DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.17 GROSS ACRES SITUATED BETWEEN NORTH FOURTH AND FIFTH STREETS, APPROXIMATELY 220 FEET NORTHERLY OF JACKSON STREET (639-645 NORTH FIFTH STREET AND 620-642 NORTH FOURTH STREET) (APNS 249-41-075, -009, -022 THROUGH -025) FROM THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT AND THE R-M MULTIPLE RESIDENCE DISTRICT TO THE 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, 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(PD) Planned Development Zoning District under File No. PDC23-104 (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(PD) Planned Development 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 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 rezoning of the subject property shall be that rezoning plan set for the subject property entitled, "CONCEPTUAL LOTUS PRESCHOOL AND CR CLASSROOM REPLACEMENT / PLANNED DEVELOPMENT ZONING," dated November 5, 2024, and last updated January 10, 2025 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement 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" and depicted in Exhibit "B" attached and incorporated 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. PDC23-104 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 _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Portions of Lot 160, Block 15, White's Additions, as shown on the Map entitled "City of San Jose, copied from the original Map drawn by Sherman Day, City Engineer", which Map was filed for record in the Office of the Recorder, County of Santa Clara, State of California, in Book "A" of Maps, at Pages 72 and 73 and being more particularly described as follows:

Beginning at a point on the Southwesterly line of Fifth Street, formerly Main Street, distant thereon Northwesterly 183 feet 4 inches Northwesterly from the point of intersection of said Southwesterly line of Fifth Street with the Northwesterly line of Jackson Street; thence along said Southwesterly line of Fifth Street Northwesterly 45 feet 10 inches; thence at right angles Southwesterly 137 feet 6 inches; thence at right angles Southeasterly 45 feet 10 inches; thence at right angles Northeasterly 137 feet 6 inches to the point of beginning.

APN: Portion 249-41-075

PARCEL TWO:

Portions of Lot 160, Block 15, White's Additions, as shown on the Map entitled "City of San Jose, copied from the original Map drawn by Sherman Day, City Engineer", which Map was filed for record in the Office of the Recorder, County of Santa Clara, State of California, in Book "A" of Maps, at Pages 72 and 73 and being more particularly described as follows:

Beginning at a point on the Southwesterly line of Fifth Street, distant thereon Northwesterly 229 feet 2 inches from the point of intersection of said Southwesterly line of Fifth Street with the Northwesterly line of Jackson Street; thence along said Southwesterly line of Fifth Street Northwesterly 45 feet 10 inches; thence at right angles Southwesterly 137 feet 6 inches; thence at right angles Southeasterly 45 feet 10 inches; thence at right angles Northeasterly 137 feet 6 inches to the point of beginning.

APN: Portion 249-41-075

PARCEL THREE:

Portions of Lot 160, Block 15, White's Additions, as shown on the Map entitled "City of San Jose, copied from the original Map drawn by Sherman Day, City Engineer", which Map was filed for record in the Office of the Recorder, County of Santa Clara, State of California, in Book "A" of Maps, at Pages 72 and 73 and being more particularly described as follows:

Beginning at a point on the Southwesterly line of Fifth Street, distant thereon Northwesterly 274 feet 3 inches from the point of intersection of said Southwesterly line of Fifth Street with the Northwesterly line of Jackson Street; thence along said Southwesterly line of Fifth Street Northwesterly 45 feet 10 inches; thence at right angles Southwesterly 137 feet 6 inches; thence at right angles Southeasterly 45 feet 10 inches; thence at right angles Northeasterly 137 feet 6 inches to the point of beginning.

APN: Portion 249-41-075

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EXHIBIT A
(Continued)

PARCEL FOUR:

Portion of Lot 161, in Block 15, of White's Addition to the City of San Jose, as shown upon that certain Map entitled "City of San Jose, as shown upon that certain Map entitled City of San Jose, copies from the original Map drawn by Sherman Day, City Engineer", which Map was filed for record in the Office of the County of Santa Clara, State of California, in Book "A" of Maps, at Pages 72 and 73, and more particularly described as follows:

Commencing at a point on the Southwestern line of Fifth Street, distant thereon 320 feet 10 inches Northwesterly from the Northwestern line of Jackson Street; thence running Southwesterly and parallel with the Northwestern line of Jackson Street, 137.5 feet to the Southwesterly line of Lot 161, in Block 15, as shown upon the above Map; thence Northwesterly and parallel with the Southwestern line of Fifth Street and along he Southwestern line of said Lot 161, 45 feet 10 inches; thence Northeasterly and parallel with the Northwestern line of Jackson Street, 137.5 feet to the Southwesterly line of Fifth Street; thence Southwesterly along said line of Fifth Street 45 feet 10 inches to the point of beginning.

APN: 249-41-009

PARCEL FIVE:

Beginning at a point on the Easterly line of Fourth Street distant thereon Northerly 183 1/3 feet from point of intersection of Northerly line of Jackson Street with Easterly line of Fourth Street; thence Northerly along said Easterly line of Fourth Street 46 10/10 feet; thence at right angles Easterly 137 ½ feet; thence at right angles Westerly 137 ½ feet to a point of beginning.

Being a portion of Block 15 of White's Addition in the City of San Jose

APN: 249-41-022

PARCEL SIX:

Beginning at a point on the Easterly line of Fourth Street, distant thereon 230 feet 2 inches Northerly from the point of intersection of the Easterly line of Fourth Street with the Northerly line of Jackson Street; thence running Northerly and along the Easterly line of Fourth Street 44 feet 10 inches; thence at right angles Easterly and parallel with the Northerly line of Jackson Street, 137.50 feet; thence running at right angles Southerly and parallel with the Easterly line of Fourth Street 44 feet 10 inches; thence running at right angles Westerly and parallel with the Northerly line of Jackson Street 137.50 feet to the point of beginning.

Being a portion of Lot 155 in Block 15 of the White's Addition to the City of San Jose.

APN: 249-41-023

PARCEL SEVEN:

Portion of Lot 156, in Block 15, White's Addition in the City of San Jose, as shown upon that certain Map entitled "City of San Jose, copied from the Original Map drawn by Sherman Day, Civil Engineer", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in Book "A" of Maps, at Pages 72 and 73, and more particularly described as follows:

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EXHIBIT A
(Continued)

Commencing at a point on the Easterly line of Fourth Street, distant 275 feet Northerly from the Northerly line of Jackson Street; thence running Easterly parallel with Jackson Street 137 ½ feet; thence at right angles Northerly parallel with Fourth Street 45 10/12 feet; thence at right angles Westerly parallel with Jackson Street 137 ½ Feet to the Easterly line of Fourth Street; thence at right angles Southerly along said line of Fourth Street 45 10/12 feet to the place of beginning.

APN: 249-41-024

PARCEL EIGHT:

Beginning at a point in the Easterly line of Fourth Street, distant thereon North 320 feet and 10 inches from the point of intersection of the Northerly line of Jackson Street with the Easterly line of Fourth Street; thence Northerly along said line of Fourth Street, 45 feet and 10 inches; thence at a right angle Easterly and parallel with the Northerly line of Jackson Street, 137 feet and 6 inches; thence at a right angle Southerly and parallel with the Easterly line of Fourth Street, 45 feet and 10 inches; thence at a right angle Westerly 137 feet and 6 inches to the point of beginning.

Being a portion of Block 15 of White's Addition in the City of San Jose.

APN: 249-41-025

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EXHIBIT B

20 0 5 10 20
SCALE: 1 INCH = 20 FEET

NOTES

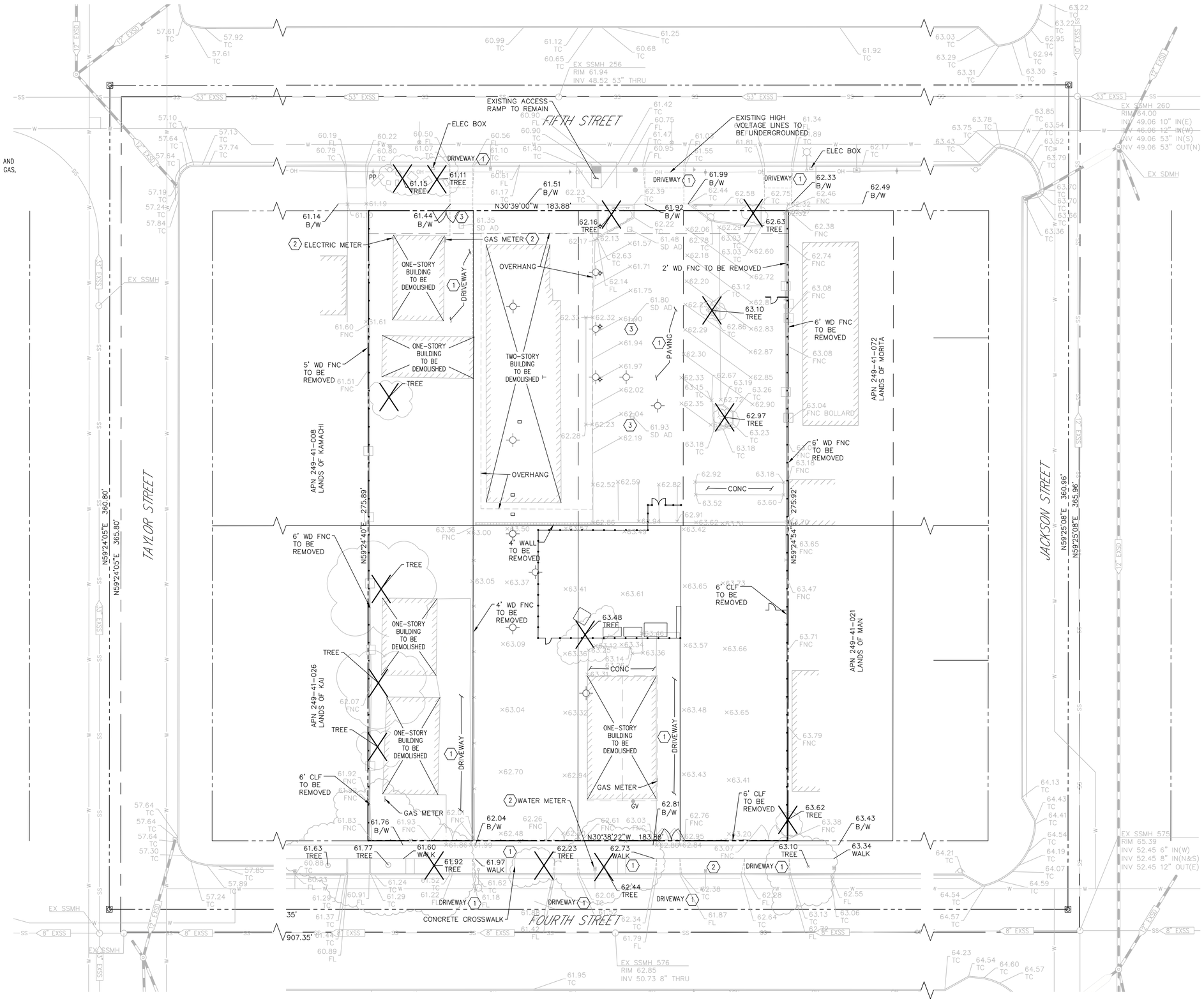
1. ALL EXISTING HARDSCAPE IMPROVEMENTS (AC PAVEMENT, CONCRETE WALKS, CURBS, PLANTERS, ETC.) TO BE DEMOLISHED AND REMOVED
2. ALL EXISTING UTILITY CONNECTIONS TO SITE TO BE PROPERLY DISCONNECTED AND CAPPED OFF IN COORDINATION WITH THE APPLICABLE SERVICE PROVIDER (I.E. GAS, ELECTRICAL, COMMUNICATIONS, WATER, ETC.)
3. EXISTING ONSITE STORM COLLECTION SYSTEM TO BE REMOVED ENTIRELY.
4. EXISTING ONSITE SANITARY COLLECTION SYSTEM TO BE REMOVED ENTIRELY.

LEGEND

EXISTING	DESCRIPTION
	BOUNDARY
	PROPERTY LINE
	CENTER LINE
	CURB, GUTTER & SIDEWALK
EXSS SS	SANITARY SEWER PIPE & MANHOLE
EXSD	STORM DRAIN PIPE & MANHOLE
EXWT W	WATER MAIN & VALVE
	CURB INLET
	FIELD INLET
	FIRE HYDRANT
	POWER POLE
	ELECTROLIER
	SURVEY MONUMENT
	SIGN
	ACCESS RAMP
	EXISTING TREE TO BE REMOVED

ABBREVIATIONS

BLDG	BUILDING
CATV	CABLE TELEVISION
CB	CATCH BASIN
CLF	CHAIN LINK FENCE
CO	CLEAN OUT
COMM	COMMUNICATION
CONC	CONCRETE
COR	CORNER
ELEC	ELECTRICAL
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GV	GAS VALVE
IF	IRON FENCE
MH	MANHOLE
N	NORTH
OVHG	OVERHANG
PP	POWER POLE
PL	PROPERTY LINE
SS	SANITARY SEWER
SD	STORM DRAIN
STLT	STREET LIGHT
UTIL	UTILITY
WM	WATER METER
WT	WATER
WV	WATER VALVE
WF	WOOD FENCE



aedis architects
San Jose, CA 95113
tel: (408)-300-5160
fax: (408)-300-5121

CONSULTANT
LANGAN
Langan Engineering and Environmental Services, Inc.
1 Almaden Boulevard, Suite 590
San Jose, CA 95113
T: 408.283.3600 F: 408.283.3601 www.langan.com

LOTUS PRESCHOOL AND CR REPLACEMENT

639 N. 5TH ST., SAN JOSE, CA 95112

PRELIMINARY SUBMITTAL

PROJECT NUMBER:
PDC22-104
PD23-016

SHEET
EXISTING CONDITION AND DEMOLITION PLAN

REVISIONS
No. Description Date

SCALE
1" = 20'

DATE
2025-01-10

AEDIS JOB #
2021026

SHEET #
C1

002-D

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