

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.47 ACRE, SITUATED ON THE NORTH SIDE OF ABORN ROAD, APPROXIMATELY 100 FEET WESTERLY OF SERPA DRIVE (2525 ABORN ROAD) 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**, a Statement of Exemption was prepared for a rezoning under File No. C17-013, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction or Conversion of Small Structures which consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure) was adopted by the Director of Planning on January 8, 2018; 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 Statement of Exemption as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject rezoning;

**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 as 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.** The land development approval that is the subject of City File No. C17-013 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 \_\_\_\_\_, 2018 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

Exhibit A  
Legal Description

DESCRIPTION OF PROPERTY

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, being all of the property described in the Grant Deed recorded on August 4, 1967 as Document No. 3263873 and all that property described in the Grant Deed recorded on September 10, 1971 as Document No. 4089245, Official Records of Santa Clara County, more particularly described as follows:

Beginning at the most easterly corner of Lot 8 as shown on the map of Tract No. 4983, recorded on May 27, 1971 in Book 284 of Maps, at Pages 11-12, Records of Santa Clara County, said point being on the westerly boundary line as shown on the map of Tract No. 8227, recorded on June 22, 1989 in Book 601 of Maps, at Pages 43-44 Records of Santa Clara County, said point also being the most easterly corner of said Document 4089245; thence along the said westerly boundary line of Tract No. 8227 and its southerly prolongation, S 11°47'35" E 215.35 feet to a point that is 20.00 feet distant, measured at a right angle from the monument line of Aborn Road as said monument line is shown on said Tract No. 8227, said point also being the most easterly corner of said Document No. 3263873; thence parallel with said monument line, S 78°48'05" W 100.00 feet to the most southerly corner of said Document No. 3263873, said point also being on the southerly prolongation of the easterly line of Parcel 3 as shown on the Parcel Map recorded on March 23, 1990 in Book 612 of Maps at Page 5, Records of Santa Clara County; thence along said easterly line of Parcel 3 and its prolongation, N 11°47'35" W 182.00 feet to the most westerly corner of said Document No. 3263873; thence along the northerly line of said Document No. 3263873, N 78°48'05" E 19.39 feet to the most southerly corner of said Document No. 4089245, said point being the beginning of a non-tangent curve to the left, concave westerly, having a radius of 42.00 feet, a radial line to said curve bears S 87°25'25" E; thence along said curve through a central angle of 24°41'35", for an arc length of 18.10 feet to the most southerly corner of said Lot 8; thence along the southerly line of said Lot 8 N 67°53'00" E 81.29 feet to the Point of Beginning.

Exhibit A (cont)  
Legal Description

PUBLIC RIGHT OF WAY EASEMENT 1

Reserving therefrom an easement for the installation and maintenance of public right of way, including but not limited to the facilities, appurtenances and improvements related thereto, such as: pavement, storm drainage and sanitary sewer systems, street lights and traffic signals systems and electrical appurtenances, street trees, curb, gutter, sidewalk, and public utilities such as potable and non-potable water, electrical power, gas, telephone, and cable television, and all appurtenances thereto and for any and all public uses, on, under, over, and through the real property situated in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

Beginning at the most southerly corner of Lot 6 as shown on said Tract No. 8227, said point also being on the northerly line of Aborn Road as shown on said Tract No. 8227; thence along the southerly prolongation of the westerly line of said Lot 6, S 11°47'35" E 45.00 feet to a point that is 20.00 feet distant, measured at a right angle from said monument line of Aborn Road, said point also being the most easterly corner of said Document No. 3263873; thence parallel with said monument line, S 78°48'05" W 100.00 feet to the most southerly corner of said Document No. 3263873, said point also being on the southerly prolongation of the easterly line of Parcel 3 as shown on the Parcel Map recorded on March 23, 1990 in Book 612 of Maps at Page 5, Records of Santa Clara County; thence along said easterly line of Parcel 3 and its prolongation, N 11°47'35" W 45.00 feet to the southeasterly corner of said Parcel 3, said point also being on said northerly line of Aborn Road; thence parallel with said monument line, N 78°48'05" E 100.00 feet to the Point of Beginning.

PUBLIC RIGHT OF WAY EASEMENT 2

Beginning at the southwesterly corner of said Document No. 4089245, said point being at the southeasterly corner of the Pumpherstons Court right-of-way as shown on said Tract No. 4983, said point also being the beginning of a non-tangent curve to the right, concave

Exhibit A (cont)  
Legal Description

westerly, having a radius of 42.00 feet, a radial line to said curve bears S 87°25'25" E; thence along said curve through a central angle of 45°09'41", for an arc length of 33.10 feet to the northeast corner of said Parcel 3; thence along the northerly prolongation of said easterly line of Parcel 3, N 11°47'35" W 25.98 feet to the northwesterly corner of said Document No. 3263873; thence along the northerly line of said Document No. 3263873, N 78°48'05" E 19.39 feet to the Point of Beginning.

The described property contains approximately 20,245 square feet (0.465 acres), including approximately 4,822 square feet (0.111 acres) of Public Right-of-Way Easement.

This description was prepared from record information.

The Basis of Bearings for this description is the bearing of the centerline of Pumpherson Court, N 78°48'05" E as shown on the map of Tract No. 4983, recorded on May 27, 1971 in Book 284 of Maps, at Pages 11-12, Records of Santa Clara County.

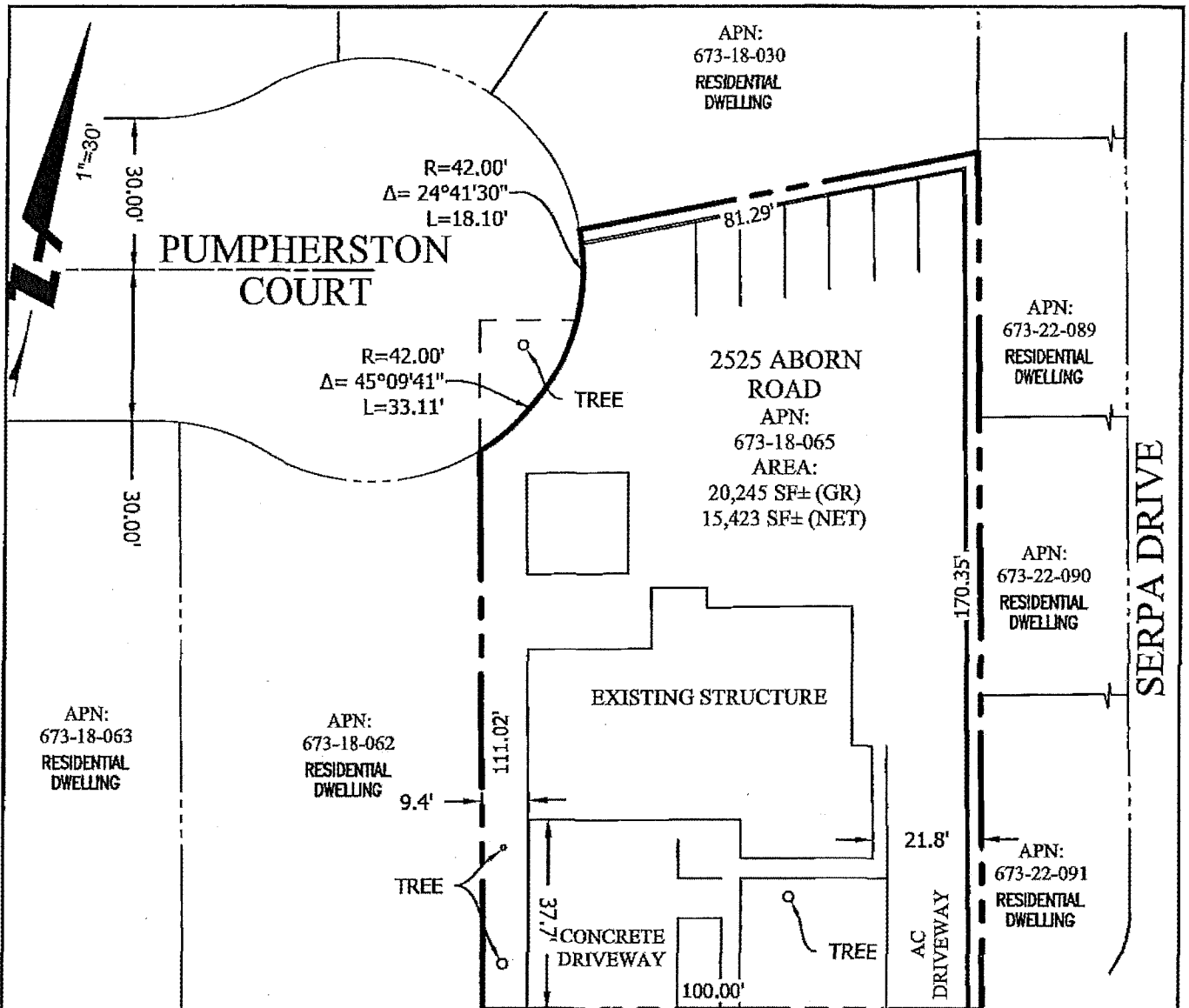
Attached hereto and by reference a part hereof is a plat labeled "PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY" depicting the subject property.

The above description of real property was prepared by me in conformance with the requirements of Section 8726 (g,k, l, m) of the Business and Professions Code of the State of California.



A handwritten signature in black ink, appearing to read "Steve G. Choy".

Steve G. Choy, PLS 6672



**RECEIVED**

JUN 30 2017

**ABORN ROAD**

CITY OF SAN JOSE  
DEVELOPMENT SERVICES

**GRAPHIC SCALE**

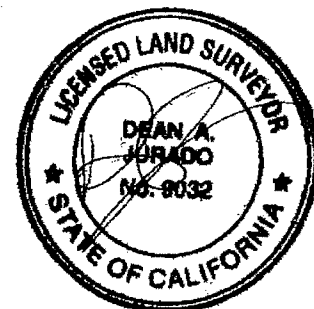


( IN FEET )

1 inch = 30 ft.

**NOTE:**

1. NO WATER WELL EXISTS ON SITE.
2. SITE IS SITUATED IN A RESIDENTIAL COMMUNITY.



6/15/17

**Conforming Rezoning File No. C17-013**

**REZONING PLAT, EXHIBIT 'B'**  
**LANDS OF RAJDEEP SINGH AND SATVUR SOHAL**  
**2525 ABORN DRIVE, APN: 673-18-065**

Surveyor: Dean Jurado  
2929 Floyd Ave, Modesto, CA 95355  
Phone Number: 209-573-0386

Drawn DAJ  
Job No. 17-001

Checked DAJ  
Date 5/09/17 revised 6/15/17

Approved DAJ  
Sheet 1 of 1