

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 64.59 ACRES SITUATED NORTHWEST OF STATE ROUTE 237 AND MCCARTHY BOULEVARD (1657 ALVISO-MILPITAS ROAD) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE LI LIGHT INDUSTRIAL 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 64.59 gross acre site encompassed by the proposed rezoning was that subject of that certain Draft Environmental Impact Report and First Amendment to the Draft Environmental Impact Report, collectively the Final Environmental Impact Report, for the 237 Industrial Center project (File Numbers C15-054, SP16-053 and V17-004) (“FEIR”), which evaluated the impacts of two development scenarios on a 64.59 gross acre site located northwest of State Route 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road, Assessor’s Parcel Number 015-31-054) that includes: Scenario 1 – Development of approximately 1.2 million square feet of light industrial uses across the entire project site (“Scenario 1”); or Scenario 2 – Development of a data center of up to approximately 436,880 square feet and a PG&E electrical substation on 26.5 acres in Phase 1, and approximately 728,000 square feet of light industrial uses in Phase 2 on the remaining approximately 39 acres (“Scenario 2”), and removal of trees from the site, a reduction in the off-street parking requirements, and 49 acres of off-site improvements, which FEIR was certified and for which findings were adopted by the City Council on October 24, 2017; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the LI Light Industrial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said information contained in the FEIR and related City Council Resolution No. ____ 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 site," is hereby rezoned as LI Light Industrial 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. The land development approval that is the subject of City File No. C15-054 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 _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



September 5, 2017
 HMH 3639.00.150
 Page 1 of 1

EXHIBIT "A"
 DESCRIPTION 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 Certificate of Compliance recorded August 7, 2013, Document # 22333336 in the Official Records of Santa Clara County, described as follows:

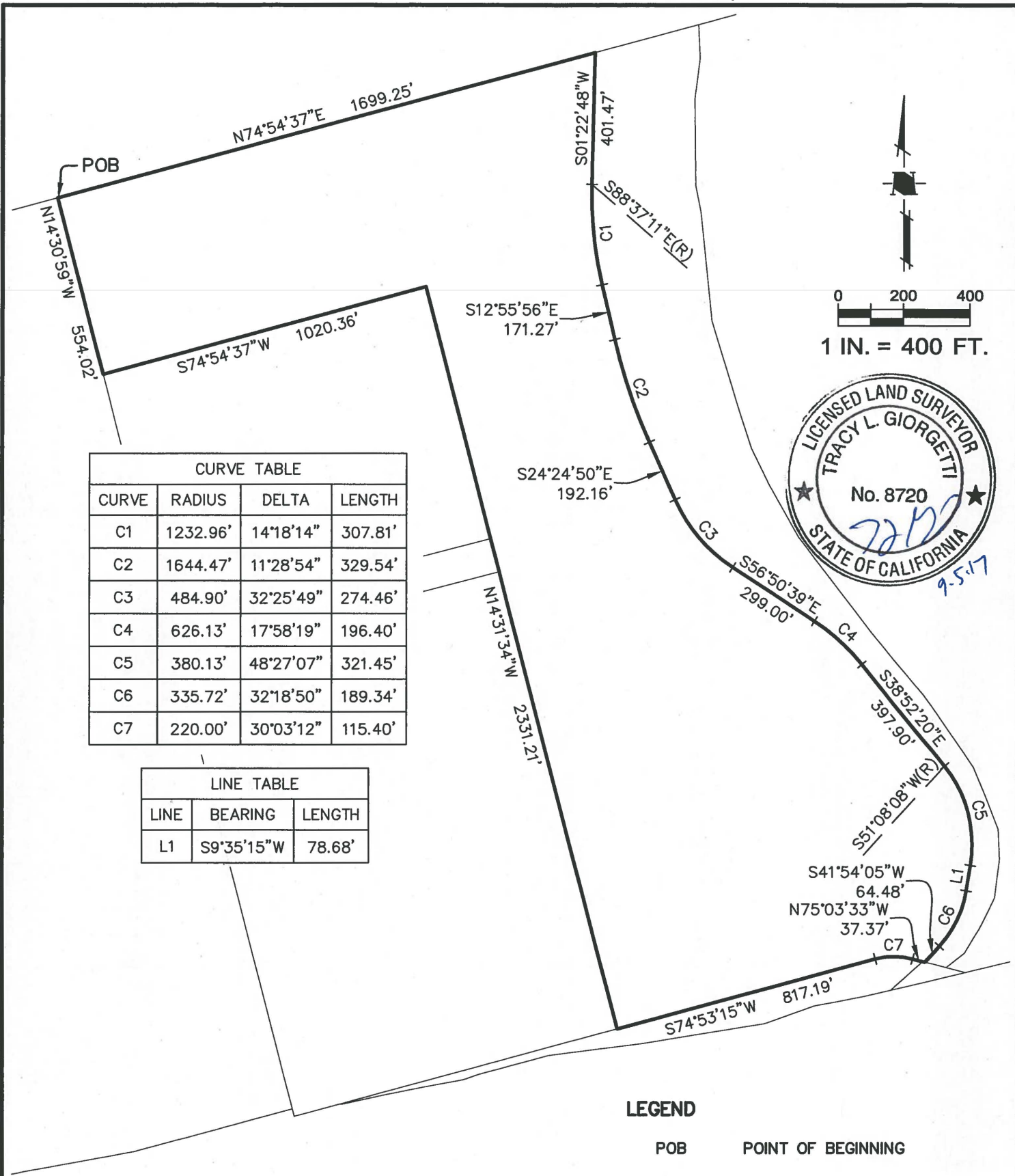
BEGINNING at the northwesterly corner of said Parcel One;

Thence North 74°54'37" East, 1,699.25 feet;
 Thence South 01°22'48" West, 401.47 feet;
 Thence Southerly, along a non-tangent curve to the left, having a radius of 1,232.96 feet, whose center bears South 88°37'11" East, through a central angle of 14°18'14" for an arc length of 307.81 feet;
 Thence South 12°55'56" East, 171.27 feet;
 Thence along a tangent curve to the left, having a radius of 1,644.47 feet, through a central angle of 11°28'54" for an arc length of 329.54 feet;
 Thence South 24°24'50" East, 192.16 feet;
 Thence along a tangent curve to the left, having a radius of 484.90 feet, through a central angle of 32°25'49" for an arc length of 274.46 feet;
 Thence South 56°50'39" East, 299.00 feet;
 Thence along a tangent curve to the right, having a radius of 626.13 feet, through a central angle of 17°58'19" for an arc length of 196.40 feet;
 Thence South 38°52'20" East, 397.90 feet;
 Thence Southerly, along a non-tangent curve to the right, having a radius of 380.13 feet, whose center bears South 51°08'08" West, through a central angle of 48°27'07" for an arc length of 321.45 feet;
 Thence South 09°35'15" West, 78.68 feet;
 Thence along a tangent curve to the right, having a radius of 335.72 feet, through a central angle of 32°18'50" for an arc length of 189.34 feet;
 Thence South 41°54'05" West, 64.48 feet;
 Thence North 75°03'33" West, 37.37 feet;
 Thence along a tangent curve to the left, having a radius of 220.00 feet, through a central angle of 30°03'12" for an arc length of 115.40 feet;
 Thence South 74°53'15" West, 817.19 feet;
 Thence North 14°31'34" West, 2,331.21 feet;
 Thence South 74°54'37" West, 1,020.36 feet;
 Thence North 14°30'59" West, 554.02 feet, to the POINT OF BEGINNING.

Containing 64.59 acres, more or less.



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.



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	1232.96'	14°18'14"	307.81'
C2	1644.47'	11°28'54"	329.54'
C3	484.90'	32°25'49"	274.46'
C4	626.13'	17°58'19"	196.40'
C5	380.13'	48°27'07"	321.45'
C6	335.72'	32°18'50"	189.34'
C7	220.00'	30°03'12"	115.40'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S9°35'15"W	78.68'

LEGEND

POB POINT OF BEGINNING

Date: 09-05-2017
 Designed: -
 Drawn: RF
 Checked: TG
 Proj. Engr.:
 36390



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

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