

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.48 GROSS ACRE SITUATED ON THE SOUTH SIDE OF CARLTON AVENUE, APPROXIMATELY 290 FEET WESTERLY OF NATIONAL AVENUE (15980 CARLTON AVENUE) FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT 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 Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to R-M(PD) Planned Development Zoning District under File Nos. PDC17-049, PD17-023, and PT17-050 (the “MND”); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to R-M(PD) Planned Development Zoning District; and

**WHEREAS**, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

**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 as R-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Exhibit C, dated received on November 10, 2017 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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.** The land development approval that is the subject of City File No. PDC17-049 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 \_\_\_\_\_, 20\_\_ 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

**ORDER NO. : 0615025454**

**EXHIBIT A**

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Portion of Lot 12, as shown above that certain Map entitled, "Map of C.M. Schiele Subdivision No. 3, being part of the Rinconada De Los Gatos, known as National Tract", which Map was filed for Record in the office of the Recorder of the County of Santa Clara, State of California, on January 16, 1891, in Book E of Maps at Page 67, and more particularly described as follows:

Beginning at a point on the Southerly line of Carlton Avenue, distant thereon North 77° 54' East 294 feet from the point of intersection of the Southerly line of Carlton Avenue, with the center line of National Avenue, and running thence along the Southerly line of Carlton Avenue, North 77° 54' East 97.5 feet to a 2" x 4" stake; thence parallel to National Avenue, South 12° East 222.10 feet; thence parallel with the southerly line of Carlton Avenue, South 77° 54' West 97.54 feet; thence North 12° West and parallel with the said line of National Avenue, 222.10 feet to the point of beginning.

EXCEPTING THEREFROM all that portion describes in the Deeds to the City of San Jose Recorded March 18, 1991, in Book 1645, at Page 72, Inst No. 10836291.

APN: 421-13-060