

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 15.12-GROSS ACRES SITUATED ON THE NORTH SIDE OF MABURY ROAD, APPROXIMATELY 350 FEET EAST OF NORTH KING ROAD (12329 MABURY ROAD), FROM THE A AGRICULTURAL 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**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; 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 information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the

determination of consistency therewith 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. C17-055 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

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being all of that certain 3.980 acre parcel shown on the Record of Survey map filed on February 9, 1984 in Book 524 of Maps at Page 33, Santa Clara County records, more particularly described as follows:

**BEGINNING** at the most southerly corner of said 3.980 acre parcel; thence along the southwesterly line of said 3.980 acre parcel, North 31° 47' 06" West, 700.75 feet to the general southerly line of Parcel A, as shown on said Record of Survey map; thence along said general southerly line of Parcel A the following five (5) courses: 1) South 85° 07' 05" East, 268.38 feet, 2) South 77° 42' 48" East, 73.25 feet, 3) South 68° 07' 44" East, 138.37 feet, 4) North 89° 02' 23" East, 91.84 feet and 5) South 81° 18' 10" East, 75.88 feet to the southeasterly corner of said Parcel A; thence leaving said general southerly line, along the southeasterly line of said 3.980 acre parcel, South 28° 08' 14" West, 562.19 feet to the **POINT OF BEGINNING**.

Containing an area of 3.980 acres, more or less.

TOGETHER WITH any and all interest acquired by right of user, in and to a strip of land 22 feet wide, lying Northeasterly of the Northeasterly line of that certain 10.83 acre tract of land conveyed by George C. Geissmann and Jennie Geissmann, his wife, to Rudolph Geissmann, by Deed dated November 29, 1913 and recorded December 1, 1913 in the office of the County Recorder of the County of Santa Clara, State of California, in Book 411 of Deeds, page 261, records of said County, and running from the most Southerly corner of the land hereinabove described to the Northwesternly line of the Mabury Road, as granted in the Deed from Nazareno Tassi, et ux, to Ralph DeKruif, et ux, dated April 30, 1948, recorded May 3, 1948 in Book 1608 Official Records, page 138, Santa Clara County Records.

As shown on Exhibit B, attached hereto and made a part hereof.

END OF DESCRIPTION

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act.

Kristina D. Comer  
Kristina D. Comerer, PLS 6766

Date: March 23, 2018





**EXHIBIT B**  
**REZONING PLAT MAP**  
**MABURY ROAD STATION**  
**12329 MABURY ROAD**  
**SAN JOSE, CALIFORNIA**

SCALE: 1" = 100'

REFERENCES USED

1. R/S 524 M. 33
2. R/S 143 M. 19

