

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 22.22 GROSS ACRES SITUATED AT THE NORTHEASTERLY CORNER OF MONTAGUE EXPRESSWAY AND SEELY AVENUE (APNS 097-15-033 & 034 & 097-66-004) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO AN IP(PD) PLANNED DEVELOPMENT 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, the approximately 22.22-gross-acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report (“FEIR”) for the 0 Seely Avenue Mixed-Use Project Environmental Impact Report (File No. ER21-028) in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, which evaluated the impact of the demolition of two unoccupied residences, an existing fruit stand, and ancillary structures totaling approximately 19,820 square feet and the removal of 584 trees (261 ordinance-size, and 323 non-ordinance-size, 1,085 replacement trees) for the construction of mixed-use development consisting of 1,472 multifamily residential units, approximately 18,965 square feet of commercial space and a 2.5-acre public park and Saturday construction hours from 8:00 am to 5:00 pm on an approximately 22.22-gross-acre site, which FEIR was certified for and for which findings were adopted by the City Council on August 13, 2024 ; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the IP(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the EIR and related City Council Resolution No. ____ 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 IP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the IP Industrial Park Zoning District. The Planned Development Zoning of the subject property shall be that development plan set for the subject property entitled, "Planned Development Zoning PDC21-035 0 Seely Avenue" dated November 29, 2023 ("General Development Plan").

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. PDC21-035 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 _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



May 22, 2024
 HMH 6006.00.270
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FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel One as described in the Grant Deed recorded March 7, 2018, in Document No. 23882502 of Official Records; all of that parcel of land described in the Grant Deed recorded February 23, 2017, in Document No. 23587813 of Official Records; and a portion of New Parcel One as described in the Grant Deed recorded March 5, 2007, in Document No. 19326908 of Official Records, all of Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel One;

Thence southeasterly, along a curve to the left, having a radius of 1,200.00 feet, whose center bears North 62°27'51" East, through a central angle of 14°20'15" for an arc length of 300.28 feet;

Thence South 42°51'51" East, 50.93 feet;

Thence South 29°20'37" East, 342.00 feet;

Thence South 15°15'22" East, 469.25 feet;

Thence South 25°17'53" East, 349.96 feet;

Thence South 05°06'15" East, 190.80 feet;

Thence South 16°05'50" East, 99.44 feet;

Thence North 43°20'28" East, 79.74 feet;

Thence South 21°03'36" East, 33.27 feet;

Thence South 43°20'28" West, 227.40 feet;

Thence North 46°39'32" West, 30.00 feet;

Thence South 43°20'28" West, 49.66 feet;

Thence southwesterly, along a non-tangent curve to the right, having a radius of 201.86 feet, whose center bears North 37°48'10" West, through a central angle of 10°04'36" for an arc length of 35.50 feet;

Thence along a reverse curve to the left, having a radius of 213.86 feet, through a central angle of 16°02'02" for an arc length of 59.85 feet;

Thence South 46°14'24" West, 120.23 feet;

Thence North 46°41'43" West, 4.00 feet;

Thence South 46°14'54" West, 2.02 feet;

Thence along a tangent curve to the right, having a radius of 40.00 feet, through a central angle of 87°05'32" for an arc length of 60.80 feet;

Thence North 46°39'34" West, 79.50 feet;

Thence along a tangent curve to the right, having a radius of 270.00 feet, through a central angle of 23°01'00" for an arc length of 108.46 feet;

Thence along a reverse curve to the left, having a radius of 330.00 feet, through a central angle of 10°24'39" for an arc length of 59.96 feet;

Thence North 46°41'43" West, a distance of 813.19 feet;

Thence North 43°20'38" East, 803.09 feet;

Thence North 46°35'25" West, 500.00 feet;

Thence North 43°20'38" East, 338.07 feet, to the POINT OF BEGINNING.

Containing 22.88 acres, more or less.


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

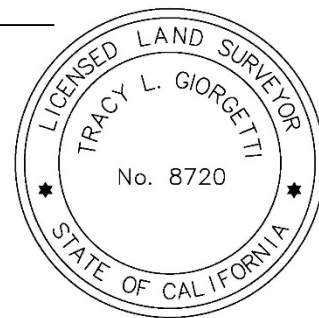
END OF DESCRIPTION

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: 5-22-24


Tracy L. Giorgetti, LS 8720



-EPIC WAY-

POB

N43°20'38"E 338.07'

N62°27'51"E(R)

R=1200.00' L=300.28'
Δ=14°20'15"

N46°35'25"W 500.00'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	201.86'	10°04'36"	35.50'
C2	213.86'	16°02'02"	59.85'
C3	40.00'	87°05'32"	60.80'
C4	270.00'	23°01'00"	108.46'
C5	330.00'	10°24'39"	59.96'

N43°20'38"E 803.09'

PARCEL ONE
DOC 23882502

SEELY AVENUE

N46°41'43"W 813.19'

DOC 23587813



LINE TABLE		
LINE	BEARING	LENGTH
L1	N43°20'28"E	79.74'
L2	S21°03'36"E	33.27'
L3	N46°39'32"W	30.00'
L4	S43°20'28"W	49.66'
L5	S46°14'24"W	120.23'
L6	N46°41'43"W	4.00'
L7	S46°14'54"W	2.02'
L8	N46°39'34"W	79.50'

PORTION OF
NEW PARCEL ONE
DOC 19326908S16°05'50"E S05°06'15"E
99.44' 190.80'

0 100 200

1 IN. = 200 FT.

MONTAGUE EXPRESSWAY

LEGEND

POB POINT OF BEGINNING
(R) RADIAL BEARING

SHEET 1 OF 1

Date: 2024-05-22

Designed: AL

Drawn: RF

Checked: TG

Proj. Engr.: AL

600600PL05



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR REZONING PURPOSES

SAN JOSE

CALIFORNIA