

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE PREZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.99-GROSS ACRE, SITUATED APPROXIMATELY 50 FEET SOUTH OF THE SOUTHEAST CORNER OF FLEMING AVENUE AND NOB HILL DRIVE (APN: 601-29-008) FROM UNINCORPORATED TERRITORY TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning 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 prezoning 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 prezoning to the R-1-8 Single-Family Residence 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 R-1-8 Single-Family Residence 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. C20-004 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
PREZONING
GEOGRAPHIC DESCRIPTION

All that certain real property, situated in Santa Clara County, State of California, described as follows:

BEGINNING at the point of intersection of the southwesterly line of Fleming Avenue (40 feet wide) and the San Jose City Limits Line, as established by Story No. 1-B and Story No. 48 Annexation;

Thence leaving said point of beginning, (1) South 54°15'00" West, 244.56 feet along said City Limits, as established by Story No. 1-B Annexation;

Thence leaving said City Limits, (2) North 66°29'41" West, 151.81 feet;

Thence (3) North 34°18'45" East, 75.38 feet;

Thence (4) North 59°02'45" East, 226.83 feet to the southwesterly line of Fleming Avenue (40 feet wide) and City Limits as established by Story No. 48 Annexation;

Thence along said southwesterly line and City Limits, (5) South 46°11'15" East, 139.53 feet to the POINT OF BEGINNING.

The above described parcel of land contains 0.92 acre, more or less.

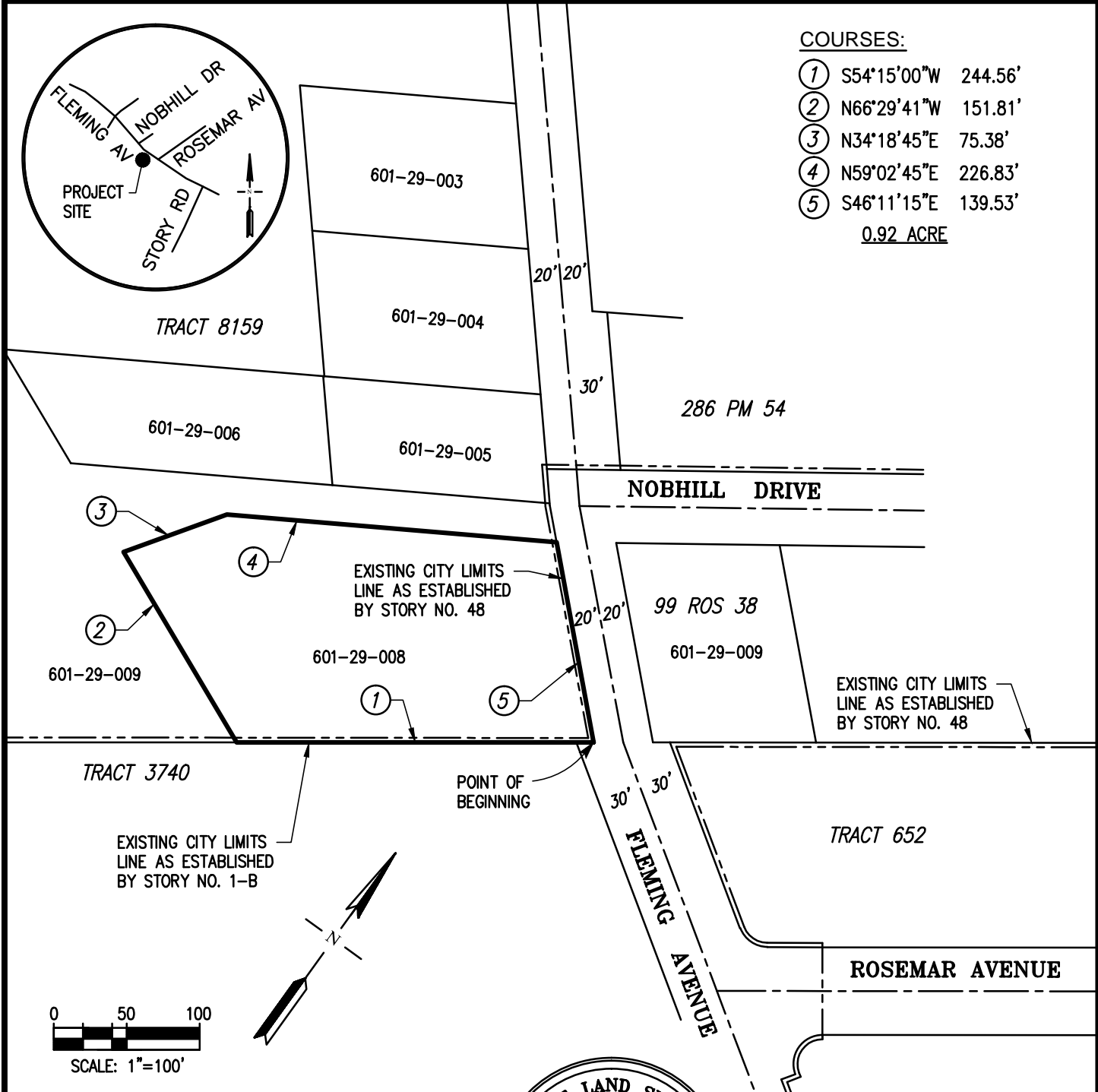
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



Robert Y. Wang 3/23/20
L.S. 8931 Date

COURSES:

- ① S54°15'00"W 244.56'
 - ② N66°29'41"W 151.81'
 - ③ N34°18'45"E 75.38'
 - ④ N59°02'45"E 226.83'
 - ⑤ S46°11'15"E 139.53'
- 0.92 ACRE



DISCLAIMER:
 "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

LEGEND

- PREZONE TO R-1-8 SINGLE-FAMILY RESIDENCE
- EXISTING CITY LIMITS LINE
- CENTERLINE

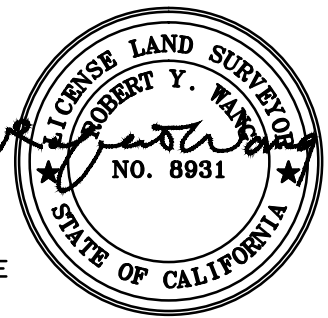


EXHIBIT "B"

**PROPOSED PREZONING TO
 R-1-8
 SINGLE-FAMILY RESIDENCE**

DATE:
12/9/2020

SCALE: 1"=100'

BY: RW

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RW RW ENGINEERING, INC.
 CIVIL ENGINEERS LAND SURVEYORS
 505 ALTAMONT DRIVE, MILPITAS, CA 95035
 (P) (408) 262-1899 (FAX) (408) 824-5556
 rwengineering@gmail.com

ASSESSOR'S PARCEL NUMBER: 601-29-008

ACREAGE:
0.92

BEING A PORTION OF PUEBLO TRACT NO. 1 OF
 THE PUEBLO LANDS OF THE CITY OF SAN JOSE