

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.97 GROSS ACRE , LOCATED ON THE NORTH SIDE OF EAST JULIAN STREET, APPROXIMATELY 150 FEET WESTERLY OF WOOSTER AVENUE (1271 EAST JULIAN STREET) (ASSESSOR PARCEL NUMBERS: 249-66-010, 249-66-009) FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE UR URBAN RESIDENTIAL 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 Initial Study/Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the UR Urban Residential Zoning District under File Numbers GP21-006 and C21-030 (the "IS/ND"); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the UR Urban Residential Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the IS/ND 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; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C21-030) would increase residential capacity by 85 residential units and would therefore add 85 units to City's surplus of residential units available satisfying Senate Bill 330 and Senate Bill 940 requirements.

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 to the Urban Residential 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, depicted 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. C21-030 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. 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

 <p>Schedule A</p>	<p>CLTA Guarantee Form No. 28 - Condition of Title</p> <p>ISSUED BY First American Title Insurance Company</p> <p>GUARANTEE NUMBER 5026900-6440358</p>
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File No.: 6440358

Guarantee No. 6440358

Amount of Liability: \$2,500.00

Date of Guarantee: November 18, 2020 at 7:30 A.M. Fee: \$400.00

1. Name of Assured:

Stephanie Yi (Chun Yi)

2. The estate or interest in the Land which is covered by this Guarantee is:

FEE

3. The Land referred to in this Guarantee is described as follows:

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

ALL OF LOT 14, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE SPAULDING GARDEN TRACT, BEING A PORTION OF 500 ACRE LOT NO. 27 OF THE SAN JOSE PUEBLO LANDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 10, 1908 IN [BOOK "M" OF MAPS, PAGE 48](#).

EXCEPTING THEREFROM ALL THAT PORTION THEREOF AS CONVEYED TO THE CITY OF SAN JOSE BY DEED RECORDED SEPTEMBER 26, 1955 IN [BOOK 3288 OF OFFICIAL RECORDS, PAGE 443](#), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF MCKEE ROAD, AT THE SOUTHERNMOST CORNER OF LOT 14, AS SAID ROAD AND LOT ARE SHOWN UPON THE MAP ABOVE REFERRED TO; RUNNING THENCE FROM SAID POINT OF BEGINNING, NORTH 40°30' WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 14, FOR A DISTANCE OF 16.63 FEET; THENCE LEAVING SAID LAST NAMED LINE AND RUNNING NORTH 54°57'50" EAST FOR A DISTANCE OF 60.27 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 14; RUNNING THENCE SOUTH 40°30' EAST ALONG SAID LAST NAMED LINE FOR A DISTANCE OF 11.13 FEET TO THE EASTERNMOST CORNER THEREOF ON THE SAID NORTHWESTERLY LINE OF MCKEE ROAD; RUNNING THENCE SOUTH 49°43' WEST ALONG THE SAID NORTHWESTERLY LINE OF MCKEE ROAD FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

APN: 249-66-010

4. ASSURANCES:

According to the Public Records as of the Date of Guarantee,

 <p>Schedule A</p>	<p>CLTA Guarantee Form No. 28 - Condition of Title</p> <p>ISSUED BY First American Title Insurance Company</p> <p>GUARANTEE NUMBER 5026900-6440360</p>
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File No.: 6440360

Guarantee No. 6440360

Amount of Liability: \$2,500.00

Date of Guarantee: November 18, 2020 at 7:30 A.M. Fee: \$400.00

1. Name of Assured:

Stephanie Yi (Chun Yi)

2. The estate or interest in the Land which is covered by this Guarantee is:

FEE

3. The Land referred to in this Guarantee is described as follows:

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

ALL OF LOT 15, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE SPAULDING GARDEN TRACT BEING A PORTION OF 500 ACRE LOT NO. 27 OF THE SAN JOSE PUEBLO LANDS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, ON DECEMBER 10, 1908 IN [BOOK "M" OF MAPS, PAGE 48](#).

EXCEPTING THEREFROM ALL THAT PORTION THEREOF AS CONVEYED TO THE CITY OF SAN JOSE BY DEED RECORDED MAY 31, 1955 IN [BOOK 3185 OF OFFICIAL RECORDS, PAGE 601](#) AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY CORNER OF SAID LOT 15; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT NORTH 40° 30' WEST 11.13 FEET; THENCE NORTH 54° 57' 50" EAST 60.27 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 15, THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 40° 30' EAST 5.61 FEET TO THE NORTHERLY LINE OF EAST JULIAN STREET FORMERLY MCKEE ROAD; THENCE ALONG SAID NORTHERLY LINE OF EAST JULIAN STREET FORMERLY MCKEE ROAD SOUTH 49° 43' WEST 60.00 FEET TO THE POINT OF BEGINNING.

APN: 249-66-009

4. ASSURANCES:

According to the Public Records as of the Date of Guarantee,

a. Title to the estate or interest in the Land is vested in:

YI'S FIRST SEED LLC, A CALIFORNIA LIMITED LIABILITY COMPANY