

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 17.64- GROSS ACRES SITUATED ON THE EAST SIDE OF ELM STREET, BETWEEN WEST HEDDING STREET AND EMORY STREET, SOUTHWEST CORNER OF WEST HEDDING STREET AND ELM STREET, SOUTHWEST CORNER OF EMORY STREET AND STOCKTON AVENUE, AND NORTH SIDE OF WEST HEDDING STREET, APPROXIMATELY 300 FEET EASTERLY OF ELM STREET (960 WEST HEDDING STREET) FROM THE A(PD) PLANNED DEVELOPMENT ZONING 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, an Addendum to the Bellarmine College Preparatory Master Plan Mitigated Negative Declaration adopted by the City Council on June 24, 2008 (Ordinance No. 28337), all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning; 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 and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on the project.

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(PD) Planned Development Zoning District. The base district zoning of the subject property shall be PQP Public/Quasi-Public Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Bellarmine College Preparatory" last revised on August 29, 2019 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning 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" 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. PDC19-001 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
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:

Portion of Lots 2 and 3 in Block 19 and Portions of Lots 1 and 4 in Block 26 and a portion of Laurel Street, as shown on that certain map entitled "Map of University Grounds", which map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on August 25, 1866 in Book A of Maps, at page 80, and described as follows:

Beginning on the Northwest line of Hedding Street, as established by the deed to the City of San Jose, recorded January 7, 1959 in Book 4282 Official records, page 675, distant thereon Southwesterly 100 feet from the intersection thereof with the Southwest line of Laurel Street, now abandoned; thence Northwesterly parallel with said Southwest line of Laurel Street and along the Southwest line of the parcel of land described in the deed to Fred A. Watkins, et ux, recorded January 13, 1954 in Book 2793, Official Records, page 468, 386.5 feet to the Southeast line of McKendrie Street; thence Northeasterly along the Southeast line of McKendrie Street to the Southwest line of the 6 foot strip of land conveyed to Southern Pacific Company by deed recorded December 4, 1946 in Book 1397 Official Records, page 179; thence Southeasterly along the Southwest line of said 6 foot strip of land to said Northwest line of Hedding Street to the point of beginning.

APN: 230-41-043