

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 21.23 GROSS ACRES, SITUATED ON THE SOUTHEAST CORNER OF SOUTH 10TH STREET AND EAST ALMA AVENUE (1500 SOUTH 10TH STREET) (APN: 477-38-003) FROM THE R2 RESIDENTIAL 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**, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the PQP Public/Quasi-Public Zoning District under File Numbers C19-029, CP19-024, and PP18-037 (the “MND”); 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, approved and adopted said MND 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 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" 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. C19-029 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.

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PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**LEGAL DESCRIPTION**

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT AN IRON PIPE SET ONE FOOT BELOW THE SURFACE OF THE GROUND AT THE POINT OF INTERSECTION OF EASTERLY LINE OF THE PROPOSED EXTENSION OF TENTH STREET WITH THE CORPORATE LIMITS SOUTH OF THE CITY OF SAN JOSE, CALIFORNIA, SAID POINT OF BEGINNING BEING DISTANT ALONG SAID EASTERLY LINE OF SAID EXTENSION OF TENTH STREET SOUTH 30° 40' EAST 1088.67 FEET FROM AN IRON PIPE SET ONE FOOT BELOW THE SURFACE OF THE GROUND AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF HUMBOLDT STREET WITH THE PROLONGATION SOUTHERLY OF THE EASTERLY LINE OF TENTH STREET, AND RUNNING THENCE FROM SAID POINT OF BEGINNING SOUTHERLY ALONG SAID EASTERLY LINE OF SAID PROPOSED EXTENSION OF TENTH STREET SOUTH 30° 40' EAST 1028.03 FEET TO AN IRON PIPE SET IN THE NORTHERLY LINE OF LANDS OR RIGHT OF WAY OF THE WESTERN PACIFIC RAILROAD COMPANY; THENCE EASTERLY AND NORTHERLY ALONG THE NORTHERLY AND WESTERLY LINE OF LANDS OR RIGHT OF WAY OF SAID WESTERN PACIFIC RAILROAD COMPANY NORTH 49° 53' 30" EAST 708.42 FEET TO A 4" X 4" POST; THENCE CURVING TANGENTIALLY TO THE LEFT ON A CURVE OF 523.89 FEET RADIUS, THROUGH AN ANGLE OF 87° 30' 30", FOR A DISTANCE OF 799.83 FEET TO A 4" X 4" POST; THENCE TANGENT TO SAID CURVE, NORTH 37° 37' WEST 334.34 FEET TO AN IRON PIPE SET IN SAID CORPORATE LIMITS SOUTH OF THE CITY OF SAN JOSE, CALIFORNIA, AND FROM WHICH A BRASS PLUG SET FLUSH AT THE POINT OF INTERSECTION OF SAID CORPORATE LIMITS SOUTH WITH THE CENTER LINE OF SENTER ROAD BEARS NORTH 59° 20' EAST 130.96 FEET; AND THENCE LEAVING SAID LANDS OR RIGHT OF WAY OF SAID WESTERN PACIFIC RAILROAD AND RUNNING WESTERLY ALONG SAID CORPORATE LIMITS SOUTH OF THE CITY OF SAN JOSE, CALIFORNIA, SOUTH 59° 20' WEST 1092.29 FEET TO THE POINT OF BEGINNING AND BEING SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP SHOWING A PART OF THE LANDS OF THE HEIRS OF JAMES PHELAN, DECEASED, IN AND ADJOINING THE CITY OF SAN JOSE", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JUNE 30, 1936 IN BOOK 2 OF MAPS, PAGE 3.

EXCEPTING THEREFROM ALL THE LAND LYING WITHIN THE LIMITS OF ALMA AVENUE, 80.00 FEET WIDE, AS SAID ALMA AVENUE WAS FIXED AND ESTABLISHED BY DECREE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA, DATED DECEMBER 21, 1931 AND RECORDED IN BOOK 603 OF OFFICIAL RECORDS, PAGE 175.

APN: 477-38-003

*First American Title Insurance Company*

**EXHIBIT "A"**  
**(File Nos. C19-029; C19-024)**