



CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 28679**, the original copy of which is attached hereto, was passed for publication of title on the **1st day of December, 2009**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **15th day of December, 2009**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE

Said ordinance is effective as of **January 15, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **17th day of December, 2009**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 28679

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED BETWEEN LOS ESTEROS ROAD AND GRAND BOULEVARD (675 LOS ESTEROS ROAD) FROM A(PD) PLANNED DEVELOPMENT ZONING 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, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on November 18, 2009, under File No. PDC08-054; 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, approves and adopts said Mitigated Negative Declaration 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. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development Zoning. The base zoning district of the subject property shall be the A-Agricultural Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Zanker Material Processing Facility – PDC08-054," **last revised August 20, 2009.**

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" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC08-054 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.

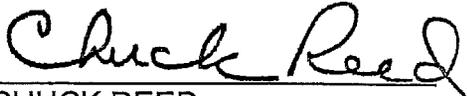
PASSED FOR PUBLICATION of title this 1st day of December, 2009 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.


CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

ORDER NO. : 0616002182-SR

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

BEGINNING at a harrow tooth set at the point of intersection of the Southeasterly line of that certain 50.00 foot right of way known as Los Esteros Road, as described in the Deed from Spring Valley Water Company to The Town of Alviso, dated September 27, 1920, recorded September 27, 1920 in Book 527 of Deeds, page 108, Santa Clara County Records, (said Southeasterly line being also the Northwesterly line of the Rancho Rincon de Los Esteros) with the Southeasterly prolongation of a line which is parallel with and distant Southwesterly 50.00 feet at right angles from the Southwesterly line of that certain 7.10 acre tract of land described in the Deed from Spring Valley Water Company to the City of San Jose, dated June 3, 1925, recorded January 13, 1926 in Book 208 Official Records, page 288, Santa Clara County Records, and from which point of beginning a 1 1/2 inch iron pipe set in the Northwesterly line of said Los Esteros Road bears North 29° 10' 40" West 51.14 feet; running thence from said point of beginning South 48° 40' 10" West along the said Southeasterly line of Los Esteros Road and the Northwesterly line of said Rancho for a distance of 1003.17 feet to an angle point in said Road thence leaving the said Northwesterly line of the Rancho and running North 83° 49' 50" West along the Southerly line of said Los Esteros Road and its Westerly prolongation for a distance of 2501.92 feet to a point in the Southeasterly line of New Chicago as shown upon that certain Map entitled, "Map of New Chicago at Port of Alviso", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 11, 1890 in Book D of Maps, at pages 184 and 185; running thence North 48° 11' East along said Southeasterly line of New Chicago", for a distance of 3096.44 feet to a 2 inch iron pipe set at the point of intersection thereof with a line which is parallel with and distant Southwesterly 50.00 feet at right angles from the Northwesterly prolongation of the Southwesterly line of said 7.10 acre tract hereinabove referred to; running thence South 29° 10' 40" East along said parallel line of a distance of 1913.76 feet to the point of beginning, as shown upon that certain map entitled, "Record of Survey of Portions of Swamp and Overflow Lots 9, 100 and 104 in the City of Alviso, Santa Clara County, California, for Owens-Corning Fiberglas Corp.", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on December 13, 1955 in Book 65, page 21 of Maps.

EXCEPTING FROM the hereinabove described property, an undivided one-half interest in all oil, gas and other mineral and other mineral rights whether metallic or non-metallic in and under the lands described above, as reserved in the Deed from Columbia Broadcasting System, Inc. of California, formerly Pacific Agricultural Foundation, Limited, a corporation and Esther Nommensen, wife of E. Nommensen, to E. Nommensen, dated July 31, 1952 and recorded September 5, 1952 in Book 2482 Official Records, page 489, Santa Clara County Records.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the City of San Jose by Deed recorded December 1, 1970 in Book 9138, page 496 of Official Records, described as follows:

BEGINNING at a harrow tooth set at the point of intersection of the Southeasterly line of that certain 50.00 foot wide right of way known as Los Esteros Road, as described in the Deed from Spring Valley Water Company to the Town of Alviso, dated September 27, 1920, recorded

September 27, 1920 in Book 527 of Deeds, page 108, Santa Clara County Records, (said Southeasterly line being also the Northwesterly line of the Rancho Rincon de Los Esteros) with the Southeasterly prolongation of a line which is parallel with and distant Southwesterly 50.00 feet at right angles from the Southwesterly line of that certain 7.10 acre tract of land described in the Deed from Spring Valley Water Company to the City of San Jose, dated June 3, 1925, recorded January 13, 1926 in Book 208 Official Records, page 288, Santa Clara County Records; thence North 29° 10' 40" West 51.14 feet to a 1 ½ inch iron pipe set in the Northwesterly line of said Los Esteros Road; thence continuing North 29° 10' 40" West along the last mentioned course 448.86 feet to the True Point of Beginning of the herein described parcel of land; thence from said True Point of Beginning South 60° 49' 20" West 80.00 feet to a point; thence North 29° 10' 40" West 1395.82 feet to a point on the Southeasterly line of "New Chicago", as shown on that certain Map entitled, "Map of New Chicago at Port of Alviso", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 11, 1890 in Book D of Maps, at pages 184 and 185; running thence North 48° 11' East along the Southeasterly line of New Chicago 81.99 feet to a 2 inch iron pipe set at the point of intersection thereof with a line which is parallel with and distant Southwesterly 50.00 feet at right angles from the Northwesterly prolongation of the Southwesterly line of that certain 7.10 acre tract of land described in the Deed from Spring Valley Water Company to the City of San Jose, dated June 3, 1925, recorded January 13, 1926 in Book 208 Official Records, page 288, Santa Clara County Records; thence South 29° 10' 40" East 1413.76 feet along the Northeastly line of that certain parcel of land described in the Deed from Barnard Brothers, a co-partnership to Owens-Corning Fiberglas Corporation, a Delaware corporation and recorded in Book 3274 of Deeds, page 4, Santa Clara County Records, to a point, said point being the True Point of Beginning and the terminus of the herein described parcel of land.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the City of San Jose by Deed recorded July 6, 1971 in Book 9404, page 601 of Official Records, described as follows:

BEGINNING at a harrow tooth set at the point of intersection of the Southeasterly line of that certain 50.00 foot right of way known as Los Esteros Road, as described in the Deed from Spring Valley Water Company to the Town of Alviso, dated September 27, 1920, recorded September 27, 1920 in Book 527 of Deeds, page 108, Santa Clara County Records, (said Southeasterly line being also the Northwesterly line of the Rancho Rincon de Los Esteros) with the Southerly prolongation of a line which is parallel with and distant Southwesterly 50.00 feet at right angles from the Southwesterly line of that certain 7.10 acre tract of land described in the Deed from Spring Valley Water Company to the City of San Jose, dated June 3, 1925, recorded January 13, 1926 in Book 208 Official Records, page 288, Santa Clara County Records, and from which point of beginning a 1 ½ inch iron pipe set in the Northwesterly line of said Los Esteros Road bears North 29° 10' 40" West 51.14 feet; running thence from said point of beginning South 48° 40' 10" West along the said Southeasterly line of Los Esteros Road and the Northwesterly line of said Rancho for a distance of 1003.17 feet to an angle point in said road; thence leaving the said Northwesterly line of the Rancho and running North 83° 49' 50" West along the Southerly line of said Los Esteros Road and its Westerly prolongation for a distance of 1426.89 feet to the True Point of Beginning of the herein described parcel; thence from said True Point of Beginning continuing along the Southerly line of Los Esteros Road North 83° 49' 50" West 298.81 feet to a point; thence leaving said Southerly line of Los Esteros Road and running North 41° 49' West for a distance of 576.62 feet to a point on the Southeasterly line of "New Chicago", as shown on that certain Map entitled, "Map of New Chicago at Port of Alviso", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 11, 1890 in Book D of Maps, at pages 184

and 185, said point also lies Southwesterly a distance of 75.00 feet, measured along the Southeasterly line of "New Chicago" from the intersection of the Southeasterly projection of the centerline of Shively Avenue as shown on "Map of New Chicago at Port of Alviso": running thence North 48° 11' East along the Southeasterly line of "New Chicago" 200.00 feet to a point; thence South 41° 49' East 798.73 feet to the True Point of Beginning and the terminus of the herein described parcel of land.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to the City of San Jose by Deed recorded May 8, 1980 in Book F 316, page 592 of Official Records, described as follows:

BEGINNING at a harrow tooth set at the point of intersection of the Southeasterly line of that certain 50.00 foot wide right of way known as Los Esteros Road, as described on the Deed from Spring Valley Water Company to the Town of Alviso, dated September 27, 1920, recorded September 27, 1920 in Book 527 of Deeds, page 108, Santa Clara County Records, (said Southeasterly line being also the Northwesterly line of the Rancho Rincon de Los Esteros) with the Southeasterly prolongation of a line of which is parallel with and distant Southwesterly 50.00 feet at right angles from the Southwesterly line of that certain 7.10 acre tract of land described in the Deed from Spring Valley Water Company to the City of San Jose, dated June 3, 1925, recorded January 13, 1926 in Book 208 Official Records, page 288, Santa Clara County Records, said point also being located South 29° 10' 40" East 51.14 feet from a 1 1/2 inch iron pipe set in the Northwesterly line of said Los Esteros Road, said point being the True Point of Beginning of the herein described parcel of land; thence from said True Point of Beginning North 29° 10' 40" West 500.00 feet to a point, said point being the Southeasterly corner of that certain 2.58 acre parcel of land described in the Deed from Owens-Corning Fiberglas Corporation to the City of San Jose, dated November 20, 1970, recorded December 1, 1970 in Book 9138 of Deeds, page 496, Santa Clara County Records; thence South 60° 49' 20" West 80.00 feet to a point, said point being the Southwesterly corner of that certain 2.58 acre parcel of land as described in the Deed from Owens-Corning Fiberglas Corporation to the City of San Jose, dated November 20, 1970, recorded December 1, 1970 in Book 9138 of Deeds, page 496, Santa Clara County Records; thence South 29° 10' 40" East 517.23 feet to a point on the Southeasterly line of that certain 50.00 foot wide right of way known as Los Esteros Road, as described in the Deed from Spring Valley Water Company to the Town of Alviso, dated September 27, 1920, recorded September 27, 1920 in Book 527 of Deeds, page 108, Santa Clara County Records (said Southeasterly line being also the Northwesterly line of the Rancho Rincon de Los Esteros); thence North 48° 40' 10" East 81.83 feet along the Southeasterly line of that certain 50.00 foot wide right of way known as Los Esteros Road to a point, said point being the true point of beginning and the terminus of the herein described parcel of land.

APNs: 015-30-057; 059; 071
A015-30-055; 057; 059