

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.66 GROSS ACRES SITUATED ON THE WEST SIDE OF NORTH 4TH AND WASHINGTON STREETS (359 NORTH 4TH STREET AND 405 NORTH 4TH STREET) (APN: 249-46-088 AND 249-46-001) FROM THE LI LIGHT INDUSTRIAL AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS 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; 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 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. C20-018 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 _____, 2021 by the following
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

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

PARCEL ONE:

BEGINNING AT A POINT IN THE WESTERLY LINE OF FOURTH STREET, DISTANT THEREON 255.00 FEET NORTHERLY FROM THE POINT OF INTERSECTION OF THE WESTERLY LINE OF FOURTH STREET WITH THE NORTHERLY LINE OF THE RIGHT OF WAY FORMERLY OF THE CENTRAL PACIFIC RAILROAD COMPANY NOW USED AND OCCUPIED BY THE SOUTHERN PACIFIC COMPANY, A CORPORATION, SAID POINT OF BEGINNING BEING ALSO THE SOUTHEASTERLY CORNER OF LOT 19 OF WHAT IS KNOWN AS THE HOUGHTON SURVEY; THENCE RUNNING NORTHERLY AND ALONG THE WESTERLY LINE OF FOURTH STREET 408.28 FEET TO THE SOUTHERLY LINE OF THE LANDS AND RIGHT OF WAY NOW OR FORMERLY OWNED BY THE CENTRAL PACIFIC RAILROAD COMPANY, A CORPORATION; THENCE SOUTHWESTERLY AND ALONG SAID LAST NAMED LINE TO THE POINT OF INTERSECTION THEREOF WITH THE EASTERLY LINE OF THIRD STREET; THENCE RUNNING SOUTHERLY AND ALONG THE EASTERLY LINE OF THIRD STREET 161.28 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE NORTHEASTERLY LINE OF THE RIGHT OF WAY FORMERLY OF THE CENTRAL PACIFIC RAILROAD COMPANY, NOW USED AND OCCUPIED BY THE SOUTHERN PACIFIC COMPANY, A CORPORATION; THENCE RUNNING SOUTHEASTERLY AND ALONG SAID NORTHEASTERLY LINE TO A POINT WHERE THE SAME WOULD BE INTERSECTED BY A LINE DRAWN AT RIGHT ANGLES WESTERLY FROM FOURTH STREET FROM THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID LINE BEING ALSO THE SOUTHERLY LINE OF WHAT IS KNOWN AS LOT 19 OF THE HOUGHTON SURVEY; THENCE RUNNING EASTERLY AND ALONG SAID LINE TO THE POINT OF BEGINNING, AND BEING ALL OF LOTS 33 AND 70 OF THE HENSLEY HOMESTEAD, ACCORDING TO A MAP OF SAME MADE BY J. H. PIEPER, SURVEYOR IN JANUARY 1874 AND ALL OF LOTS 13, 14, 15, 16, 17, 18 AND 19 OF THE HOUGHTON SURVEY.

PARCEL TWO:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF THIRD STREET WITH THE SOUTHWESTERLY LINE OF LAND NOW OF THE SOUTHERN PACIFIC COMPANY; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY LINE TO ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF SAID COMPANY'S LAND; THENCE SOUTHEASTERLY ALONG LAST SAID NORTHEASTERLY LINE, FOLLOWING THE CURVATURE THEREOF, TO THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN GRANT DEED DATED JULY 23, 1958 FROM LUCIEN PESCO TO JOSEPH F. GEARY AND GENEVIEVE M. GEARY, RECORDED IN BOOK 4129 OF OFFICIAL RECORDS, PAGE 741, RECORDS OF SANTA CLARA COUNTY; THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF LAND DESCRIBED IN SAID GRANT DEED TO THE SOUTHWESTERLY LINE OF SAID COMPANY'S LAND; THENCE NORTHWESTERLY ALONG SAID LINE TO THE POINT OF BEGINNING.

PARCEL THREE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF FOURTH STREET DISTANT THEREON NORTHWESTERLY 163 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE NORTHEASTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY (FORMER SAN JOSE TO GILROY BRANCH LINE); THENCE RUNNING NORTHWESTERLY AND ALONG THE SOUTHWESTERLY LINE OF FOURTH STREET, 46 FEET; THENCE AT A RIGHT ANGLES SOUTHWESTERLY 148.60 FEET TO THE NORTHEASTERLY LINE OF SAID SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY; THENCE RUNNING SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LAST NAMED RIGHT OF WAY TO THE NORTHWESTERLY LINE OF LAND NOW OF FORMERLY OF H. FISCHER; THENCE RUNNING NORTHEASTERLY AND ALONG THE NORTHWESTERLY LINE OF LANDS NOW OR FORMERLY OF H. FISCHER, 104.10 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF FOURTH STREET 209 FEET NORTHWESTERLY FROM THE POINT WHERE THE NORTHERLY LINE OF LANDS OF THE SOUTHERN RAILROAD INTERSECTS SAID LINE OF SAID STREET; AND RUNNING THENCE NORTHWESTERLY ALONG SAID LINE OF SAID STREET, 46 FEET; THENCE AT A RIGHT ANGLE TO SAID LINE OF SAID STREET IN A SOUTHWESTERLY DIRECTION TO THE NORTHERLY LINE OF THE LANDS OF SAID RAILROAD COMPANY; THENCE SOUTHEASTERLY ALONG SAID LANDS OF SAID RAILROAD COMPANY TO A POINT ON SAID LINE WHICH WOULD BE REACHED BY A LINE PROJECTED SOUTHWESTERLY AT RIGHT ANGLES WITH THE LINE OF FOURTH STREET FROM THE SAID POINT OF BEGINNING; AND THENCE NORTHEASTERLY ALONG SUCH PROJECTED LINE AND PARALLEL WITH THE LINE SECONDLY HEREIN DESCRIBED AND 46 FEET SOUTHEASTERLY THEREFROM TO THE POINT OF COMMENCEMENT.

PARCEL FIVE:

A PORTION OF BLOCK 8, WHITE'S ADDITION (UNRECORDED) AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "CITY OF SAN JOSE, COPIED FROM THE ORIGINAL MAP DRAWN BY SHERMAN DAY, CIVIL ENGINEER", FILED FOR RECORD IN BOOK A OF MAPS, AT PAGES 72 AND 73, IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTHWESTERLY LINE OF FOURTH STREET THAT IS THE MOST EASTERLY CORNER OF THE LAND DESCRIBED IN GRANT DEED DATED JULY 23, 1958 FROM LUCIAN PESCO TO JOSEPH F. GEARY AND GENEVIEVE M. GEARY RECORDED JULY 23, 1958 IN BOOK 4129 OF OFFICIAL RECORDS, AT PAGE 741, RECORDS OF SANTA CLARA COUNTY; THENCE SOUTHWESTERLY AT RIGHT ANGLES FROM SAID SOUTHWESTERLY LINE OF FOURTH STREET ALONG THE SOUTHEASTERLY LINE OF LAND DESCRIBED IN SAID GRANT DEED TO THE MOST SOUTHERLY CORNER THEREOF BEING A POINT IN THE NORTHEASTERLY LINE OF LAND NOW OF THE SOUTHERN PACIFIC COMPANY AND THE ACTUAL POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE CONTINUING SOUTHWESTERLY ALONG THE SOUTHWESTERLY PROLONGATION OF SAID SOUTHEASTERLY LINE, BEING ALSO THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF LAND DESCRIBED IN GRANT DEED DATED AUGUST 07, 1962 FROM ROBERT L. KING AND VERA R. KING TO STELLA R. HARRIS, RECORDED AUGUST 08, 1962 IN BOOK 5674 OF OFFICIAL RECORDS, PAGE 503, SANTA CLARA COUNTY RECORDS TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN LAST SAID GRANT DEED BEING IN THE SOUTHWESTERLY LINE OF SAID COMPANY'S LAND; THENCE NORTHWESTERLY ALONG LAST SAID SOUTHWESTERLY LINE TO ITS INTERSECTION WITH THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF LAND DESCRIBED IN GRANT DEED DATED JULY 23, 1958; THENCE NORTHEASTERLY ALONG LAST SAID PROLONGATION TO THE MOST WESTERLY CORNER OF LAND DESCRIBED IN LAST SAID GRANT DEED BEING IN THE NORTHEASTERLY LINE OF SAID COMPANY'S LAND; THENCE SOUTHEASTERLY ALONG SAID LINE BEING ALSO THE SOUTHWESTERLY LINE OF LAND DESCRIBED IN LAST SAID GRANT DEED, TO THE ACTUAL POINT OF BEGINNING.

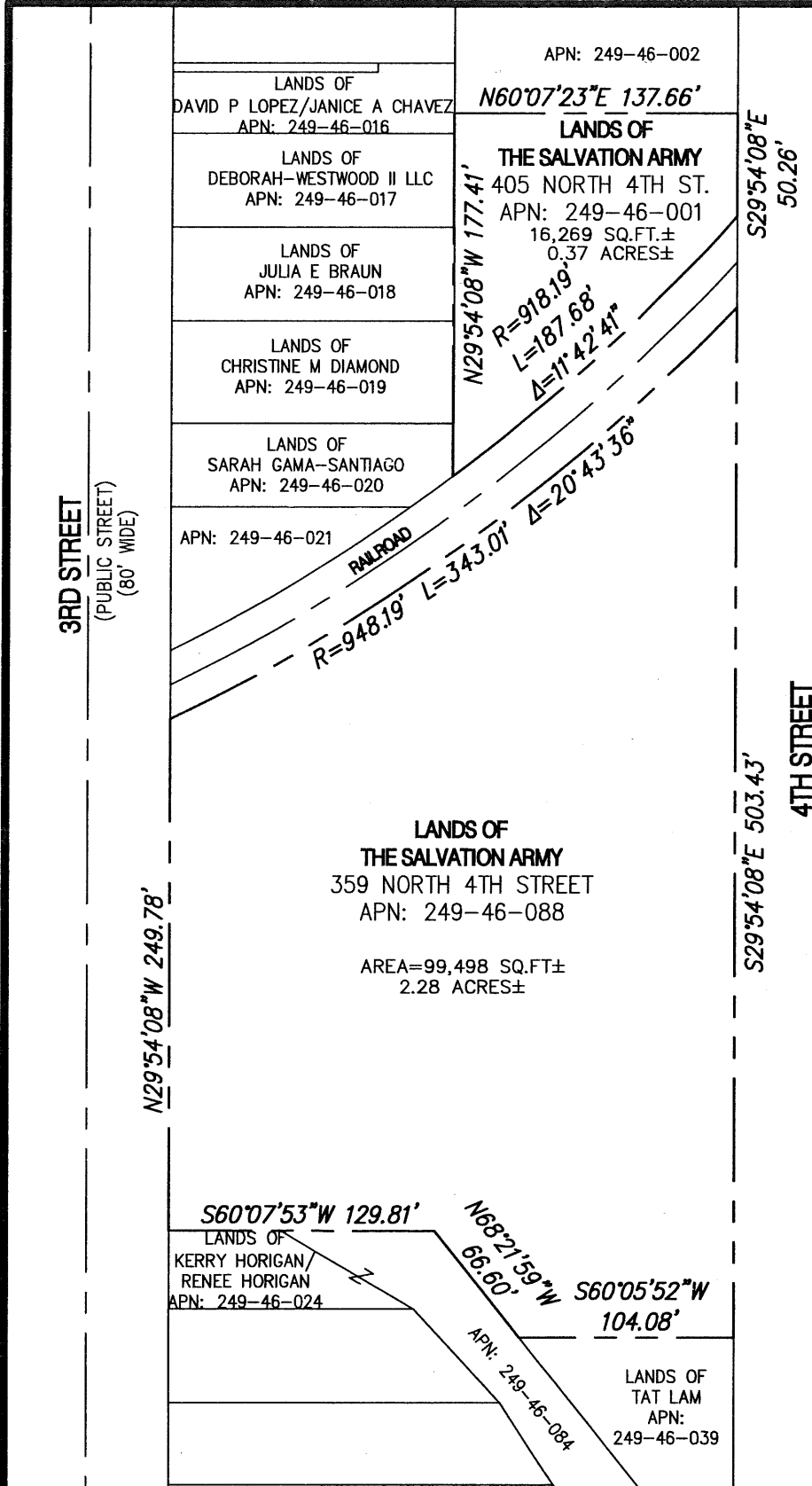
PARCEL SIX:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF THIRD STREET WITH THE SOUTHERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY RAILROAD RIGHT OF WAY (FORMER SAN JOSE TO GILROY BRANCH LINE); THENCE RUNNING SOUTHERLY AND ALONG SAID EASTERLY LINE OF THIRD STREET 54 FEET TO A POINT ON THE NORTHERLY LINE OF LAND CONVEYED BY S.G. TOMPKINS, ET AL, TO CLAUDE C. CLARK, ET UX, BY DEED DATED MARCH 30, 1921 AND RECORDED MARCH 31, 1921 IN BOOK 532 OF DEEDS, PAGE 433; THENCE RUNNING AT RIGHT ANGLES EASTERLY AND ALONG SAID NORTHERLY LINE OF LAND OF CLARK TO A POINT ON THE WESTERLY LINE OF SAID SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY; THENCE RUNNING NORTHWESTERLY AND FOLLOWING THE CURVE OF SAID RAILROAD RIGHT OF WAY TO THE POINT OF BEGINNING.

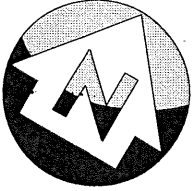
PARCEL SEVEN:

AN EASEMENT OVER A STRIP OF LAND 1 1/2 FEET WIDE EXTENDING FROM THE EASTERLY LINE OF THIRD STREET TO THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY ADJOINING THE PREMISES HEREINABOVE DESCRIBED ON THE SOUTH, AS GRANTED IN THE DEED FROM S.G. TOMPKINS, ET AL, TO A. W. CRAWFORD, ET UX, DATED JULY 23, 1925, RECORDED JULY 23, 1925 IN BOOK 171 O.R., PAGE 215, SANTA CLARA COUNTY RECORDS.

APN: 249-46-088




SEE PAGE 2 FOR REZONING EXHIBIT



WASHINGTON STREET

(PUBLIC STREET)
(60' WIDE)



SCALE: 1"=80'

LEGEND


CENTERLINE

PARCEL LINES ADJACENT

PROPERTY LINES SUBJECT

APN: ASSESSOR'S PARCEL NUMBER

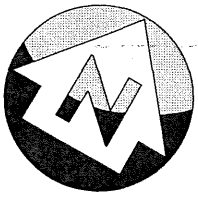
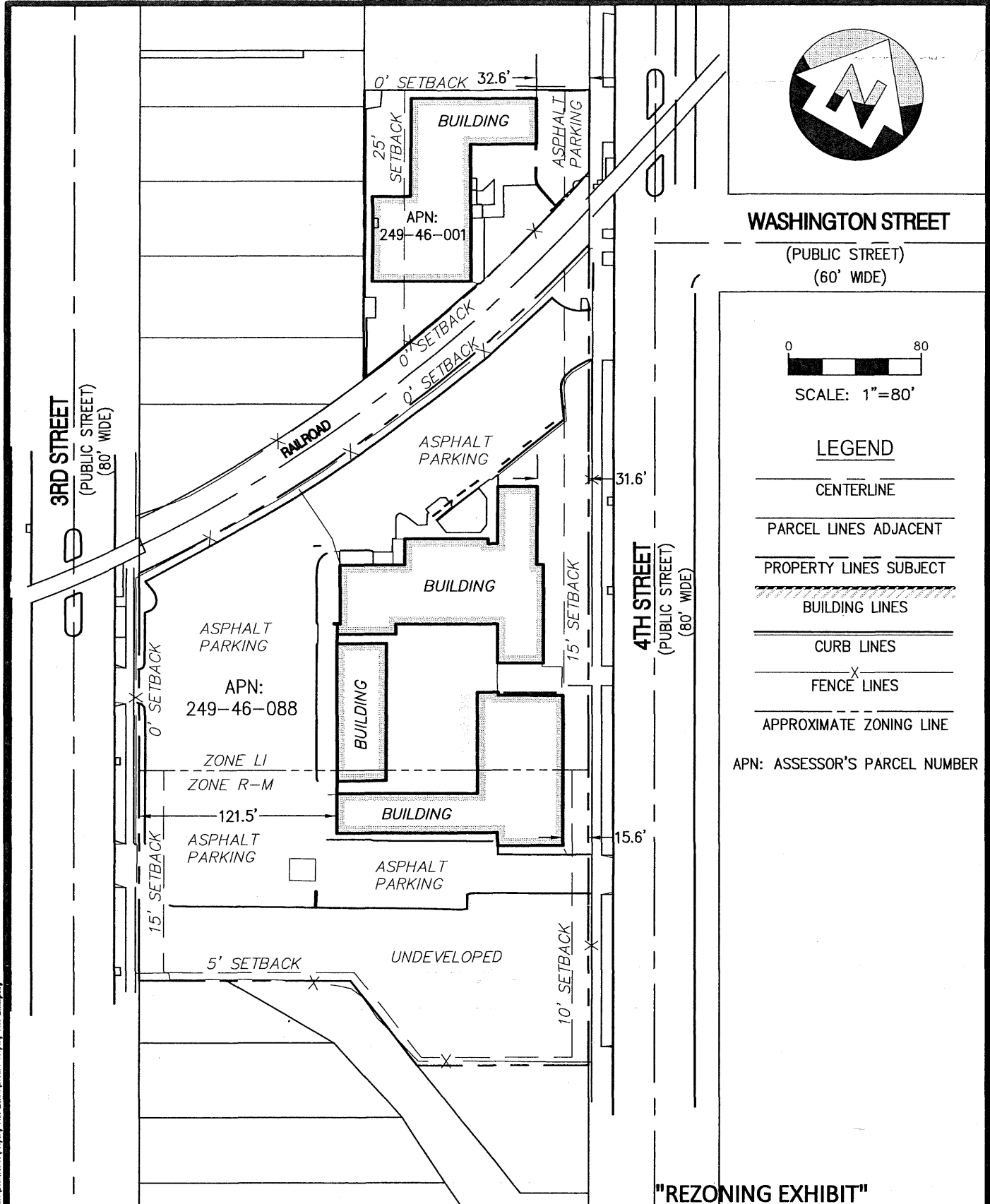
SURVEYOR'S STATEMENT:
THIS MAP CORRECTLY REPRESENTS
A SURVEY MADE BY ME OR UNDER
MY DIRECTION IN CONFORMANCE
WITH THE REQUIREMENTS OF THE
PROFESSIONAL LAND SURVEYORS'
ACT AT THE REQUEST OF THE
SALVATION ARMY.



[Signature]
KELLY S. JOHNSON
L.S. NO. 9126
1/15/2021

"REZONING EXHIBIT"

S:\219275\219275 SURVEY\11 Mapping\Deliverables\REZONING EXHIBIT\219275 Property Plat-Zoning.plt



WASHINGTON STREET

(PUBLIC STREET)
(60' WIDE)



SCALE: 1"=80'

LEGEND

CENTERLINE

PARCEL LINES ADJACENT

PROPERTY LINES SUBJECT

BUILDING LINES

CURB LINES

FENCE LINES

APPROXIMATE ZONING LINE

APN: ASSESSOR'S PARCEL NUMBER

"REZONING EXHIBIT"



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SILICON VALLEY TRI-VALLEY CENTRAL VALLEY SACRAMENTO EAST BAY/SF

DATE: 1/15/2021
SCALE: 1"=80'
DRAWN BY: KSJ
APPROVED BY: KSJ
DRAWING NO.: 219275

SALVATION ARMY
REZONING EXHIBIT
359 & 405 N. 4TH ST.
SAN JOSE, CALIFORNIA

SHEET

2

OF 2 SHEETS