

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 11.19  
GROSS ACRES SITUATED ON THE NORTH SIDE OF  
MONTAGUE EXPRESSWAY APPROXIMATELY 640 FEET  
WEST OF NORTH FIRST STREET (0 MONTAGUE  
EXPRESSWAY) (APN: 097-06-055) FROM THE A(PD) P  
LANNED DEVELOPMENT ZONING DISTRICT TO THE IP  
INDUSTRIAL PARK 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**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, 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; and

**WHEREAS**, pursuant to Senate Bill 330, the proposed rezoning (File No. C21-006) does reduce the intensity of residential uses because the proposed rezoning does not allow for greater residential density than the existing A(PD) Planned Development Zoning District (File PDC05-099); the rezoning would decrease the residential capacity by 575 units, and further, this rezoning, if approved concurrently with File No. C21-005, would offset reduced intensity of residential capacity for the proposed project under File No. C21-006, resulting in no net loss of residential capacity; and approval of both rezonings would result in a net increase in residential capacity of 69 units;

**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 Industrial Park 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.** Any land development approval that is the subject of City File No. C21-006 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 \_\_\_\_\_, 2021 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

Date: February 12, 2021

Job No: A20153

PAGE 1 OF 1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LANDS OF SK HYNIX AMERICA INC.**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED ON NOVEMBER 28, 2018, AS INSTRUMENT NO. 24070566, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


**BEGINNING** AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND, THENCE ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID PARCEL, THE FOLLOWING ELEVEN (11) COURSES:

1. SOUTH 64° 58' 34" WEST, 80.00 FEET,
2. ALONG THE ARC OF A 40.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WHOSE CENTER POINT BEARS SOUTH 64° 58' 34" WEST, THROUGH A CENTRAL ANGLE OF 90° 00' 00", AN ARC DISTANCE OF 62.83 FEET,
3. SOUTH 64° 58' 34" WEST, 439.53 FEET,
4. NORTH 25° 01' 26" WEST, 100.00 FEET,
5. SOUTH 64° 58' 34" WEST, 115.52 FEET,
6. ALONG THE ARC OF A 1330.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WHOSE CENTER POINT BEARS NORTH 59° 43' 35" EAST, THROUGH A CENTRAL ANGLE OF 05° 38' 06", AN ARC DISTANCE OF 130.81 FEET,
7. NORTH 03° 01' 10" WEST, 2.78 FEET,
8. NORTH 33° 18' 10" WEST, 6.58 FEET,
9. ALONG THE ARC OF A 1330.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, WHOSE CENTER POINT BEARS NORTH 65° 45' 11" EAST, THROUGH A CENTRAL ANGLE OF 24° 50' 50", AN ARC DISTANCE OF 576.78 FEET,
10. NORTH 59° 59' 42" EAST, 482.38 FEET,
11. SOUTH 29° 58' 47" EAST, 801.75 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 487,229 SQUARE FEET OR 11.1852 ACRES OF LAND, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART OF.

**DESCRIPTION PREPARED BY KIER & WRIGHT CIVIL ENGINEERS AND SURVEYORS, INC.**

  
\_\_\_\_\_  
RODNEY A STEWART II, LS 9225

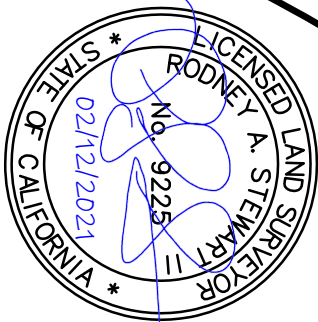
02/12/2021

\_\_\_\_\_  
DATE



Z:\2020\A20153\DWG\SURVEY\PLATS\A20153-PLAT-RE-ZONE.dwg 2-12-21 04:32:36 PM rstewart

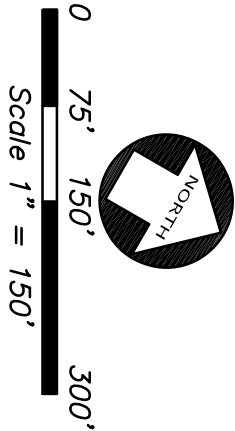
S59°59'42"W 482.38'



LANDS OF SK HYNIX  
AMERICA INC.  
24070566 OR  
(APN 097-06-055)  
487,229± SF  
(11.1852± ACRES)

N29°58'47"W 801.75'

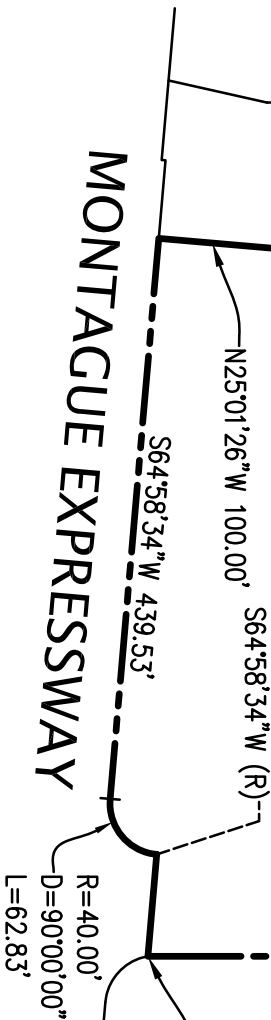
LANDS OF HYNIX  
SEMICONDUCTOR AMERICA INC.  
PARCEL ONE, 21136496 OR  
(APN 097-06-047)



LANDS OF HYNIX  
SEMICONDUCTOR AMERICA INC.  
PARCEL TWO, 21136496 OR  
(APN 097-06-060)

LEGEND

APN ASSESSORS PARCEL NUMBER  
OR OFFICIAL RECORDS  
(R) RADIAL BEARING  
SF SQUARE FEET



MONTAGUE EXPRESSWAY

NORTH FIRST STREET



KIER+WRIGHT

3350 Scott Boulevard, Building 22  
Santa Clara, California 95054

Phone: (408) 727-6665  
www.kierwright.com

SAN JOSE,

LANDS OF SK HYNIX AMERICA INC.

EXHIBIT "B"

CALIFORNIA

DATE	FEBRUARY 2021
SCALE	1" = 150'
BY	RAS II
JOB NO.	A20153
SHEET	1 OF 1

# Parcel Map Check Report

**Client:**

Client

Client Company

Address 1

Date: 2/12/2021 4:27:27 PM

**Prepared by:**

Rodney A Stewart II, LS 9225

Kier &amp; Wright Civil Engineers &amp; Surveyors, Inc.

3350 Scott Blvd, Bldg 22, Santa Clara, CA 95054

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Parcel Name: CLOSURE-BNDRY - LANDS OF SK HYNIX AMERICA INC.

## Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 6,056.0469'

East: 3,778.8663'

## Segment# 1: Line

Course: S29°58'47"E

Length: 801.75'

North: 5,361.5692'

East: 4,179.4955'

## Segment# 2: Line

Course: S64°58'34"W

Length: 80.00'

North: 5,327.7295'

East: 4,107.0050'

## Segment# 3: Curve

Length: 62.83'

Radius: 40.00'

Delta: 90°00'00"

Tangent: 40.00'

Chord: 56.57'

Course: S19°58'34"W

Course In: S64°58'34"W

Course Out: S25°01'26"E

RP North: 5,310.8097'

East: 4,070.7597'

End North: 5,274.5644'

East: 4,087.6796'

## Segment# 4: Line

Course: S64°58'34"W

Length: 439.53'

North: 5,088.6450'

East: 3,689.4076'

## Segment# 5: Line

Course: N25°01'26"W

Length: 100.00'

North: 5,179.2581'

East: 3,647.1080'

## Segment# 6: Line

Course: S64°58'34"W

Length: 115.52'

North: 5,130.3936'

East: 3,542.4317'

## Segment# 7: Curve

Length: 130.81'

Radius: 1,330.00'

Delta: 5°38'06"  
Chord: 130.75'  
Course In: N59°43'35"E  
RP North: 5,800.8864'  
End North: 5,246.4181'

Tangent: 65.46'  
Course: N27°27'22"W  
Course Out: S65°21'41"W  
East: 4,691.0567'  
East: 3,482.1460'

Segment# 8: Line

Course: N3°01'10"W  
North: 5,249.1943'

Length: 2.78'  
East: 3,481.9996'

Segment# 9: Line

Course: N33°18'10"W  
North: 5,254.6937'

Length: 6.58'  
East: 3,478.3868'

Segment# 10: Curve

Length: 576.78'  
Delta: 24°50'50"  
Chord: 572.27'  
Course In: N65°45'11"E  
RP North: 5,800.8851'  
End North: 5,814.8190'

Radius: 1,330.00'  
Tangent: 292.99'  
Course: N11°49'24"W  
Course Out: N89°23'59"W  
East: 4,691.0594'  
East: 3,361.1324'

Segment# 11: Line

Course: N59°59'42"E  
North: 6,056.0455'

Length: 482.38'  
East: 3,778.8647'

Perimeter: 2,798.96'  
Error Closure: 0.0021  
Error North : -0.00144

Area: 487,229.03Sq.Ft.  
Course: S47°38'48"W  
East: -0.00158

Precision 1: 1,332,838.10