

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.63 GROSS ACRE SITUATED AT THE NORTHEAST CORNER OF MITZI DRIVE AND RANCHERO WAY (4146 MITZI DRIVE) (APN 299-16-001) FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE UR(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

**FILE NO. PDC22-088**

**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 Addendum to the Mitzi Place Apartments Initial Study/Mitigated Negative Declaration (IS/MND), Planning File No. SP18-033, in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, was prepared and approved by the Director of Planning, Building and Code Enforcement for the subject rezoning; and

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

**WHEREAS**, this Council of the City of San José has considered and approves, the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on the project; 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 as UR(PD) Planned Development Zoning District. The base zoning district of the subject property shall be the UR Urban Residential Zoning District. The Planned Development Zoning of the subject property shall be that development plan set for the subject property entitled, "4146 Mitzi Drive Site & Historic Graves House Reconstruction" last revised March 16, 2023 ("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. PDC22-088 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 \_\_\_\_\_, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

EXHIBIT "A" (File No. PDC22-088)

FOR ZONING PURPOSES

4146 Mitzi Drive

San Jose, California

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

Beginning at a point on the easterly line of Mitzi Drive, as said Mitzi Drive is shown on the Map entitled, "Tract No. 924, Hollywood Park Unit No. 2", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in Book 41 of Maps, Pages 18 and 19, distant South 0°15'00" East 210.56 feet; thence North 89°40'05" East 30.00 feet from the interception of the center line of Mitzi Drive with the center line of Piper Drive to the Point of Beginning; thence along the Easterly line of Mitzi Drive South 0°15'00" East 5.38 feet; thence along a curve to the right with a radius of 155.00 feet, through an angle of 26°58'13", an arc distance of 72.96 feet; thence leaving the Easterly line of Mitzi Drive South 48°51'06" East 87.18 feet; thence South 75°41'38" East 61.20 feet; thence South 83°30'58" East 39.00 feet; thence North 76°13'53" East 44.60 feet; thence North 04°48'38" East 143.65 feet; thence South 89°40'56" West 202.54 feet to the Point of Beginning.

END OF DESCRIPTION

APN: 299-16-001

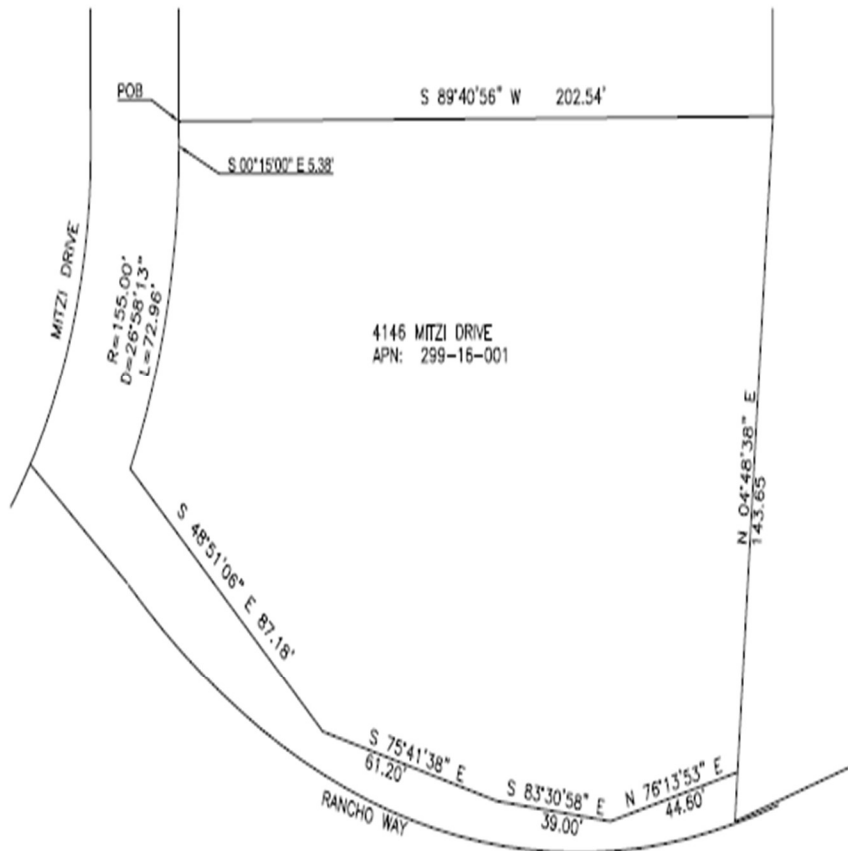
DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.

**BASIS OF BEARINGS:**

THE BEARING OF N 00°15'00" W TAKEN ON THE CENTERLINE OF MITZI DRIVE AS SHOWN ON THAT CERTAIN MAP ENTITLED TRACT NO 924, HOLLYWOOD PARK UNIT 2, FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 41 OF MAPS, PAGES 18 AND 19 WAS TAKEN AS THE BASIS OF BEARING.

**LEGEND**

- NEW PROPERTY LINE
- CENTER LINE
- ADJACENT PROPERTY LINE
- POB POINT OF BEGINING



JULY 5, 2023

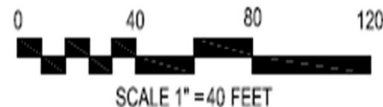


EXHIBIT "B"	PLAT TO ACCOMPANY LEGAL DESCRIPTION	SCALE	1" = 40'	SHEET	
		DATE	JUNE 2023		
V&H ENGINEERING, LLP SAN JOSE, CA 95118	FOR: PLAT 4168 MITZI DRIVE	PROJECT	J-050	2	
		DRAWN	CM		
		CHECKED	DV		
SAN JOSE	CALIFORNIA	CHECKED	DV	OF 2 SHEETS	07,05,23

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