

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.01 GROSS ACRES SITUATED ON THE WEST SIDE OF SAN FELIPE ROAD, APPROXIMATELY 2,000 FEET NORTH OF YERBA BUENA ROAD (4349 SAN FELIPE ROAD) (APN: 676-36-007) FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE A(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 Statement of Exemption was prepared for a rezoning under File No. PDC19-022, and said Statement of Exemption (CEQA Categorical Exemption Section for 15303 for new construction where up to three single-family residences may be constructed in an urbanized area and two new single-family residences will be located on two legal parcels), was adopted on July 10, 2020; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the A(PD) Planned Development 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 A(PD) Planned Development District. The base district zoning of the subject property shall be the Agricultural Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Lands of Vierra" dated revised January 23, 2020 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement 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" 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. PDC19-022 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:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



January 23, 2020  
HMH 5423.11.270  
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EXHIBIT "A"  
FOR PD REZONING & PD PERMIT PURPOSES

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a railroad spike in the center line of dry creek and San Felipe Road at the southeasterly corner of that certain parcel of land described in the deed from Bank of America National Trust and Savings Association, a National Banking Association, to Matto Colacicco, et ux, dated August 28, 1942 recorded October 15, 1942 in Book 1112 of Official Records, page 470, Santa Clara County Records; running thence North 37°11' West along the said center line of dry creek and San Felipe Road 84.06 feet to a nail; thence leaving said last named line and running South 79°40' West and parallel with the southerly line of the land so described in the deed to Matto Colacicco, et ux, 652.80 feet to the center line of a dry creek; thence along said center line South 76°40' East 186.83 feet to a point on the southern line of the land so described in the deed to said Matto Colacicco, et ux, running thence North 79°40' East along said last named line 519.65 feet to the point of beginning.

Containing 43,965 square feet or 1.01 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

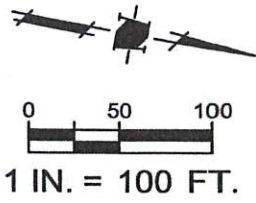
*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 1.23.2020

  
Tracy L. Giorgetti, LS 8720





**LEGEND**

POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2020-01-23
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Engr.:	-
542311PL01	



1570 Oakland Road (408) 487-2200  
 San Jose, CA 95131 HMMHca.com

**EXHIBIT "B"**  
 PLAT TO ACCOMPANY DESCRIPTION:  
 FOR PD REZONING & PD PERMIT PURPOSES

SAN JOSE

CALIFORNIA