

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 27 GROSS ACRES SITUATED ON THE SOUTH SIDE OF MITTY WAY BOUNDED BY DOYLE ROAD TO THE WEST AND MOORPARK AVENUE TO THE EAST (5000 MITTY WAY) (APN: 381-21-016, -018, -021, -022 AND -023) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC 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 PQP Public/Quasi-Public 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 to the PQP Public/Quasi-Public 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. C21-003 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:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

**EXHIBIT "A"
LEGAL DESCRIPTION
LANDS OF THE
ROMAN CATHOLIC WELFARE CORPORATION OF SAN JOSE
AND THE
ROMAN CATHOLIC BISHOP OF SAN JOSE
TO ACCOMPANY APPLICATION FOR REZONING
APN 381-21-016, 018, 021, 022, AND 023**

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

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN 29.972 ACRE TRACT OF LAND AS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY WITHIN THE QUITO RANCHO", RECORDED NOVEMBER 10, 1960 IN BOOK 127 OF MAPS AT PAGE 33, OFFICIAL RECORDS OF THE COUNTY OF SANTA CLARA, CALIFORNIA, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF PARCEL "A" SHOWN ON THAT CERTAIN "RECORD OF SURVEY, LAWRENCE EXPRESSWAY" RECORDED AUGUST 18, 1964 IN BOOK 183 OF MAPS AT PAGE 54, OFFICIAL RECORDS OF THE COUNTY OF SANTA CLARA, CALIFORNIA.

THENCE ALONG THE SOUTHERLY LINE OF SAID 29.972 ACRE TRACT AND SOUTHERLY LINE OF SAID PARCEL "A" NORTH 89° 44' 24" EAST 21.32 FEET TO THE SOUTHEAST CORNER OF PARCEL "A" AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THENCE LEAVING SAID SOUTHERLY LINES NORTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL "A", SAID EASTERLY LINE OF PARCEL "A" ALSO BEING THE EASTERLY LINE OF DOYLE ROAD, A PUBLIC STREET, THE FOLLOWING NINE (9) COURSES AND CURVES:

- 1) ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 5,393.00 FEET, THE RADIAL OF WHICH BEARS NORTH 89° 28' 21" EAST, THROUGH A CENTRAL ANGLE OF 03° 45' 14" AN ARC LENGTH OF 353.35 FEET;
- 2) NORTH 04° 16' 53" EAST 194.02 FEET;
- 3) TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET THROUGH A CENTRAL ANGLE OF 05° 33' 40" AN ARC LENGTH OF 16.99 FEET;
- 4) NORTH 09° 50' 33" EAST 172.86 FEET;
- 5) TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 75° 23' 51" AN ARC LENGTH OF 32.90 FEET;
- 6) NORTH 85° 14' 24" EAST 95.34 FEET;
- 7) TANGENT CURVE TO THE LEFT WITH A RADIUS OF 75.00 FEET THROUGH A CENTRAL ANGLE OF 85° 30' 00" AN ARC LENGTH OF 111.92 FEET;
- 8) NORTH 00° 15' 36" WEST 15.50 FEET; AND
- 9) TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC LENGTH OF 31.42 FEET TO A

POINT ON THE SOUTHERLY LINE OF MITTY WAY, A PUBLIC STREET, SAID SOUTHERLY LINE OF MITTY WAY BEING PARALLEL WITH AND 40 FEET SOUTHERLY OF THE NORTHERLY LINE OF AFOREMENTIONED 29.972 TRACT OF LAND.

THENCE ALONG SAID SOUTHERLY LINE OF MITTY WAY NORTH 89° 44' 24" EAST 15.99 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID PARCEL "A".

THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF MITTY WAY NORTH 89° 44' 24" EAST 1,116.40 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID 29.972 TRACT.

THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF MITTY WAY NORTH 89° 44' 24" EAST 4.57 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 220.00 FEET THROUGH A CENTRAL ANGLE OF 45° 03' 38" AN ARC LENGTH OF 173.02 FEET; THENCE ALONG A COMPOUND CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 91° 18' 06" AN ARC LENGTH OF 31.87 FEET TO A POINT ON THE WESTERLY LINE OF MOORPARK AVENUE, A PUBLIC STREET 90-FEET WIDE.

THENCE ALONG SAID WESTERLY LINE OF MOORPARK AVENUE, A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 645.00 FEET THROUGH A CENTRAL ANGLE OF 46° 51' 03" AN ARC LENGTH OF 527.42 FEET; THENCE SOUTH 00° 44' 56" EAST 306.52 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID 29.972 TRACT, SAID POINT BEARS SOUTH 89° 44' 24" WEST 45.00 FEET FROM THE SOUTHEAST CORNER OF SAID 29.972 ACRE TRACT.

THENCE ALONG SAID SOUTHERLY LINE OF SAID 29.972 ACRE TRACT AND THE NORTHERLY LINES OF TRACT 3521, TRACT 3655 AND TRACT 4151 SOUTH 89° 44' 24" WEST 1,365.78 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CONTAINING 27.3 ACRES, MORE OR LESS.

APN 381-21-016, 018, 021, 022, AND 023

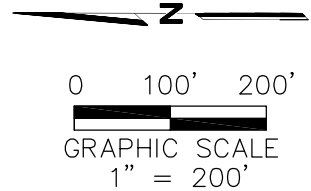
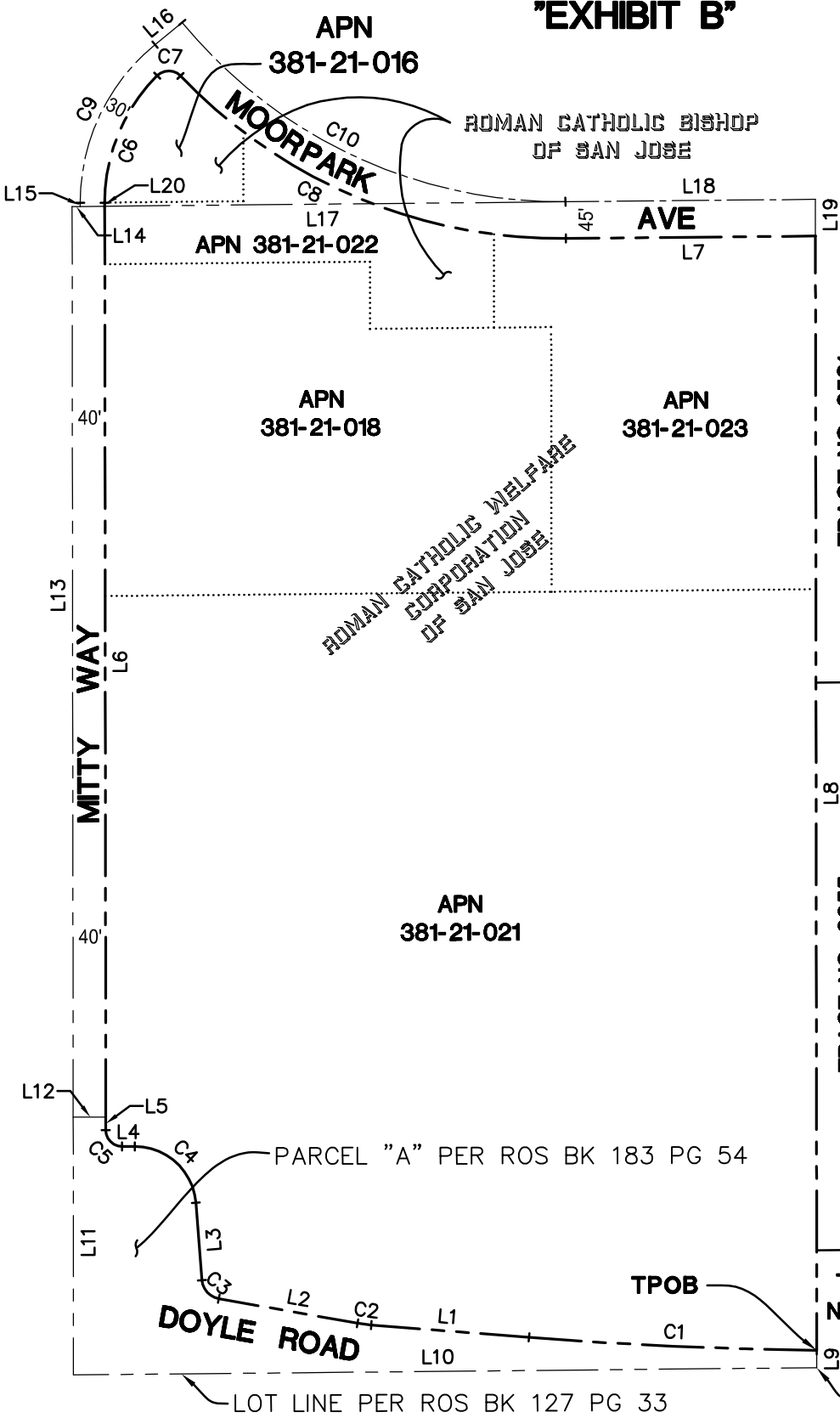
This legal description was prepared to accompany the application for the Conforming Rezoning of the property described and is not intended for any other purpose.

Prepared by:

Ruth and Going, Inc.
2216 The Alameda
Santa Clara, CA 95050
(408) 236-2403
R+G Job #96-033P
February 22, 2021



"EXHIBIT B"



NOTE:

1. AREA TO BE REZONED=27.3 AC.
2. SEE SHEET 2 FOR LINES AND CURVES INFORMATION.
3. THIS PLAT WAS PREPARED TO ACCOMPANY THE APPLICATION FOR REZONING. IT IS NOT INTENDED FOR ANY OTHER PURPOSE.

LEGEND

- PROPERTY TO BE REZONED
- ASSESSOR PARCEL LINE
- STREET CENTERLINE
- TRACT BOUNDARY
- TPOB** TRUE POINT OF BEGINNING
- POB** POINT OF BEGINNING
- ROS** RECORD OF SURVEY



Drawing file: Q:\Civil\96033Q\Dwg\Plat & Description\ SH01_PLAT.dwg
 Feb 19, 2021 - 2:46pm

SHEET 1 OF 2

R+G RUTH AND GOING, INC.
 Civil Engineering Land Surveying
 2216 THE ALAMEDA SANTA CLARA, CA. 95050
 (408) 236-2400

PLAT TO ACCOMPANY APPLICATION FOR CONFORMING REZONING

LANDS OF ROMAN CATHOLIC WELFARE CORPORATION OF SAN JOSE & ROMAN CATHOLIC BISHOP OF SAN JOSE

City of San Jose California

2021-02-19	96033Q	Drwn.: ATN
Dept.: Civil	Scale: 1" = 200'	Chkd.: MCS

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	194.02'	N04°16'53"E
L2	172.86'	N09°50'33"E
L3	95.34'	N85°14'24"E
L4	15.50'	N00°15'36"W
L5	15.99'	N89°44'24"E
L6	1116.40'	N89°44'24"E
L7	306.52'	S00°44'56"E
L8	1365.78'	S89°44'24"W
L9	21.32'	S89°44'24"W
L10	911.66'	S00°44'56"E


LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L11	316.04'	S89°44'24"W
L12	40.00'	N00°15'36"W
L13	1116.06'	S89°44'24"W
L14	10.00'	S00°44'56"E
L15	4.57'	N89°44'24"E
L16	43.18'	S39°30'00"E
L17	595.14'	S00°44'56"E
L18	306.52'	S00°44'56"E
L19	45.00'	S89°44'24"W
L20	4.57'	N89°44'24"E

CURVE TABLE			
CURVE NO.	LENGTH	RADIUS	DELTA
C1	353.35'	5393.00'	3°45'14"
C2	16.99'	175.00'	5°33'40"
C3	32.90'	25.00'	75°23'51"
C4	111.92'	75.00'	85°30'00"
C5	31.42'	20.00'	90°00'00"
C6	173.02'	220.00'	45°03'38"
C7	31.87'	20.00'	91°18'06"
C8	527.42'	645.00'	46°51'03"
C9	221.48'	250.00'	50°45'36"
C10	536.67'	600.00'	51°14'54"



Drawing file: Q:\Civil\96033Q\Dwg\Plat & Description\ SH02_PLAT.dwg
 Feb 19, 2021 - 2:48pm

SHEET 2 OF 2

 RUTH AND GOING, INC. Civil Engineering Land Surveying 2216 THE ALAMEDA SANTA CLARA, CA. 95050 (408) 236-2400	PLAT TO ACCOMPANY APPLICATION FOR CONFORMING REZONING	
	LANDS OF ROMAN CATHOLIC WELFARE CORPORATION OF SAN JOSE & ROMAN CATHOLIC BISHOP OF SAN JOSE City of San Jose California	
2021-02-19 Dept.: Civil	96033Q Scale: 1" = 200'	Drwn.: ATN Chkd.: MCS