

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 7.22
GROSS ACRES SITUATED ON THE NORTHWEST
CORNER OF METRO DRIVE AND NORTH FIRST STREET
(25, 101, & 181 METRO DRIVE) (APN: 230-29-084) FROM
THE A(PD) ZONING DISTRICT (FILE NO. PDC84-076) 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.

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 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. C19-035 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



September 24, 2019
HMH 5292.00.270
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EXHIBIT "A"
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 5 as shown on that certain Parcel Map filed for record on December 29, 1977 in Book 410 of Maps, page 17, in the Official Records of Santa Clara County, described as follows:

BEGINNING at the northerly corner of said Parcel 5, being on the southwesterly line of North First Street;

Thence along said southwesterly line the following two courses:

1. Thence South $29^{\circ}50'31''$ East, 239.89 feet;
2. Thence along a tangent curve to the right, having a radius of 50.00 feet, through a central angle of $89^{\circ}46'43''$ for an arc length of 78.35 feet, to the northwesterly line of Metro Drive (formerly Odell Drive);

Thence along said northwesterly line the following two courses:

1. Thence South $59^{\circ}56'12''$ West, 1,009.84 feet;
2. Thence along a tangent curve to the right, having a radius of 20.00 feet, through a central angle of $90^{\circ}14'19''$ for an arc length of 31.50 feet, to the northeasterly line of Technology Drive;

Thence along said northeasterly line, North $29^{\circ}49'29''$ West, 273.79 feet, to the northwesterly line of said Parcel 5;

Thence along said northwesterly line, North $60^{\circ}09'30''$ East, 1,079.63 feet, to the POINT OF BEGINNING.

Containing 7.22 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.

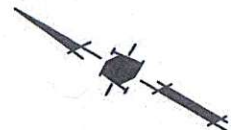
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 9.24.19

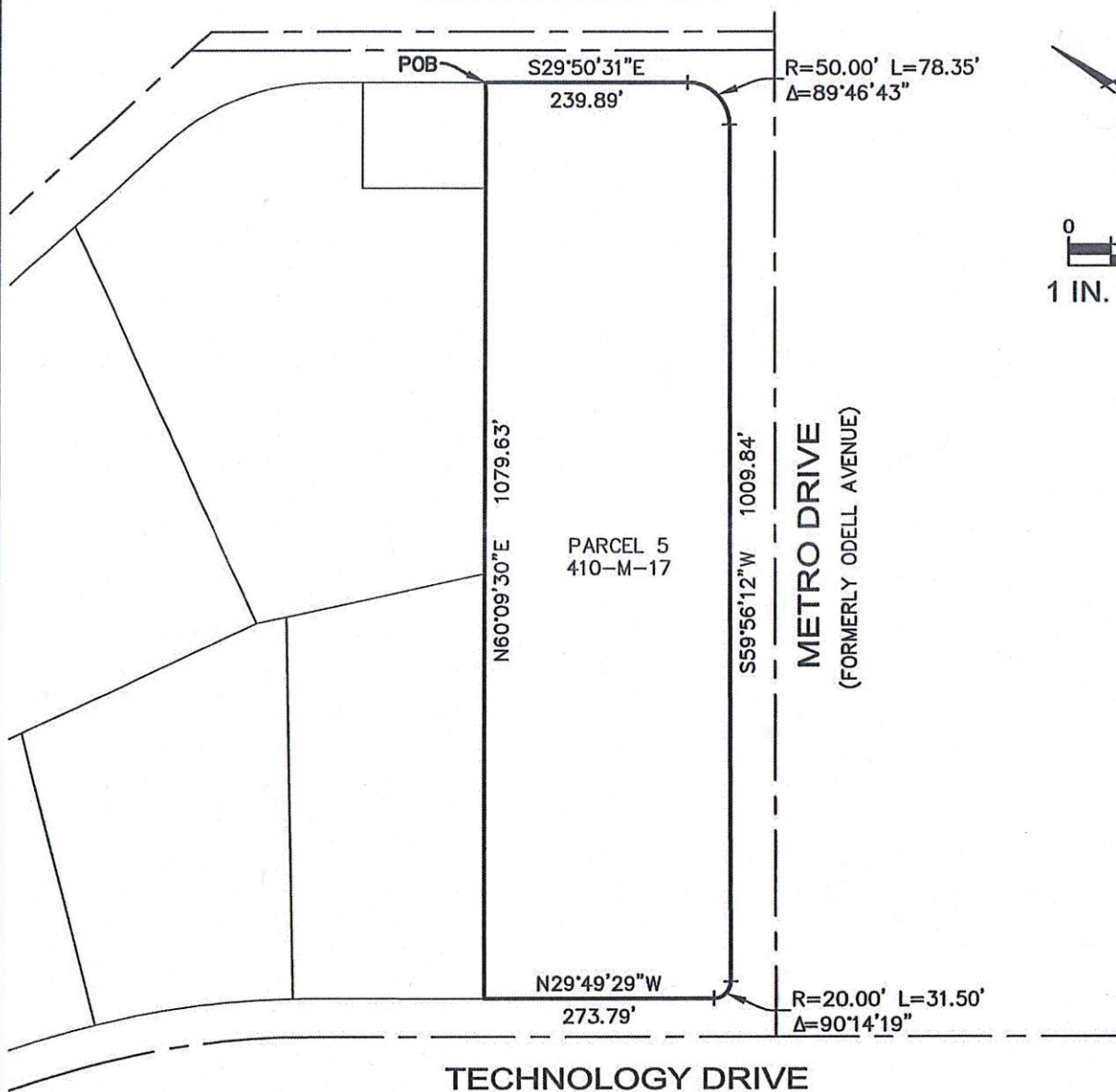
Tracy L. Giorgetti
Tracy L. Giorgetti, LS 8720



NORTH FIRST STREET



0 100 200
1 IN. = 200 FT.



LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2019-09-24
Designed: —
Drawn: RF
Checked: TG
Proj. Engr.: —
529200PL01

HMM
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 H 3.com

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

SAN JOSE

CALIFORNIA