No. 46, and Sunol No. 51, said property being more particularly described as follows:

Beginning at the northwesterly corner of Parcel 2 as shown on the Parcel Map recorded on November 22, 1983 in Book 521 of Maps at Page 35, Records of Santa Clara County, said point also being an angle point on the general southerly line of said Sunol No. 51; thence along the westerly line of said Parcel 2 and the general southerly line of Sunol No. 51, S 03°25'00" E 356.69 feet to the southwesterly corner of said Parcel 2; thence along the southerly line of said Parcel 2 and continuing along said general southerly line of Sunol No. 51, N 86°35'00" E 100.00 feet to the westerly line of McEvoy Street (50.00 feet wide) as shown on the Map of the McEvoy Subdivision recorded on July 14, 1891 in Book E of Maps at Page 109, Records of Santa Clara County, said point also being the northwesterly corner of said Sunol No. 46; thence along said westerly line of McEvoy Street and the westerly line of said Sunol No. 46, S 03°37'00" E 214.75 feet to the southeasterly corner of Parcel Two as described in the Grant Deed recorded on November 21, 1997 as Document No. 13948453, Official Records of Santa Clara County; thence leaving said westerly line of Sunol No. 46, along the southerly line of said Parcel Two per Document No. 13948453, S 86°35'00" W 100.00 feet to the westerly boundary line of said McEvoy Subdivision; thence along said westerly line of McEvoy Subdivision,

EXHIBIT ' \_\_\_\_\_ '

N 03°14'43" W 38.80 feet to the easterly projection of the northerly line of the property described in the Trust Transfer Deed recorded on December 18, 2003 as Document No. 17538691, Official Records of Santa Clara County; thence along said northerly line of Document No. 17538691, S 86°43'16" W 383.90 feet to the centerline of said Sunol Street; thence along said centerline of Sunol Street, N 03°08'17" W 540.19 feet to its intersection with the said general southerly line of Sunol No. 51; thence along said general southerly line of Sunol No. 51 the following courses:

- N 86°51'45" E 25.00 feet to the easterly line of Sunol Street as shown on the Record of Survey recorded on February 8, 1968 in Book 233 of Maps at Page 11, Records of Santa Clara County, said point also being the beginning of a non-tangent curve to the right, concave southeasterly, having a radius of 20.00 feet, a radial line to said point bears S 86°51'45" W
- along said curve, through a central angle of 89°43'15", for an arc length of 31.32 feet to a point on the southerly line of Park Avenue as shown on said Record of Survey
- along said southerly line of Park Avenue, N 86°35'00" E 30.38 feet to the beginning of a tangent curve to the right, concave southerly, having a radius of 1142.50 feet
- along said curve, through a central angle of 09°08'38", for an arc length of 182.33 feet to the beginning of a reverse curve to the left, concave northerly, having a radius of 1257.50 feet
- along said curve, through a central angle of 05°47'04", for an arc length of 126.96 feet to the Point of Beginning

EXHIBIT ' \_\_\_\_\_ '

The described property contains approximately 5.34 acres.

This description was prepared from record information only.

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