



CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

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

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28876**", the original copy of which is attached hereto, was passed for publication of title on the **14th day of December, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **11th day of January, 2011**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **11th day of February, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **19th day of January, 2011**.

(SEAL)

DENNIS HAWKINS, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28876

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY, SITUATED AT THE SOUTHWEST CORNER OF EAST BROKAW ROAD AND OLD OAKLAND ROAD, FROM THE IP INDUSTRIAL PARK ZONING DISTRICT AND THE HI HEAVY INDUSTRIAL 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, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR), "Fox Property General Plan Amendment Environmental Impact Report", prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on December 12, 2006, under File No. GP06-04-02, and with Resolution No. 73578; and an Addendum to the EIR was prepared for the subject rezoning under File No. PDC07-010, and found complete by the Planning Commission on November 17, 2010; and which determination has not been challenged, protested or appealed; 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 said EIR and Addendum to the EIR 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. The base zoning district of the subject property shall be the A – Agriculture Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Brokaw & Old Oakland Road Redevelopment," **last revised December 14, 2010.**

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. PDC07-010 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 14th day of December, 2010, 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. : 0616004986-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:

PARCEL ONE:

Parcel 1 as shown on that certain Parcel Map filed in the Office of the Recorder of Santa Clara, State of California, on April 3, 1985 in Book 541 of Maps, Pages 12 and 13.

PARCEL TWO:

Parcel 2 as shown on that certain Parcel Map filed for record on April 3, 1985 in Book 541 of Maps, at Pages 12 and 13, Santa Clara County Records, and lying within the City of San Jose, County of Santa Clara, State of California.

TOGETHER WITH all of Parcel 3 as shown on said Parcel Map;

TOGETHER WITH that portion of Parcel 4, as said Parcel is shown on said Parcel Map, described as follows:

Beginning at a point on the Northeasterly line of said Parcel 4 at the intersection of said Northeasterly line and the line common to Parcels 2 and 3, as shown on said Parcel Map;

Thence South $67^{\circ} 09' 10''$ East, 14.81 feet along said Northeasterly line;

Thence South $20^{\circ} 27' 36''$ West, 81.75 feet;

Thence Westerly along a non-tangent curve to the left with a radius of 440.00 feet, from which a radial line bears North $22^{\circ} 57' 39''$ East, through a central angle of $22^{\circ} 43' 49''$ for an arc length of 174.56 feet to a point of reverse curvature;

Thence Northwesterly along said reverse curve with a radius of 374.00 feet, through a central angle of $74^{\circ} 43' 14''$ for an arc length of 487.74 feet to a point on said Northeasterly line of Parcel 4;

Thence South $67^{\circ} 09' 10''$ East, 590.77 feet along said Northeasterly line to the point of beginning.

PARCEL THREE:

Parcel 4 as shown on that certain Parcel Map filed in the Office of the Recorder of the County of Santa Clara, State of California, on April 3, 1985 in Book 541 of Maps, Pages 12 and 13.

EXCEPTING THEREFROM the following:

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Beginning at a point on the Northeasterly line of said Parcel 4 at the intersection of said Northeasterly line and the line common to Parcels 2 and 3, as shown on said Parcel Map;

Thence South $67^{\circ} 09' 10''$ East, 14.81 feet along said Northeasterly line;

Thence South $20^{\circ} 27' 36''$ West, 81.75 feet;

Thence Westerly along a non-tangent curve to the left with a radius of 440.00 feet, from which a radial line bears North $22^{\circ} 57' 39''$ East, through a central angle of $22^{\circ} 43' 49''$ for an arc length of 174.56 feet to a point of reverse curvature;

Thence Northwesterly along said reverse curve with a radius of 374.00 feet, through a central angle of $74^{\circ} 43' 14''$ for an arc length of 487.74 feet to a point on said Northeasterly line of Parcel 4;

Thence South $67^{\circ} 09' 10''$ East 590.77 feet along said Northeasterly line to the point of beginning.

APN: 237-03-061;
237-03-069; and
237-03-070