

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.44-GROSS ACRE SITUATED ON THE SOUTH SIDE OF PEGASUS WAY, APPROXIMATELY 200 FEET EASTERLY OF TULARE HILL ROAD (APN: 706-11-021), FROM THE A AGRICULTURAL ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY RESIDENCE 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 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;

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. C18-014 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.

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PASSED FOR PUBLICATION of title this ___ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT " A "
LEGAL DESCRIPTION
REZONING AREA

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF "PARCEL B" AS SHOWN UPON THE PARCEL MAP, RECORDED IN BOOK 399 OF MAPS AT PAGE 41, RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE MOST WESTERLY CORNER OF SAID PARCEL, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PEGASUS WAY AS SHOWN UPON SAID MAP;

THUS, ALONG THE SOUTHERLY LINE OF SAID PARCEL S. 80° 02' 05" E (S 79° 56' 53" E BY MAP) 460.17 FEET TO THE INTERSECTION THEREOF WITH THE GENERAL WESTERLY LINE OF THAT CERTAIN EASEMENT GRANTED TO SANTA CLARA VALLEY WATER CONSERVATION DISTRICT BY GRANT OF EASEMENT RECORDED IN BOOK 5686 OF OFFICIAL RECORDS AT PAGE 13, RECORDS OF SAID COUNTY;

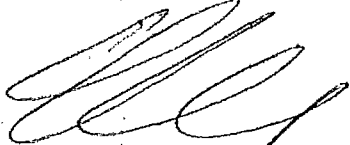
THENCE, LEAVING SAID LINE N 09° 38' 00" W 113.90 FEET TO THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF PEGASUS WAY;

THENCE, ALONG SAID LINE S 80° 22' 00" W 181.12 FEET;

THENCE, CONTINUING ALONG SAID LINE ALONG A TANGENT CURVE TO THE RIGHT (CONCAVE TO THE NORTH), HAVING A RADIUS OF 794.00 FEET, THROUGH A CENTRAL ANGLE OF 18° 31' 33" (19° 41' 07" BY MAP) FOR AN ARC LENGTH OF 256.73 FEET (272.80 FEET BY MAP) TO THE POINT OF BEGINNING.

CONTAINING 19,299 SQUARE FEET, MORE OR LESS.

ERIC L COX, CIVIL ENGINEER



ERIC L COX, RCE 24162
LICENSE EXPIRES 12/31/2019

July 25, 2018
DATE



706-11-023
 COUNTY OF SANTA CLARA

5686 OR 13
 SCVWD FLOOD CONTROL COYOTE ALAMITOS CANAL

TULARE HILL LANE
 (PRIVATE ROAD & P.S.E.)

TRACT NO. 7000, 487 M 1-2

SCVWD
 APN 706-11-022

N. 00° 06' 11" E
 181.12'

PARCEL 1
 BOOK 399 MAPS,
 PAGE 41
 APN 706-11-021

AREA TO BE REZONED
 19,299 ± SF

S80°02'05"E
 460.17'

S80°22'00"W
 181.12'

△=18°31'33"
 R=794.00'
 L=256.73'

PEGASUS WAY (46' WIDE)

SIDEWALK

TRACT NO. 5111 323 M 44-45

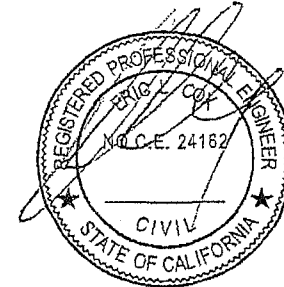


NORTH

20 0 20 40 60



SCALE: 1" = 60'



25-Jul-18

P.O.B.

TULARE HILL RD

LEGEND

P.O.B. POINT OF BEGINNING

KEMBCON ENGINEERS
 CIVIL AND STRUCTURAL ENGINEERS
 P.O. BOX 389
 MILLBRAE, CA 94030
 VOICE 650-343-8310
 EMAIL: engineers@kembcon.com

"EXHIBIT B"
PLAT OF DESCRIPTION

Ø PEGASUS WAY - REZONING

CITY OF SAN JOSE,

SANTA CLARA COUNTY

CALIFORNIA

DATE. 25 JULY 2018

SCALE. AS SHOWN

DRAWN JOE

SHEET 1 OF 1