

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.86 GROSS ACRES, SITUATED AT THE NORTHEAST CORNER OF RUBY AVENUE AND NORWOOD AVENUE (2740 RUBY AVENUE) (APN: 652-29-014) FROM R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT.

FILE NO. C20-012

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 approximately 1.86-gross acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report (“FEIR”) for the Wat Khmer Kampuchea Krom Temple Project (File Nos. C20-012, SP20-024 & ER20-147), which evaluated the impacts of the removal of 21 trees (20 ordinance-size, one non-ordinance-size, with 75 replacement trees for the construction of an approximately 13,902-square foot private gathering facility with an alternative parking arrangement on an approximately 1.86-gross-acre site, and was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, which FEIR was certified for and for which findings were adopted by the City Council on _____, 2023; 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 FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. ____ 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.

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C20-012) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing R-1-5 Single-Family Residence Zoning District; the rezoning would increase the residential capacity by 183 units.

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. C20-012 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

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:

A portion of Lot 13, as shown on that certain Map entitled, "Map of E.G. Hall's Subdivision of a portion of the Rancho Pala, which Map was filed for Record in the Office of the Recorder of the County of Santa Clara, State of California, on September 5, 1888, in Book D of Maps, at Page 17, and being more particularly described as follows:

Beginning at the point of intersection of the Southerly line of Norwood Avenue with the Southerly prolongation of the center line of Ruby Avenue as said Avenues are shown on the Map hereinabove referred to; thence from said point of beginning along said Southerly line of Norwood Avenue, North 76° East, 284.41 feet; thence parallel with the said center line of Ruby Avenue, North 14° 43' West, 392.00 feet; thence parallel with the Southerly line of said Norwood Avenue, South 76° West, 284.41 feet to a point in the said center line of Ruby Avenue; thence along said last named line South 14° 43' East, 60.00 feet to the point of intersection thereof with the Northerly line of that certain parcel of land conveyed in the Deed from D.S. Arata, Sr., et al, to Frank A. Silva, et ux, dated January 10, 1961 and Recorded January 13, 1961 in Book 5041 of Official Records, Page 439; thence along said last named line North 76° East, 147.18 feet to the Northeasterly corner of said lands so deeded to Silva; thence along the Easterly line thereof, South 14° 43' East, 74.00 feet to the Southeasterly corner thereof; thence along the Southerly line thereof South 76° West, 147.18 feet to a point in the said center line of Ruby Avenue; thence along said last named line South 14° 43' East, 258.00 feet to the point of beginning.

PARCEL TWO:

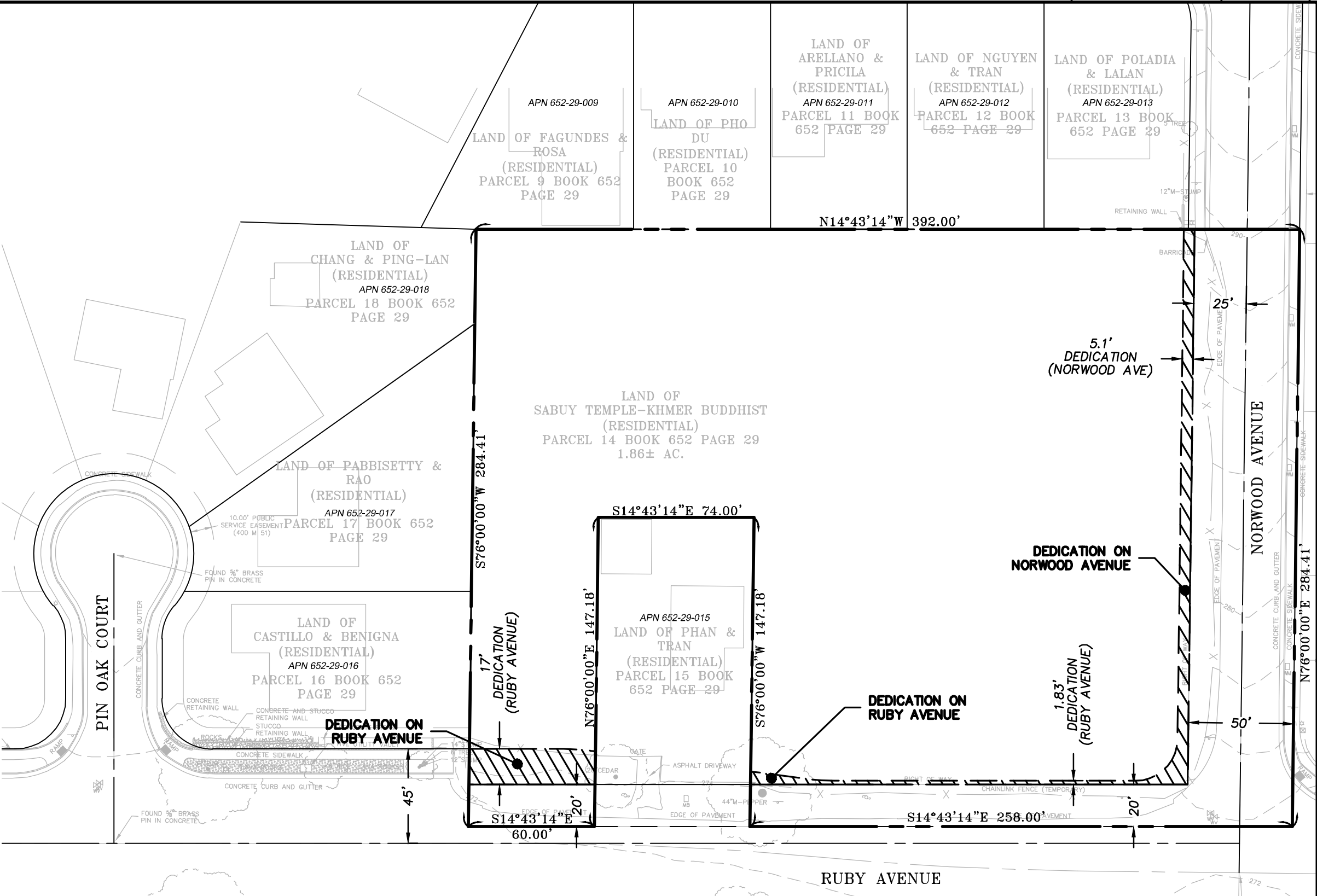
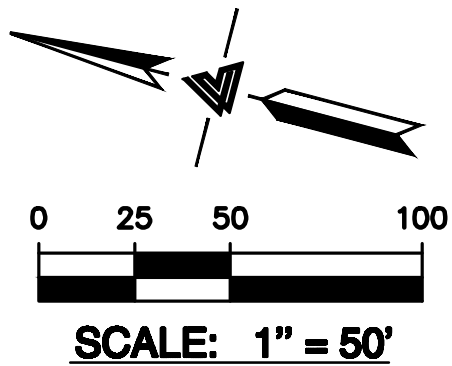
An easement in, under, over and across a strip of land 5 feet in width for the purpose of maintaining, repairing, replacing and using an existing underground water pipe line lying therein, the Southeasterly and Northeasterly lines of said 5 foot strip being described as follows:

Beginning at a point on the Northerly line of Norwood Avenue as shown on the Map of E. G. Hall's Subdivision of a portion of the Rancho Pala, which Map was filed September 5, 1888, Book D of Maps, Page 17, distance thereon North 76° East 284.41 feet from the point of intersection thereof with the center line of Ruby Avenue as shown on said Map; thence from said point of beginning along said line of Norwood Avenue North 76° East 705.59 feet; more or less, to the point of intersection thereof with the Westerly line of Klein Road, as shown on said Map; thence along said last named line North 14° 40' West 300 feet, more or less, to the point of intersection thereof with the Northerly line of the existing water meter; and the terminus of said easement; the Northerly line of said easement at the Westerly terminus thereof being on a line drawn parallel with and distant North 76° East 284.41 feet from said center line of Ruby Avenue, and the Westerly line thereof at the Northerly terminus thereof being lengthened or shortened so as to intersect a line drawn Easterly and Westerly along the Northerly line of said water meter and the Easterly and Westerly prolongations thereof.

EXHIBIT "A"
(File Nos. C20-012; SP20-024)

The foregoing right of way was granted in the Deed from Yoshio Katayama, et al, to David S. Arata, Sr., et ux, Recorded November 23, 1962 in Book 5801, Page 347.

APN: 652-29-014

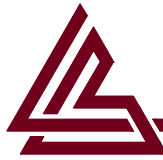


REV 1 DATE: 10/19/2021



DATE: 07-13-2020
SCALE: 1"=50'
DESIGN BY: TC / CHEKED BY: CP
JOB# 2190267
SHEET 1 OF 1

EXHIBIT "B"
PLAT MAP
FOR: REZONING PURPOSE
2740 RUBY AVENUE
SAN JOSE, CA 95148



LEA & BRAZE ENGINEERING, INC.
CIVIL ENGINEERS • LAND SURVEYORS

MAIN OFFICE:
2495 INDUSTRIAL PKWY WEST
HAYWARD, CALIFORNIA 94545
(510) 887-4086

REGIONAL OFFICES:
ROSEVILLE
DUBLIN
SAN JOSE

WWW.LEABRAZE.COM