

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.10-GROSS ACRES SITUATED ON THE SOUTHEAST CORNER OF MOORPARK AVENUE AND LEIGH AVENUE INTERSECTION (1710 MOORPARK AVENUE) (APN:282-44-027) FROM THE A(PD) PLANNED DEVELOPMENT 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 the 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 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. C19-034 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 \_\_\_\_\_, 2019 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



October 9, 2019  
BKF No. 20181860  
Page 1 of 1

**EXHIBIT "A"**  
Legal Description

**PARCEL PROPERTY**  
1710 Moorpark Avenue, San Jose, CA  
(For Rezoning)

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being Adjusted Parcel A, as described in that certain Lot Line Adjustment Permit, File No. AT02-118, recorded June 12, 2003 as Document No. 17104784, Official Records of Santa Clara County, more particularly described as follows:

**BEGINNING** at the southeasterly corner of said Adjusted Parcel A, said corner being also a point on the westerly line of Richmond Avenue;

Thence leaving said corner and said westerly line of Richmond Avenue, along the southerly line of said Adjusted Parcel A, South  $89^{\circ}44'30''$  West, 136.16 feet to a point on the easterly line of Leigh Avenue, said point being also the beginning of a non-tangent curve, concave to the west, having a Radius of 926.99 feet, with a radial line that bears North  $88^{\circ}59'12''$  East;

Thence northwesterly along said curve and along said easterly line of Leigh Avenue, through a central Angle of  $17^{\circ}47'45''$ , with an arc Length of 287.92 feet to the beginning of a reverse curve, concave to the southeast, having a Radius of 20.00 feet;

Thence along said curve, through a central Angle of  $108^{\circ}04'43''$ , with an arc Length of 37.73 feet to the southerly line of Moorpark Avenue;

Thence along said southerly line of Moorpark Avenue, North  $89^{\circ}16'10''$  East, 145.29 feet to the beginning of a tangent curve to the right, having a Radius of 20.00 feet;

Southeasterly along said curve, through a central Angle of  $90^{\circ}28'20''$ , with an arc Length of 31.58 feet to a point on said westerly line of Richmond Avenue;

Thence along said westerly line of Richmond Avenue, South  $00^{\circ}15'30''$  East, 290.26 feet to the point of **BEGINNING**.

Containing an area of 1.101 acres, more or less.

As shown on EXHIBIT "B" attached hereto and made a part hereof.

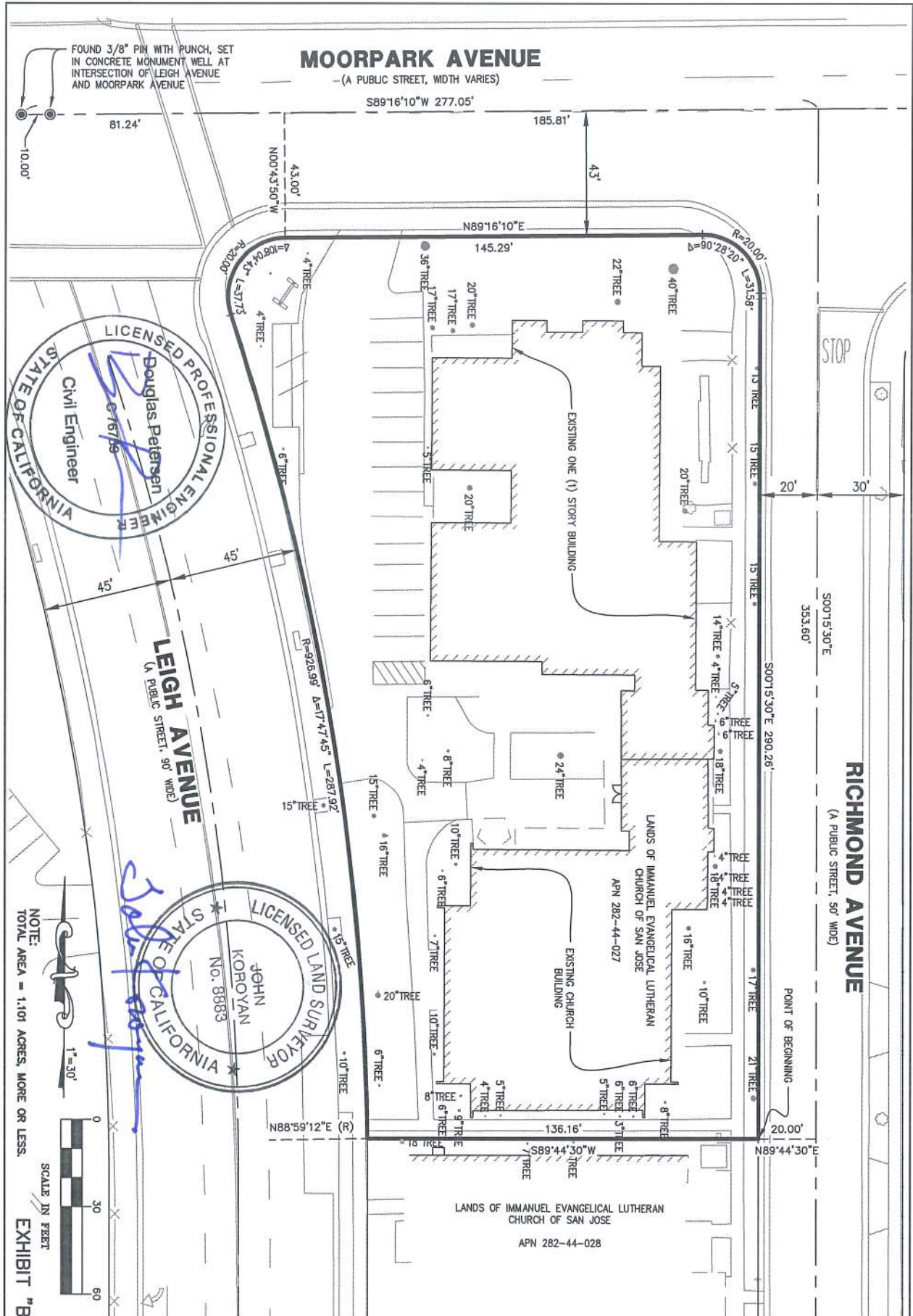
This legal description was prepared by me, or under my direct supervision, in conformance with the requirements of the Professional Land Surveyors' Act.

By: John Koroyan  
John Koroyan  
P.L.S. No. 8883



Date: OCT. 9, 2019

DRAWING NAME: 1710 Moorpark Ave Plot Plan  
 DATE: 10-08-18  
 PLOTTED BY: [signature]



NOTE:  
 TOTAL AREA = 1.101 ACRES, MORE OR LESS.

*John Koroyan*  
 JOHN KOROYAN  
 No. 8883  
 LICENSED LAND SURVEYOR  
 STATE OF CALIFORNIA

SCALE IN FEET  
 0 30 60  
 1" = 30'

Revisions	No.	Description

EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 1710 MOORPARK AVENUE, SAN JOSE, CA  
 SAN JOSE SANTA CLARA COUNTY CALIFORNIA

**BKF 100 YEARS**  
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