

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 63 GROSS ACRES SITUATED AT THE TERMINUS OF AMERICA CENTER DRIVE, (APNs: 015-45-013, 024, 032, 048, 049, 050, 051, 051, 052, & 053) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(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, a Subsequent Environmental Impact Report (SEIR) to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR certified by the City Council on February 15, 2000, by Resolution No. 69392 all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the City Council for the subject rezoning; and

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

WHEREAS, this Council of the City of San José has considered and approves the application and use of said SEIR and related Mitigation Monitoring and Reporting Program as the appropriate environmental clearance for this proposed project prior to taking any approval actions on this project;

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 as A(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the Agricultural Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Exhibit C, dated received on December 20, 2017 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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. PDC15-058 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

PARCEL A

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEING ALL OF PARCEL A OF LOT LINE ADJUSTMENT FILE NO. AT12-006, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED APRIL 30, 2012 AS DOCUMENT NO. 21644398, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

AND, TOGETHER WITH, THE FOLLOWING AREAS:

TRANSFER PARCEL 1:

BEING A PORTION OF PARCEL D, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL D;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL D, NORTH 3° 53' 26" EAST, 30.00 FEET;

THENCE SOUTH 85° 02' 36" EAST, 34.51 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL D;

THENCE ALONG SAID SOUTHERLY LINE, SOUTH 53° 29' 51" WEST, 45.31 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 3:

BEING A PORTION OF PARCEL B, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE MOST EASTERLY COMMON CORNER OF SAID PARCELS A & D;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL D, NORTH 36° 30' 09" WEST, 42.55 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 53° 29' 51" EAST, 315.95 FEET;

THENCE SOUTH 36° 30' 09" EAST, 1.56 FEET TO THE SOUTHERLY LINE OF SAID PARCEL B;

THENCE ALONG SAID SOUTH LINE, SOUTH 53° 29' 51" WEST, 315.95 FEET TO SAID EASTERLY LINE;

THENCE ALONG SAID EASTERLY LINE, NORTH 36° 30' 09" WEST, 1.56 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 5:

BEING A PORTION OF PARCEL B, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY COMMON CORNER OF SAID PARCELS A & B;

LEGAL DESCRIPTION

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL B, SOUTH 53° 29' 51" WEST, 63.00 FEET;

THENCE NORTH 36° 30' 09" WEST, 67.32 FEET;

THENCE NORTH 53° 29' 51" EAST, 31.49 FEET;

THENCE NORTH 36° 30' 09" WEST, 2.11 FEET;

THENCE NORTH 53° 29' 51" EAST, 31.51 FEET;

THENCE SOUTH 36° 30' 09" EAST, 69.43 FEET TO THE POINT OF BEGINNING.

AND, EXCEPTING THEREFROM, THE FOLLOWING AREAS:

TRANSFER PARCEL 2:

BEING A PORTION OF PARCEL A, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF SAID PARCEL D;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL D, NORTH 53° 29' 51" EAST, 45.31 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, NORTH 53° 29' 51" EAST, 40.70 FEET;

THENCE SOUTH 48° 57' 14" WEST, 37.46 FEET;

THENCE NORTH 85° 02' 36" WEST, 4.48 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 4:

BEING A PORTION OF PARCEL A, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LOTS ONE AND FOUR, BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS "N 36° 30' 09" W 71.76 FEET" AS SAID LOTS AND COURSE ARE SHOWN ON THAT TRACT MAP NO. 10003, FILED FOR RECORD ON DECEMBER 22, 2008 IN BOOK 829 OF MAPS AT PAGES 39 THROUGH 45, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT ONE AND ALSO BEING THE NORTHERLY LINE OF SAID PARCEL A, NORTH 36° 30' 09" WEST, 71.77 FEET;

THENCE SOUTH 53° 29' 51" WEST, 5.08 FEET;

THENCE SOUTH 36° 30' 09" EAST, 71.99 FEET;

LEGAL DESCRIPTION

THENCE NORTH 53° 29' 51" EAST, 308.27;

THENCE NORTH 36° 30' 09" WEST, 0.23 FEET;

THENCE SOUTH 53° 29' 51" WEST, 303.20 FEET TO THE POINT OF BEGINNING.

ALSO SHOWN AS "NEW PARCEL A" AS SAID PARCEL IS SHOWN IN THAT CERTAIN LOT LINE ADJUSTMENT PERMIT NO. AT15-046, RECORDED JANUARY 8, 2016, AS DOCUMENT NO. 23192480 OF OFFICIAL RECORDS OF SANTA CLARA COUNTY.

APN 015-45-049, 050

LEGAL DESCRIPTION

PARCEL C

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEING ALL OF PARCEL C OF LOT LINE ADJUSTMENT FILE NO. AT12-006, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED APRIL 30, 2012 AS DOCUMENT NO. 21644398, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

AND, TOGETHER WITH, THE FOLLOWING AREAS:

TRANSFER PARCEL 7:

BEING A PORTION OF PARCEL B, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY COMMON CORNER OF SAID PARCELS B & C;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL C, SOUTH 36° 30' 09" EAST, 163.00 FEET;

THENCE SOUTH 53° 29' 51" WEST, 65.70 FEET;

THENCE NORTH 36° 30' 09" WEST, 163.00 FEET TO A POINT ON SAID SOUTHERLY LINE;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 53° 29' 51" EAST, 65.70 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 8:

BEING A PORTION OF PARCEL B, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER OF PARCEL B AND C, BEING THE SOUTH EASTERLY CORNER OF SAID PARCELS C;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL C, NORTH 36° 30' 09" WEST, 22.26 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 53° 29' 51" EAST, 4.95 FEET;

THENCE NORTH 36° 30' 09" WEST, 509.66 FEET;

THENCE SOUTH 2° 45' 09" EAST, 8.92 FEET;

THENCE SOUTH 36° 30' 09" EAST, 502.25 FEET TO THE POINT OF BEGINNING.

AND, EXCEPTING THEREFROM, THE FOLLOWING AREAS:

TRANSFER PARCEL 6:

LEGAL DESCRIPTION

BEING A PORTION OF PARCEL C, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL C;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL C, SOUTH 53° 29' 51" WEST, 196.09 FEET;

THENCE NORTH 36° 30' 09" WEST, 2.34 FEET;

THENCE NORTH 53° 29' 51" EAST, 192.47 FEET;

THENCE NORTH 36° 30' 09" WEST, 19.91 FEET;

THENCE NORTH 53° 29' 51" EAST, 3.61 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL C;

THENCE ALONG SAID EASTERLY LINE, SOUTH 36° 30' 09" EAST, 22.26 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 9:

BEING A PORTION OF PARCEL C, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL D;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL D, SOUTH 36° 30' 09" EAST, 35.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 53° 29' 51" EAST, 4.04 FEET;

THENCE SOUTH 36° 30' 09" EAST, 121.50 FEET;

THENCE SOUTH 53° 29' 51" WEST, 4.04 FEET TO A POINT ON SAID EASTERLY LINE;

THENCE ALONG SAID EASTERLY LINE, NORTH 36° 30' 09" WEST, 121.50 FEET TO THE POINT OF BEGINNING.

TRANSFER PARCEL 10:

BEING A PORTION OF PARCEL C, AS SAID PARCEL IS DESCRIBED IN SAID GRANT DEED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY COMMON CORNER OF SAID PARCELS C & D;

THENCE ALONG THE NORTHERLY OF SAID PARCEL C, NORTH 36° 30' 09" WEST, 53.25 FEET;

THENCE NORTH 53° 29' 51" EAST, 30.04 FEET;

LEGAL DESCRIPTION

THENCE SOUTH 36° 30' 09" EAST, 53.25 FEET;

THENCE SOUTH 53° 29' 51" WEST, 30.04 FEET TO THE POINT OF BEGINNING.

ALSO SHOWN AS "NEW PARCEL C" AS SAID PARCEL IS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT PERMIT NO. AT15-046 RECORDED JANUARY 8, 2016 AS INSTRUMENT NO. 23192480 OF OFFICIAL RECORDS OF SANTA CLARA COUNTY.

APN 015-45-052

Ai

250 Dollar Street
San Francisco, CA 94102
Phone: 415 955 1900
Fax: 415 955 1915

LANDSCAPE ARCHITECTURE

Peter Walker and Partners
Landscape Architecture
729 Mission Street
Berkeley, CA 94710
Phone: 510 849 9844
Fax: 510 849 9333

PLANNING

Brian Kargas Fouk
505 Third Avenue
Redwood City, CA 94063
Phone: 650 482 6300
Fax: 650 482 6399

ENGINEERING SERVICES

Emcon
1921 Ringwood Avenue
San Jose, CA 95131-7121
Phone: 408 453 7300
Fax: 408 437 9526

STRUCTURAL ENGINEERING

Treadwell+Rollo
505 Montgomery Street, Suite 1200
San Francisco, CA 94111
Phone: 415 955 9040
Fax: 415 955 9041

MECHANICAL, ELECTRICAL, PLUMBING ENGINEERING

Alla Tech
97 E. Broken Road, Suite 300
San Jose, CA 95128-1032
Phone: 408 436 6900
Fax: 408 436 1311

TRAIL CONSULTANT

Korva Engineering
1570 The Alameda, Suite 202
San Jose, CA 95128
Phone: 408 258 2529
Fax: 408 258 2570

CONSTRUCTION SERVICES

Middlebrook + Louie
71 Stevenson Street, Suite 210
San Francisco, CA 94105
Phone: 415 546 4900
Fax: 415 514 3880

REAL ESTATE

LEGACY PARTNERS

101 Lincoln Center Drive
Foster City, CA 94404
Phone: 650 371 2200
Fax: 650 373 9824

The Enterprise Group
651 125 Avenue
San Francisco, CA 94118
Phone: 415 221 2534
Fax: 415 221 2548

CLIENT

LEGACY TERRACE SITE DEVELOPMENT

CITY OF SAN JOSE
CALIFORNIA

DATE

Site Map

GENERAL DEVELOPMENT PLAN - EXHIBIT C



DATE

1" = 100'-0"

DATE

July 14, 1999

4

LEGEND
 Proposed Five Foot Contour Interval
 Existing Contours

0 50 100 200 300



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