

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.86 GROSS ACRE SITUATED ON THE WEST SIDE OF SOUTH JACKSON AVENUE BETWEEN WOODSET LANE AND PORTICO COURT (101 SOUTH JACKSON AVENUE) (APN: 481-22-067) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE MUN MIXED USE NEIGHBORHOOD 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**, an Initial Study/Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the MUN Mixed Use Neighborhood Zoning District under File Numbers C19-027, T19-028, and H19-031 (the "IS/MND"); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the MUN Mixed Use Neighborhood Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the IS/MND and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] 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 MUN Mixed Use Neighborhood 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. C19-027 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 \_\_\_\_\_, 2022 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

## 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 25, as shown upon that certain map entitled, "Map of the Alta Vista Tract" which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on August 4, 1904 in [Book F-3 of Maps, Page 89](#), and more particularly described as follows:

Beginning at an iron pipe set flush in the southwesterly line of Jackson Avenue at the northernmost corner of Lot 25, as said avenue and lot are shown upon the map above referred to; thence along the southwesterly line of Jackson Avenue South  $37^{\circ} 3'$  East, 100 feet; thence leaving said line of Jackson Avenue and running South  $59^{\circ} 20'$  West, 400 feet; thence at right angles North  $30^{\circ} 40'$  West, 100 feet, more or less, to the northwesterly line of said Lot 25; thence at right angles Northeasterly and along the northwesterly line of said Lot 25 North  $59^{\circ} 20'$  East, 389 feet, more or less, to the point of beginning.

Excepting therefrom all that portion conveyed in the deed to the City of San Jose, a municipal corporation, dated May 17, 1974 and recorded July 15, 1974 in [Book O988, Page 595](#), Instrument No. 480844, Official Records, Santa Clara County Records, described as follows:

Commencing at the point of intersection of the northeasterly prolongation of the northwesterly line of that certain parcel of land described in the deed to Tama Ezaki and Grace Ezaki, recorded on May 24, 1963, in Book 6038 of Official Records, at page 120, Santa Clara County Records with that certain monument line established for record on that certain map entitled, "Record of Survey of a Monument Line Jackson Avenue from Alum Rock Avenue to Summer Street," filed on February 14, 1973 in Book 316 of Maps, Page 40, in the Office of the Recorder of the County of Santa Clara, State of California; thence Southwesterly along said northeasterly prolongation to the most northerly corner of said Ezaki parcel of land, being the TRUE POINT OF BEGINNING of this description; thence along the northeasterly line of said Ezaki parcel of land South  $37^{\circ} 03' 00''$  East, 100.00 feet to the most easterly corner of said Ezaki parcel of land; thence along the southeasterly line of said Ezaki parcel of land South  $59^{\circ} 20' 00''$  West, 15.09 feet to the point of intersection thereof with a line parallel with and distant 40.00 feet Southwesterly measured at right angles from said monument line of Jackson Avenue; thence along said parallel line North  $37^{\circ} 03' 00''$  West, 100.00 feet to the point of intersection thereof with said northwesterly line of Ezaki parcel of land; thence along said northwesterly line of Ezaki parcel of land North  $59^{\circ} 20' 00''$  East, 15.09 feet to the true point of beginning.

APN: 481-22-067

**PROPERTY INFORMATION**

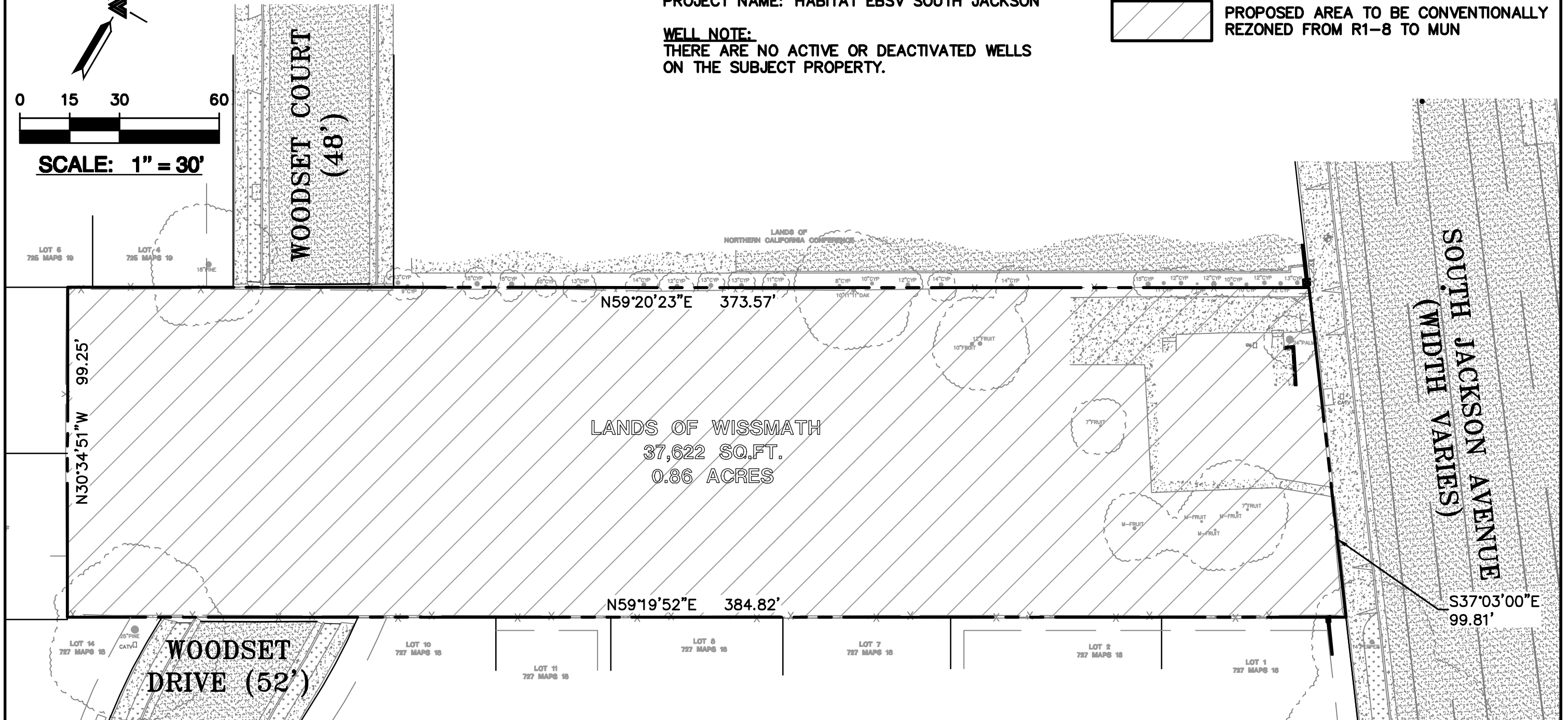
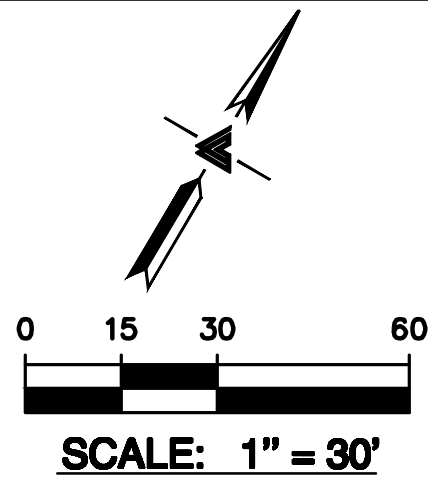
PROJECT NAME: HABITAT EBSV SOUTH JACKSON

WELL NOTE:  
THERE ARE NO ACTIVE OR DEACTIVATED WELLS ON THE SUBJECT PROPERTY.

**HATCH LEGEND:**



PROPOSED AREA TO BE CONVENTIONALLY REZONED FROM R1-8 TO MUN



Date: 08-27-21  
Scale: 1" = 30'  
Design By: JH  
Checked By: PC  
Job No. 2181084 CI

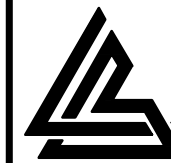


**"EXHIBIT B"  
PLAT MAP**

**101 SOUTH JACKSON AVENUE  
SAN JOSE, CALIFORNIA**

APN: 481-22-067

SANTA CLARA COUNTY



**LEA & BRAZE ENGINEERING, INC.**

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**EX-B**

01 OF 01 SHEETS