

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 17.64 GROSS ACRES SITUATED ON THE EAST SIDE OF ELM STREET, BETWEEN WEST HEDDING STREET AND EMORY STREET, AT THE SOUTHWEST CORNER OF WEST HEDDING STREET AND ELM STREET, AND NORTHERLY OF WEST HEDDING STREET, APPROXIMATELY 300 FEET EASTERLY OF ELM STREET (960 WEST HEDDING STREET) (APN: 261-10-095, 096, 104, 105, 106; 261-11-005; 261-12-001, 002, 074, 087; 230-41-029, 030, 031, 032 & 043) FROM A PQP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A PQP(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, an Initial Study/Mitigated Negative Declaration (IS/MND) for the Bellarmine Master Plan Update was prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, which evaluated the impact of increasing the allowable maximum building square footage from 357,561 square feet to 485,000 square feet for an existing school campus on an approximately 17.64-gross acre site; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the PQP(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved, and adopted said Addendum and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project; 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(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the PQP Public Quasi-Public Zoning District. The Planned Development Zoning of the subject property shall be that development plan set for the subject property entitled, "Bellarmine College Preparatory Planned Development Zoning Application" last revised January 5, 2023 ("General Development Plan").

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. PDC22-099 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

September 7, 2007
 Job No. A06271
 Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
Bellarmino College Preparatory
For Planning Purposes Only

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being a portion of that certain land conveyed to Bellarmine College Preparatory by Deed recorded May 26, 1928 in Book 395, page 516, Official Records of Santa Clara County, and a portion of Elm Street as conveyed to Bellarmine College Preparatory by Deed recorded February 4, 1991 in Book L 608, page 1359, Official Records of Santa Clara County, described as follows:

Beginning at the easterly corner of College Square as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at page 80, Santa Clara County Records;

Thence South 48°55'00" West, 900.00 feet;
 Thence North 41°05'00" West, 500.00 feet;
 Thence South 48°55'00" West, 70.00 feet;
 Thence North 41°05'00" West, 357.48 feet;

Thence westerly along a tangent curve to the left with a radius of 20.00 feet, through a central angle of 87°55'33" for an arc length of 30.69 feet;

Thence North 48°55'00" East, 92.55 feet to the beginning of a non-tangent curve to the right, to which point a radial line bears South 82°09'59" West;

Thence northerly along said non-tangent curve to the right with a radius of 20.00 feet, through a central angle of 56°44'58" for an arc length of 19.81 feet;

Thence North 48°55'00" East, 696.56 feet;
 Thence South 57°55'00" East, 633.47 feet;
 Thence South 41°05'00" East, 280.18 feet to the Point of Beginning.

Said parcel contains 17.646 acres, more or less.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

9-7-07
 Date


 Ryan M. Amaya, L.S. 8134



I:\PROJECTS\A06271\DOC'S\LEGAL DESCRIPTIONS\LEGAL FOR PLANNING.doc

DD107-072

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PLAT AND LEGAL CLOSURE
9/7/2007

Boundary: PLANNING PRCL

POB: N: 4923.3700 E: 6306.6400

1. Line SW 48°55'00" 900.00' N: 4331.9296 E: 5628.2609

2. Line NW 41°05'00" 500.00' N: 4708.8069 E: 5299.6829

3. Line SW 48°55'00" 70.00' N: 4662.8060 E: 5246.9200

4. Line NW 41°05'00" 357.48' N: 4932.2581 E: 5011.9999

5. Curve Delta: -87°55'33" Radius: 20.00' Length: 30.69'
PC to RP: SW 48°55'00"
RP North: 4919.1150 RP East: 4996.9248
RP to PT: NW 39°00'33"
Chord: NW 85°02'46" 27.77'
N: 4934.6559 E: 4984.3359

6. Line NE 48°55'00" 92.55' N: 4995.4757 E: 5054.0959

7. Curve Delta: 56°44'58" Radius: 20.00' Length: 19.81'
PC to RP: NE 82°09'59"
RP North: 4998.2017 RP East: 5073.9093
RP to PT: NW 41°05'03"
Chord: NE 20°32'28" 19.01'
N: 5013.2766 E: 5060.7659

8. Line NE 48°55'00" 696.56' N: 5471.0251 E: 5585.8012

9. Line SE 57°55'00" 633.47' N: 5134.5562 E: 6122.5255

10. Line SE 41°05'00" 280.18' N: 4923.3692 E: 6306.6474

Perimeter: 3580.74' Area: 768675.48 sq-ft. 17.646 acres

Error Closure: 0.0075' Bearing: NW 84°11'05"
Error North: -0.00076' Error East: 0.00742'
Precision: 1: 479,935.84

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINI COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being all of that land conveyed to Bellarmine College Preparatory by Grant Deed recorded March 17, 1971 in Book 9256, of Official Records, Page 611, and June 19, 1962 in Book 5614, of Official Records, Page 699, and October 25, 1955 in Book 3314, of Official Records, Page 377, and May 1, 1998 as Document No. 14166331, of Official Records of Santa Clara County, described as follows:

Beginning at the intersection of the southwesterly line of Elm Street with the northwesterly line of University Avenue as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence South 48°55'00" West, 100.00 feet;
Thence North 41°05'00" West, 200.00 feet;
Thence South 48°55'00" West, 200.00 feet;
Thence North 41°05'00" West, 187.95 feet;
Thence North 51°03'20" East, 280.94 feet;

Thence easterly along a tangent curve to the right with a radius of 20.00 feet, through a central angle of 87°51'40" for an arc length of 30.67 feet;

Thence South 41°05'00" East, 357.48 feet to the Point of Beginning.

Said parcel contains 1.713± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date


Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/13/2007

Boundary: 261-12-087

POB: N: 5000.0000 E: 5000.0000

1. Line	SW 48°55'00"	100.00'	N: 4934.2844	E: 4924.6245
2. Line	NW 41°05'00"	200.00'	N: 5085.0353	E: 4793.1933
3. Line	SW 48°55'00"	200.00'	N: 4953.6041	E: 4642.4424
4. Line	NW 41°05'00"	187.95'	N: 5095.2723	E: 4518.9299
5. Line	NE 51°03'20"	280.94'	N: 5271.8618	E: 4737.4327
6. Curve	Delta: 87°51'40"	Radius: 20.00'	Length: 30.67'	
	PC to RP: SE 38°56'40"			
	RP North: 5256.3067	RP East: 4750.0040		
	RP to PT: NE 48°55'00"			
	Chord: SE 85°00'50"	27.75'		
			N: 5269.4498	E: 4765.0791
7. Line	SE 41°05'00"	357.48'	N: 4999.9976	E: 4999.9992

Perimeter: 1357.04' Area: 74624.87 sq.ft. 1.713 acres

Error Closure: 0.0025' Bearing: NE 17°56'55"
Error North: -0.00241' Error East: -0.00078'
Precision: 1: 535,531.93

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINA COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being all of that land conveyed to Bellarmine College Preparatory by Grant Deeds recorded March 21, 2007 as Document No. 19350704, and January 9, 2004 as Document No. 17566528, and September 22, 2005 as Document No. 18591121, November 28, 2007 as Document No. 19664175, all of Official Records of Santa Clara County, described as follows:

Beginning at a point that is North 41°05'00" W, 200.00 feet and North 48°55'00" East, 100.00 feet from the point of intersection of the northeasterly line of Elm Street with the northwesterly line of Hedding Street as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence North 48°55'00" East, 200.00 feet;

Thence South 41°05'00" East, 186.50 feet;

Thence South 48°55'00" West, 161.89 feet;

Thence southwesterly along a tangent curve to the right with a radius of 100.00 feet, through a central angle of 22°24'07" for an arc length of 39.10 feet;

Thence North 41°05'00" West, 178.95 feet to the Point of Beginning.

Said parcel contains 0.854± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date

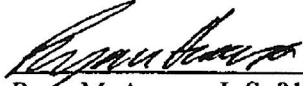

Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/21/2007

Boundary: 230-41-031

POB: N: 5000.0000 E: 5000.0000

1. Line NE 48°55'00" 200.00' N: 5131.4312 E: 5150.7509
2. Line SE 41°05'00" 186.50' N: 4990.8560 E: 5273.3105
3. Line SW 48°55'00" 161.89' N: 4884.4690 E: 5151.2852
4. Curve Delta: 22°24'07" Radius: 100.00' Length: 39.10'
PC to RP: NW 41°05'00"
RP North: 4959.8444 RP East: 5085.5696
RP to PT: SE 18°40'53"
Chord: SW 60°07'04" 38.85'
N: 4865.1130 E: 5117.6001
5. Line NW 41°05'00" 178.95' N: 4999.9974 E: 5000.0020

Perimeter: 766.44' Area: 37205.66 sq.ft. 0.854 acres

Error Closure: 0.0033' Bearing: NW 38°03'10"
Error North: -0.00261' Error East: 0.00204'
Precision: 1: 231,224.08

January 15, 2008
Job No. A06271-1
Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINE COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being that certain land conveyed to Bellarmine College Preparatory by Grant Deed recorded August 12, 1981 in Book G269 O.R. Page 656, and January 21, 1999 as Resolution No. 67511 recorded as Document No. 14610688 of Official Records of Santa Clara County, described as follows:

Beginning at a point that is North 41°05'00" W, 400.00 feet and North 48°55'00" East, 300.00 feet from the point of intersection of the northeasterly line of Elm Street with the northwesterly line of Hedding Street as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence North 48°55'00" East, 264.00 feet;
Thence South 57°55'00" E, 443.50 feet;
Thence South 48°55'00" West, 392.44 feet;
Thence North 41°05'00" West, 424.50 feet to the Point of Beginning.

Said parcel contains 3.199 ± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date


Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/13/2007

Boundary: 230-41-043

POB:			N: 5000.0000	E: 5000.0000
1. Line	NE 48°55'00"	264.00'	N: 5173.4892	E: 5198.9912
2. Line	SE 57°55'00"	443.50'	N: 4937.9232	E: 5574.7583
3. Line	SW 48°55'00"	392.44'	N: 4680.0289	E: 5278.9549
4. Line	NW 41°05'00"	424.50'	N: 4999.9977	E: 4999.9921

Perimeter: 1524.44' Area: 139329.83 sq.ft. 3.199 acres

Error Closure: 0.0082' Bearing: NE 73°52'14"
Error North: -0.00227' Error East: -0.00786'
Precision: 1: 186,415.37

**EXHIBIT "A"
LEGAL DESCRIPTION
FOR PLANNING PURPOSES**

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 THE LAND DESCRIBED IN THAT CERTAIN GRANT DEED FILED FOR RECORD ON JULY 25, 2022 AS DOCUMENT NO. 25340113, OF OFFICIAL RECORDS OF SANTA CLARA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LAND DESCRIBED IN SAID GRANT DEED,

THENCE ALONG THE EXTERIOIR OF SAID LAND THE FOLLOWING NINE (9) COURSES AND DISTANCES:

1. SOUTH 41° 06' 00" EAST, 220.14 FEET;
2. SOUTH 48° 53' 35" WEST, 119.72 FEET;
3. SOUTH 41° 06' 00" EAST, 50.06 FEET;
4. SOUTH 48° 53' 40" WEST, 167.59 FEET;
5. NORTH 41° 07' 24" WEST, 200.07 FEET;
6. SOUTH 48° 52' 00" WEST, 112.08 FEET;
7. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 44° 25' 27", FOR AN ARC DISTANCE OF 15.51 FEET;
8. NORTH 41° 08' 00" WEST, 75.72 FEET;
9. NORTH 48° 52' 00" EAST, 413.51 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 80,483 SQUARE FEET, OR 1.85 ACRES, MORE OR LESS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



RYAN M. AMAYA P.L.S. 8134



08/01/2022

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Parcel Name: BELLARMINE PARCELS - BNDRY : 4

Description: PARCEL FOR GARAGE PLANNING

North:-1,411.3634' East:11,241.2894'

Segment# 1: Line

Course: S41°06'00"E Length: 140.14'
North: -1,516.9677' East: 11,333.4140'

Segment# 2: Line

Course: S41°06'00"E Length: 10.00'
North: -1,524.5034' East: 11,339.9877'

Segment# 3: Line

Course: S48°53'35"W Length: 119.72'
North: -1,603.2153' East: 11,249.7807'

Segment# 4: Line

Course: S41°06'00"E Length: 50.06'
North: -1,640.9387' East: 11,282.6889'

Segment# 5: Line

Course: S48°53'40"W Length: 167.59'
North: -1,751.1204' East: 11,156.4099'

Segment# 6: Line

Course: N41°07'24"W Length: 200.08'
North: -1,600.4010' East: 11,024.8208'

Segment# 7: Line

Course: S48°52'00"W Length: 112.08'
North: -1,674.1288' East: 10,940.4043'

Segment# 8: Curve

Length: 15.51' Radius: 20.00'
Delta: 44°25'27" Tangent: 8.17"
Chord: 15.12' Course: S26°39'16"W
Course In: S41°08'00"E Course Out: N85°33'27"W

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

RP North: -1,689.1924'
End North: -1,687.6432'

East: 10,953.5606'
East: 10,933.6207'

Segment# 9: Line

Course: N41°08'00"W
North: -1,630.6199'

Length: 75.71'
East: 10,883.8176'

Segment# 10: Line

Course: N48°52'00"E
North: -1,358.6074'

Length: 413.51'
East: 11,195.2654'

Segment# 11: Line

Course: S41°06'00"E
North: -1,411.3569'

Length: 70.00'
East: 11,241.2817'

Perimeter: 1,374.39'

Error Closure: 0.0101

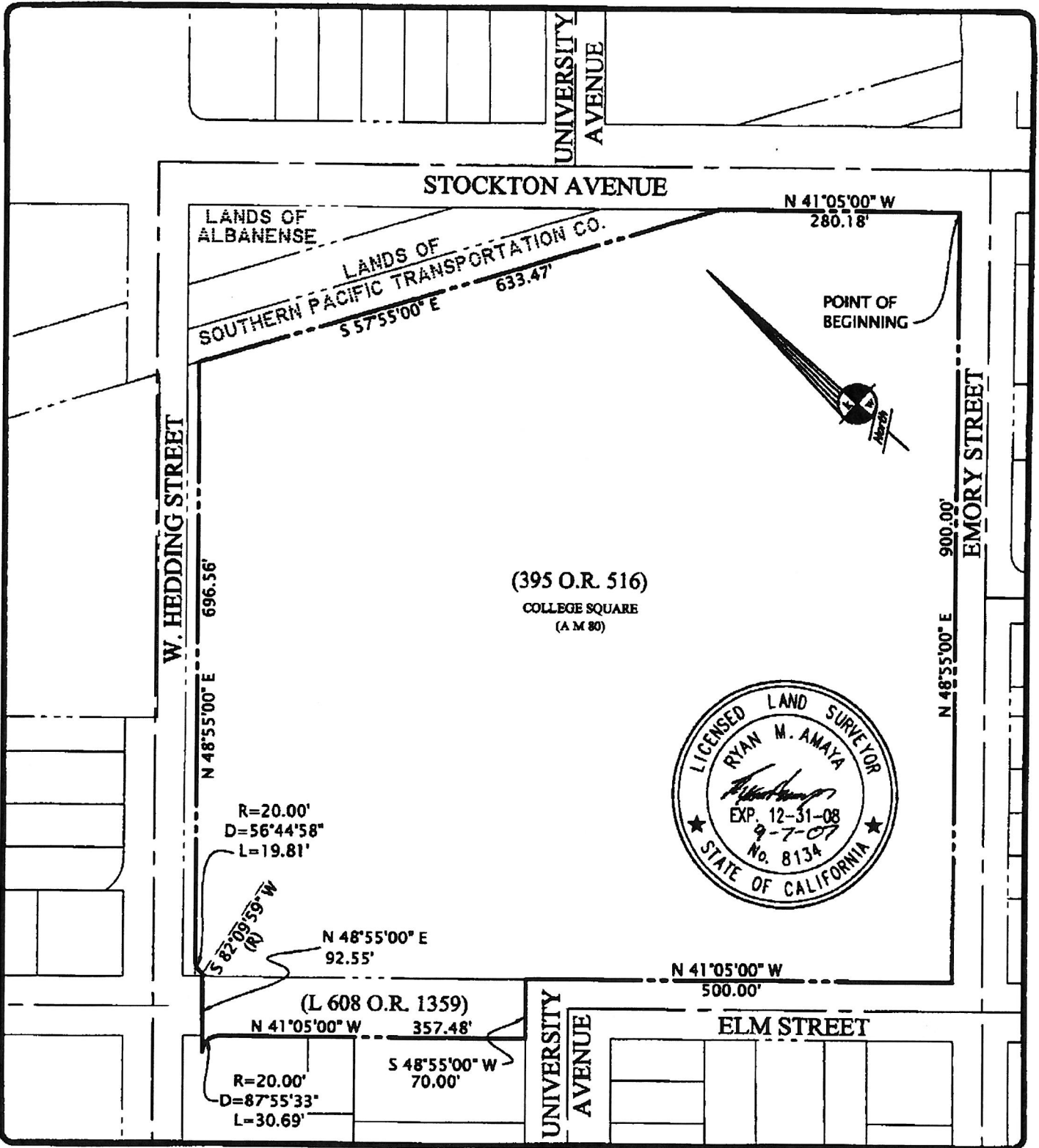
Error North : 0.00651

Area: 80,482.78Sq.Ft.

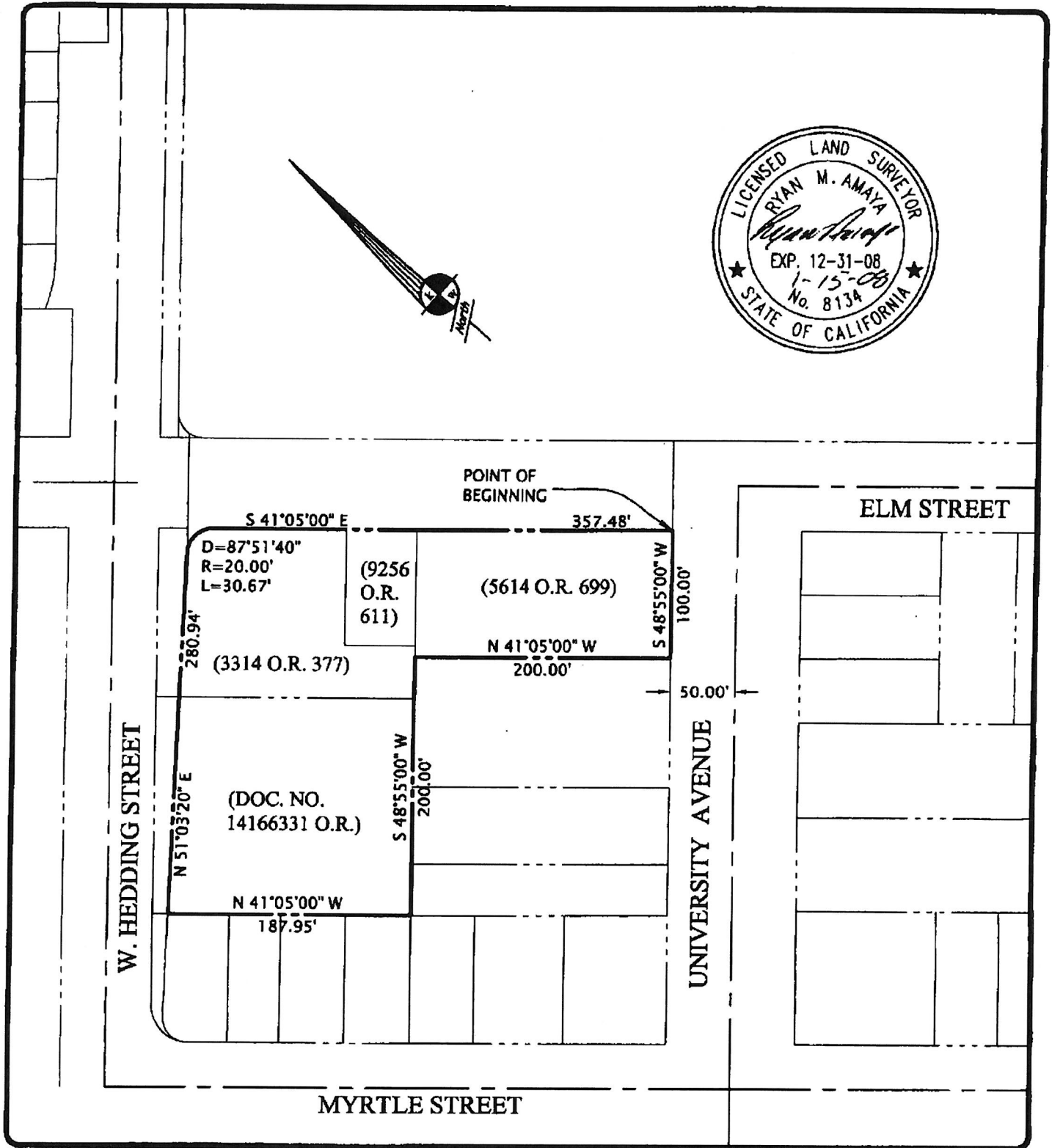
Course: N49°52'45"W

East: -0.00772

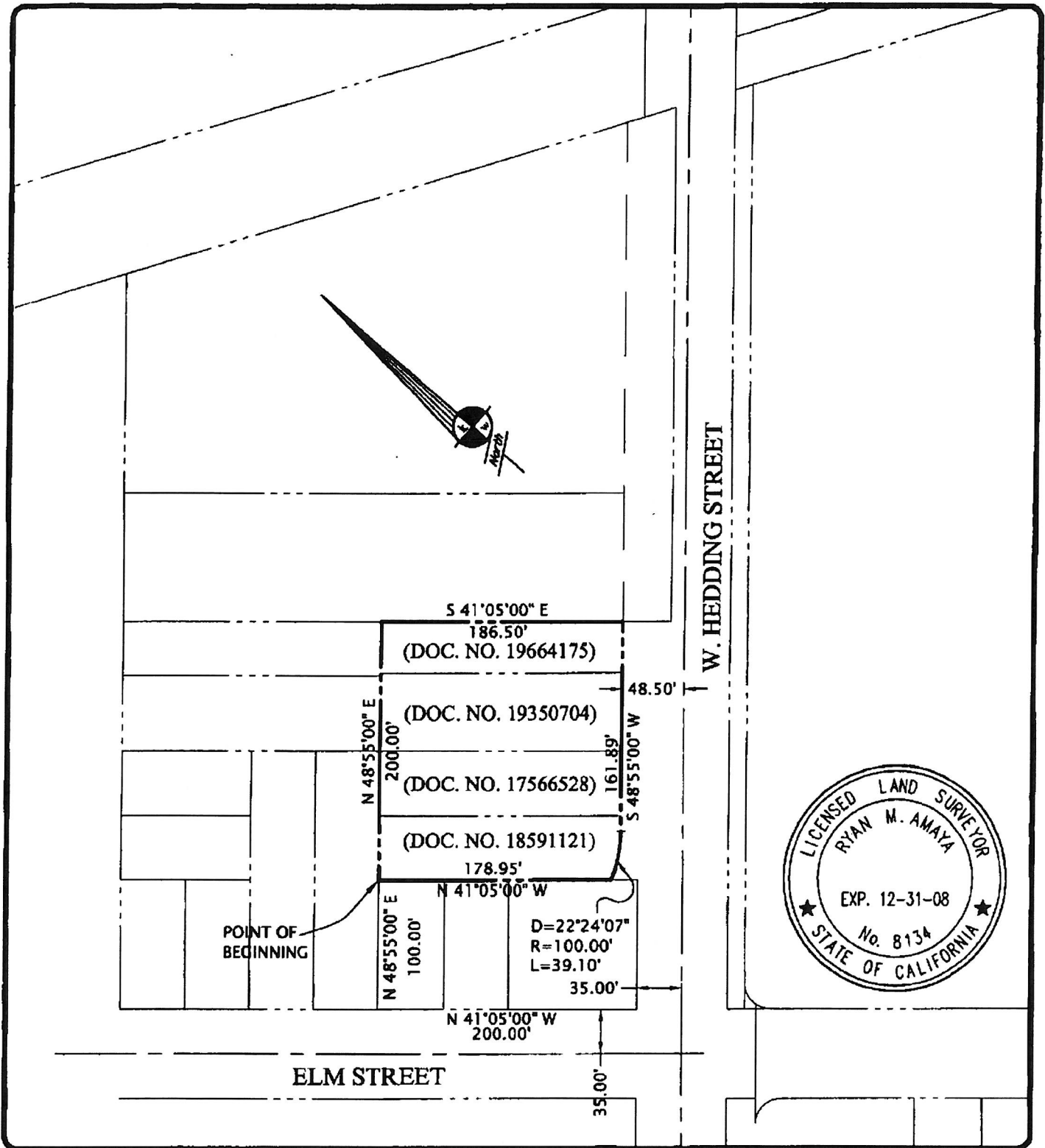
Precision 1: 136,079.21



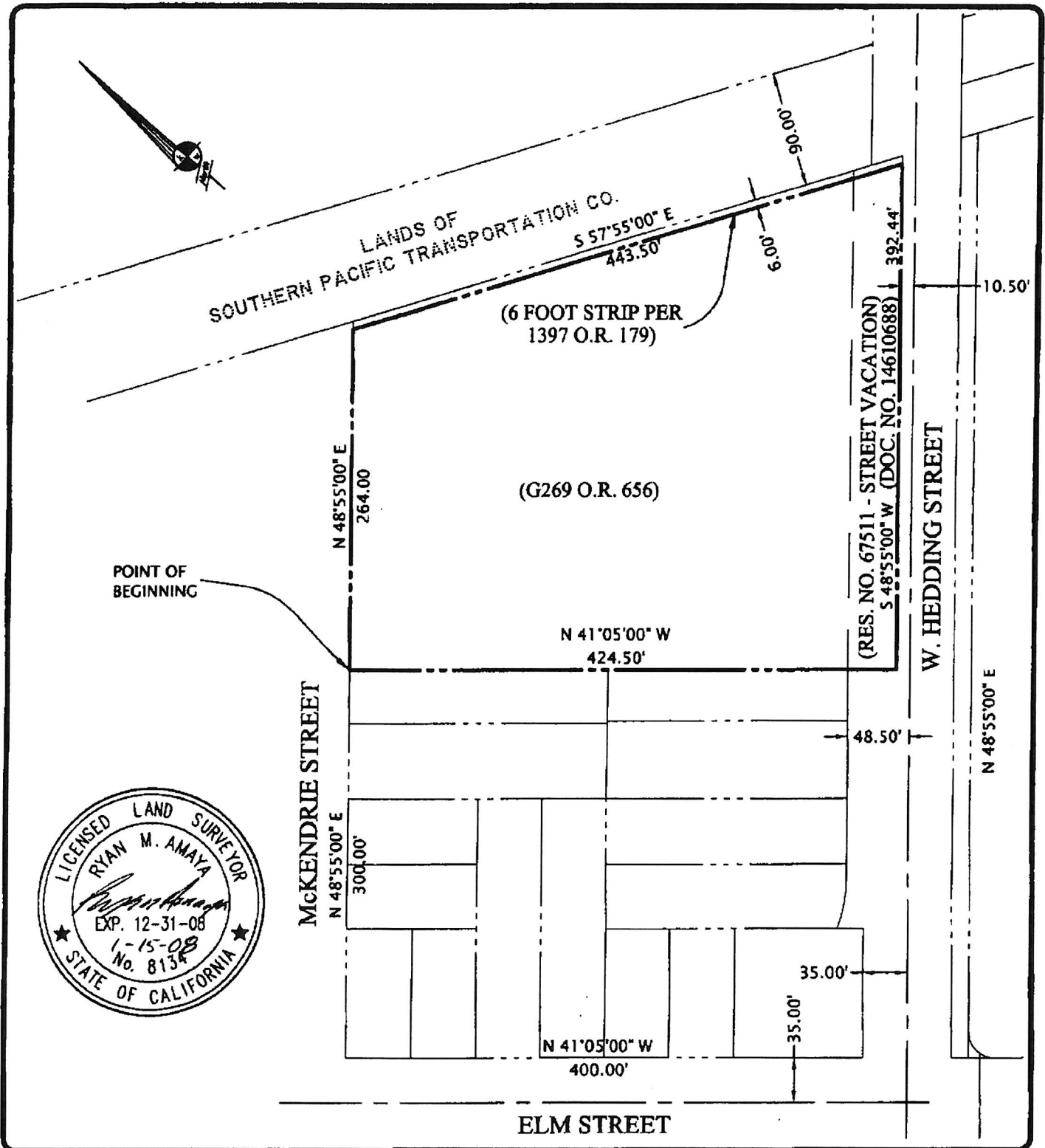
<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	SEPT., 2007
		SCALE	1" = 150'
<p>SAN JOSE</p>		DR. BY	CSS
		JOB	A06271
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		<p>CALIFORNIA</p>	
		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 (408) 727 6665 Santa Clara, California 95054 fax (408) 727 5641</p>	
<p>US22: rev 04/02 1. PROJECTS\LAB271\000\SHRVEY\PLATS\PLANNING PLAT.dwg SEPTEMBER 07, 2007 1:16 PM</p>		SHEET NO.	1 OF 1



<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	JAN., 2008
		SCALE	1" = 100'
SAN JOSE	CALIFORNIA	DR. BY	JN
		JOB	A06271-1
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		SHEET NO.	1 OF 1
		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 San Jose, California 95054 phone (408) 727 6565 fax (408) 727 5641</p>	



<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	JAN., 2008
		SCALE	1" = 100'
SAN JOSE		DR. BY	JN
CALIFORNIA		JOB	A06271-1
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		SHEET NO.	1 OF 1
		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 San Jose, California 95054 (408) 727 6665 fax (408) 727 5641</p>	



PLAT TO ACCOMPANY LEGAL DESCRIPTION
BELLARMINE COLLEGE PREPARATORY

SAN JOSE

CALIFORNIA

EXHIBIT "B"
FOR PLANNING PURPOSES









KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
 3350 Scott Boulevard, Building 22 (408) 727 6665
 Santa Clara, California 95054 fax (408) 727 5641

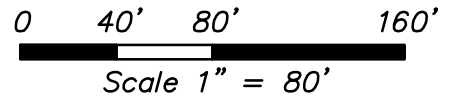
DATE	JAN., 2008
SCALE	1" = 100'
DR. BY	JN
JOB	A06271-1
SHEET NO.	1 OF 1

EXHIBIT "B" (File Nos: PDC22-099 & PD22-030)

LEGEND

-  BOUNDARY OF SUBJECT PROPERTY
-  LINES TO BE REMOVED
-  CENTER LINES
-  ADJOINER LINES
-  EASEMENT LINES
-  DIMENSION / TIE LINES

DOC. NO. DOCUMENT NUMBER
POB POINT OF BEGINNING



STOCKTON AVENUE

(100' WIDTH)

POB

S41°06'00"E 220.14'

S48°53'35"W 119.72'

LANDS OF BELLARMINE
COLLEGE PREPARATORY

LANDS OF
WTA INVESTMENTS LLC
TJA INVESTMENTS LLC

GRANT DEED
(DOC. NO. 25340113)

S41°06'00"E 50.06'

LANDS OF BELLARMINE
COLLEGE PREPARATORY

FORMER EMORY STREET
QUITCLAIM (DOC. 22084011)

N48°52'00"E 413.51'

N48°53'40"E 167.59'

N41°07'24"W 200.07'

LANDS OF DONNELLY
2004 LIVING TRUST

LANDS OF BELLARMINE
COLLEGE PREPARATORY

S48°52'00"W 112.08'

R=20.00'
D=44°25'27"
L=15.51 R2

N41°08'00"W
75.72'

LAUREL STREET (60' WIDTH)



08/01/2022



KIER+WRIGHT

3350 Scott Boulevard, Building 22
Santa Clara, California 95054

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

**EXHIBIT B PLAT
PLANNING PURPOSES**

LANDS OF BELLARMINE
COLLEGE PREPARATORY

SANTA CLARA COUNTY SAN JOSE, CALIFORNIA

DATE	AUG., 2022
SCALE	1" = 80'
BY	EAP
JOB NO.	A21080
SHEET	1 OF 1

Z:\2021\

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.