

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 14.0-GROSS ACRES SITUATED ON THE SOUTHWEST CORNER OF WEST TRIMBLE ROAD AND ORCHARD PARKWAY (370 WEST TRIMBLE ROAD) FROM THE IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE 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 ("Subject Property"); and

**WHEREAS**, an Addendum to the Final Program Environmental Impact Report (EIR) for the North San José Development Policies Update certified by the City Council on June 21, 2005 by Resolution No. 72768, the Final Program EIR for the Envision San José 2040 General Plan certified by the City Council on November 11, 2011 by Resolution No. 76041, and the Supplemental EIR for the Envision San José 2040 General Plan certified by the City Council on December 15, 2015 by Resolution No. 77617, and Addenda thereto, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Planning Director on December 8, 2017, 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 IP(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 Addendum as the appropriate environmental clearance for the proposed project prior to taking any approval actions on the 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 IP(PD) Planned Development Zoning District. The base zoning district 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 for the subject property entitled, "350/370 West Trimble Road Planned Development Rezoning, dated September 22, 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 and depicted in Exhibit "A" 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. PDC17-026 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:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**

**Legal Description**

All that certain Real Property in the City of San Jose, County of Santa Clara, State of California, described as follows:

**PARCEL ONE:**

All of Parcel 1, as shown upon that certain Map entitled, "Parcel Map", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on September 17, 2007 in Book 818 of Maps, at pages 19, 20 and 21.

**PARCEL TWO:**

A non-exclusive easement for Private Utility Purposes as granted in that certain "Easement Agreement (Telecommunications)" recorded February 13, 2001 as Instrument No. 15558029, Santa Clara County Official Records, being more particularly described as follows:

Being a portion of that 39.939 Acre Parcel, as said Parcel is shown on that certain Record of Survey Map filed for Record on October 6, 1976, In Book 381 of Maps, at Pages 19 through 23, Santa Clara County Records, said portion being a 20.00 feet wide strip of land for Private Utility Easement Purposes, the centerline of which being more particularly described as follows:

Commencing at the point of intersection of the Centerline of North First Street with the Northeasterly prolongation of the Northerly line of said 39.939 Acre Parcel, said Northerly line also being the Southerly line of Parcel "D", as said Parcel is shown on that certain Parcel Map filed for Record on March 28, 1978, in Book 415 of Maps, at Pages 40 and 41, Santa Clara County Records; said point of intersection bearing North 43 deg. 13' 51" East and 80.11 feet distant along said prolongation line from the most Easterly corner of said Parcel "D", as delineated on said Parcel Map; thence Southerly along said centerline South 30 deg. 45' 42" East, 99.01 feet; thence leaving said centerline South 59 deg. 14' 18" West, 71.61 feet to a point on the Westerly right of way line of North First Street, said point being the True Point of Beginning.

Thence from said True Point of Beginning, South 48 deg. 52' 01" West, 269.79 feet to the Beginning of a tangent curve to the left;

Thence along the arc of said curve having a radius of 915.50 feet, through a central angle of 5 deg. 38' 10", for a distance of 90.06 feet to a tangent line;

Thence along said tangent line South 43 deg. 13' 51" West, 1351.98 feet to the Point of Termination, said Point of Termination being on the Northeasterly right of way of the future extension of Orchard Parkway.

The sidelines of the herein described 20 feet wide strip to be lengthened or shortened to intersect with the aforesaid Westerly right of way line at the beginning, and with said future Northeasterly right of way line at the termination.

## PARCEL THREE:

A non-exclusive 15-foot wide easement for Private Utility Purposes as granted in that certain "Easement Agreement (Substation)" recorded February 13, 2001 as Instrument No. 15558030, Santa Clara County Official Records, being more particularly described as follows:

Being a portion of Parcel "D", as said Parcel is shown on that certain Parcel Map filed for Record on March 28, 1978, in Book 415 of Maps, at Pages 40 and 41, Santa Clara County Records, said portion being a 15.00 foot wide strip of land for Private Utility Easement Purposes, the centerline of which being more particularly described as follows:

Commencing at an angle point in the boundary common to Parcels "A" and "D" as shown on said Parcel Map, said angle point being at the Northwestern terminus of a course in said common boundary having a bearing of North 46 deg. 46' 09" West and a distance of 233.00 feet as shown on said Parcel Map; thence proceeding Southeasterly along said course, South 46 deg. 46' 09" East 52.91 feet; thence leaving said common boundary along a line perpendicular to said course, South 43 deg. 13' 51" West 7.50 feet to the True Point of Beginning.

Thence from said True Point of Beginning, along a line parallel with, and 7.50 feet distant by right angle measurement, from said common boundary course, North 46 deg. 46' 09" West 36.76 feet;

Thence along the following six (6) courses:

North 89 deg. 01' 08" West, 183.91 feet;

South 87 deg. 11' 13" West, 201.42 feet;

North 84 deg. 34' 12" West, 72.48 feet;

North 59 deg. 35' 26" West, 59.47 feet;

North 30 deg. 46' 57" West, 210.43 feet;

South 73 deg. 59' 24" West, 184.49 feet;

Thence South 82 deg. 12' 14" West, 108.46 feet to the point of termination on the Southerly prolongation of the East right of way line of Orchard Parkway (100 feet wide) as said Right of Way is described in that document Recorded October 18, 1999 as Instrument No. 15021133, Official Records, Santa Clara County.

The sidelines of the herein described 15 feet wide strip to be lengthened or shortened to intersect with the aforesaid perpendicular line at the beginning, and with said prolonged right of way line at the termination:

APN: 101-02-013 and 101-020-014