

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 9.78 GROSS ACRES SITUATED AT THE SOUTHEAST CORNER OF TRADE ZONE BOULEVARD AND RINGWOOD AVENUE (2400 RINGWOOD AVENUE AND 1849 FORTUNE DRIVE) (APNS 244-17-009 & 244-17-014) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE TEC(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 9.78-gross acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report (“FEIR”) for the STACK Trade Zone Park (File Nos. ER22-002) was prepared by the California Energy Commission (CEC) and reviewed by the City of San José as a responsible agency in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, which evaluated the impact of the demolition of two buildings totaling approximately 135,000 square feet and the removal of 156 trees (101 ordinance-size and 55 non-ordinance-size) with 47 replacement trees for the construction of two data centers totaling approximately 522,194 square feet, one approximately 136,573-square-foot manufacturing building, an approximately 150,000-square-foot 300-stall parking structure, an electrical substation, and 39 backup generators with an approximately 32% parking reduction, which FEIR was certified for and for which findings were adopted by the City Council as a responsible agency and decision-making body on _____, 2023; and

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

WHEREAS, this Council of the City of San José has considered, approved, and adopted said FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] prior to taking any approval actions on this project; 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 TEC(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the TEC Transit Employment Center Zoning District. The Planned Development Zoning of the subject property shall be that development plan set for the subject property entitled, "Stack SVY L1/L2 Planned Development Rezoning Application" last revised October 25, 2022 ("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. PDC22-001 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
VESTING PARCEL MAP T22-002
LEGAL DESCRIPTION
FOR PLANNING PURPOSES ONLY

PARCEL 1

PARCEL B, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "PARCEL MAP", IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, FILED FOR RECORD ON SEPTEMBER 10, 1981 IN BOOK 489 OF MAPS, AT PAGE 43, TOGETHER WITH PARCEL 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP", IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, FILED FOR RECORD ON JULY 28, 1983 IN BOOK 515 OF MAPS, AT PAGE 24, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF TRADE ZONE BOULEVARD, A 53.00 FOOT WIDE HALF-STREET; THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

- 1.) SOUTH 03°23'21" EAST 349.77 FEET;
- 2.) THENCE SOUTH 86°36'39" WEST 358.42 FEET;
- 3.) THENCE SOUTH 03°23'21" EAST 31.40 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2, SAID CORNER ALSO BEING A POINT ON THE NORTHERLY LINE OF SAID PARCEL B;

THENCE ALONG SAID NORTHERLY LINE NORTH 86°36'39" EAST 17.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL B;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL B SOUTH 03°23'21" EAST 462.07 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL B, SAID CORNER BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FORTUNE DRIVE, A 40.00 FOOT WIDE HALF-STREET;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL B AND SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 86°36'39" WEST 347.03 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE WESTERLY LINE OF SAID PARCEL B AND SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:

- 1.) NORTH 03°23'21" WEST 634.02 FEET;
- 2.) THENCE SOUTH 86°36'39" WEST 30.00 FEET;
- 3.) THENCE NORTH 03°23'21" WEST 13.04 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF RINGWOOD AVENUE, A 40.00 FEET WIDE HALF-STREET, SAID RIGHT-OF-WAY LINE ALSO BEING A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, AND HAVING A RADIUS OF 540.00 FEET, A RADIAL LINE TO SAID CURVE HAVING A BEARING OF NORTH 43°57'16" WEST;

EXHIBIT "A"
VESTING PARCEL MAP T22-002
LEGAL DESCRIPTION
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THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL B AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1.) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°26'35", AN ARC DISTANCE OF 296.34 FEET TO A REVERSE CURVE, CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 50.00 FEET, A RADIAL LINE TO SAID CURVE THAT BEARS NORTH 75°23'51" EAST;
- 2.) THENCE NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°13'12", AN ARC DISTANCE OF 70.88 FEET TO A POINT OF TANGENCY WITH THE NORTHEASTERLY LINE OF SAID PARCEL 2, SAID NORTHEASTERLY LINE ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID TRADE ZONE BOULEVARD;

THENCE ALONG SOUTH NORTHEASTERLY LINE AND SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 84°10'39" EAST 507.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED PARCEL CONTAINS 9.78 ACRES, MORE OR LESS.

AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS-OF-WAY, AND OTHER MATTERS OF RECORD, IF ANY.

PREPARED BY ME OR UNDER MY DIRECTION
ON APRIL 5, 2023.



PETER E. WEILBACHER, PLS 8403

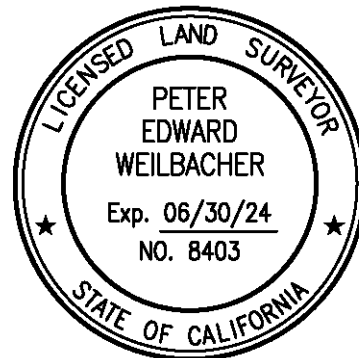
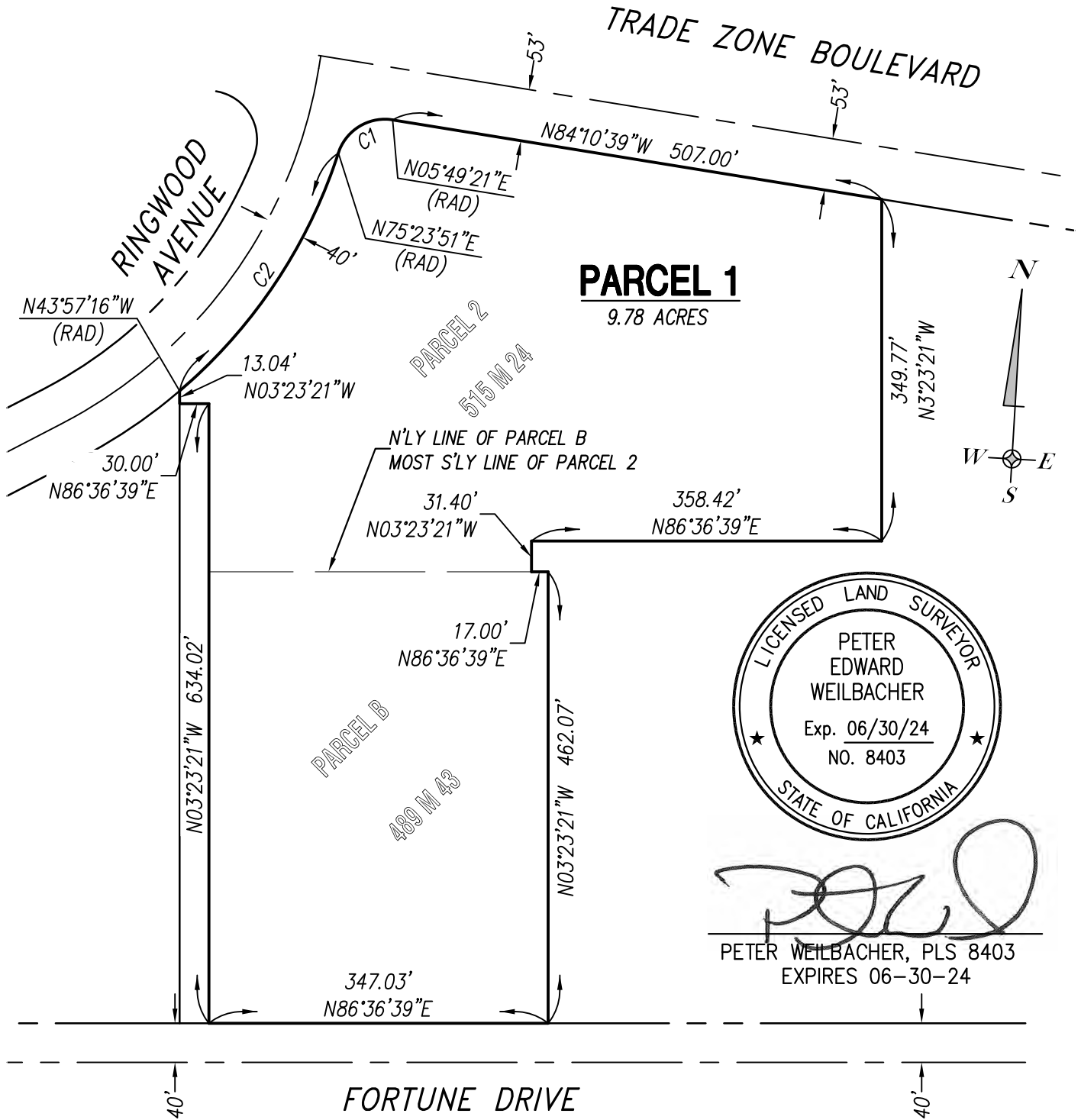


EXHIBIT "B"

PROPOSED PARCEL EXHIBIT



NOTES

SEE SHEET 2 FOR CURVE TABLE, LEGEND, AND BASIS OF BEARINGS STATEMENT.

FOR PLANNING PURPOSES ONLY

DATE: 04/05/2023



PBLA SURVEYING, INC.
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 981 CORPORATE CENTER DR., STE 168
 POMONA, CALIF. 91768
 (888) 714-9642 PH • (714) 389-9191 FAX

EXHIBIT "B"

PROPOSED PARCEL EXHIBIT

<i>CURVE TABLE</i>			
<i>CURVE</i>	<i>RADIUS</i>	<i>LENGTH</i>	<i>DELTA</i>
<i>C1</i>	<i>50.00'</i>	<i>70.88'</i>	<i>081°13'12"</i>
<i>C2</i>	<i>540.00'</i>	<i>296.34'</i>	<i>031°26'35"</i>

BASIS OF BEARINGS

THE BEARING NORTH 86°36'29" EAST, BEING THE CENTERLINE OF FORTUNE AVENUE, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 916 OF MAPS AT PAGE 43, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- DISTINCTIVE BOUNDARY LINE
- — — — — RIGHT OF WAY
- EXISTING PROPERTY LINE
- — — — — HISTORIC LOT LINE
- — — — — CENTERLINE

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