

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 9.3 GROSS ACRES SITUATED AT THE NORTHEASTERLY CORNER OF TRINIDAD DRIVE AND AKIO WAY (6835 TRINIDAD DRIVE) (APN: 701-07-016) FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE 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. C19-044, and said Statement of Exemption (CEQA Categorical Exemption Section for 15302 for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, was adopted on April 20, 2020; 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; 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 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" 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. C19-026 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 701-07-016

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

PARCEL ONE:

BEGINNING at a point in the center line of Almaden Road (60 feet wide) at the Southeasterly corner of that certain parcel of land conveyed by Emma C. Melanson to Arthur J. Melanson by deed recorded August 16, 1937, in [Book 840 of Official Records, page 133](#), Santa Clara County; thence from said point of beginning along the Easterly line of said parcel conveyed to Melanson North 6° 00' East 1,270 feet to the TRUE POINT OF BEGINNING of this description; thence from said true point of beginning at right angles to said Easterly line North 84° 00' West 605.00 feet; thence at right angles North 6° 00' East 720.00 feet; thence at right angles South 84° 00' East 605.00 feet to a point in the Easterly line of the aforesaid parcel conveyed to Melanson; thence along said Easterly line South 6° 00' West 720.00 feet to the true point of beginning of this description, and being a portion of Pueblo Tract No. 2, San Jose City Lands.

EXCEPTING THEREFROM that portion thereof conveyed to Arthur J. Melanson by Deed recorded December 13, 1965 in [Book 7209 of Official Records, page 140](#), and being more particularly described as follows:

BEGINNING at the Southeasterly corner of that certain 10 acre parcel of land described in Deed from Arthur J. Melanson to the San Jose Unified School District recorded November 23, 1962 in [Book 5801 of Official Records, page 624](#), Santa Clara County Records, said point also being on the Easterly line of that certain Parcel of land described in the Deed from Emma C. Melanson to Arthur J. Melanson recorded August 16, 1937 in [Book 840 of Official Records, at page 133](#), Santa Clara County Records; thence leaving said Easterly line of said parcel conveyed to Arthur J. Melanson, at right angles along the Southerly line of said 10 acre parcel of land North 84° 49' West, 605.00 feet to the Southwesterly corner thereof; thence at right angles along the Westerly line of said 10 acre parcel of land North 5° 11' East, 479.75 feet; thence leaving said Westerly line South 81° 04' East, 606.30 feet to a point on said Easterly line of said parcel conveyed to Arthur J. Melanson; thence along said Easterly line South 5° 11' West, 440.10 feet to the Point of Beginning.

PARCEL TWO:

BEGINNING at the Northeasterly corner of that certain 10 acre parcel of land described in Deed from Arthur J. Melanson to the San Jose Unified School District recorded November 23, 1962 in [Book 5801 of Official Records, at page 624](#), Santa Clara County Records, said point also being on the Easterly line of that certain Parcel of land described in the Deed from Emma C. Melanson to Arthur J. Melanson recorded August 16, 1937 in [Book 840 of Official Records, at Page 133](#), Santa Clara County Records; thence leaving said Point Beginning and said Easterly line of said parcel conveyed to Arthur J. Melanson, at right angles, along the Northerly line of said 10 acre parcel of land North 84° 49' West, 605.00 feet to the Northwesterly corner thereof; thence along the Northerly prolongation of the Westerly line of said 10 acre parcel of land North 5° 11' East, 365.20 feet; thence leaving said prolongation along a tangent curve to the left, with a radius of 450.00 feet through a central angle of 12° 28' 33", for an arc length of 97.99 feet; thence parallel with said Northerly line of said 10 acre parcel of land South 84° 49' East, 602.75 feet to a point on said Easterly line of said parcel conveyed to Arthur J. Melanson; thence along said Easterly line South 2° 35' 55" West, 285.60 feet and South 5° 11' West, 177.10 feet to the Point of Beginning.

Assessor's Parcel No. 701-07-016