

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 0.3 ACRE PORTION OF A 0.46 ACRE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF LICK AVENUE AND GOODYEAR STREET (1102 LICK AVENUE), FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-2 TWO-FAMILY RESIDENCE 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, 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, SEIR, and Addenda; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-2 Two 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, the

SEIR and related City Council Resolution No. 77617, the 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 as R-2 Two 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" 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. C17-041 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 434-05-086

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PORTION OF BLOCK 12, SOUTH RANGE 6, WEST, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF JAMES LICK HOMESTEAD TRACT IN THE SOUTHERN PART OF THE CITY OF SAN JOSE", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 28, 1885 IN VOLUME B OF MAPS, AT PAGE 22, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF GOODYEAR STREET WITH THE NORTHEASTERLY LINE OF LICK AVENUE; RUNNING THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF LICK AVENUE FOR A DISTANCE OF 112.45 FEET TO THE WESTERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM VITO LOBUE, ET UX, TO SAM LOBUE, DATED OCTOBER 28, 1935, RECORDED OCTOBER 31, 1935 IN BOOK 748 OFFICIAL RECORDS, PAGE 189, SANTA CLARA COUNTY RECORDS; THENCE LEAVING THE SAID NORTHEASTERLY LINE OF LICK AVENUE AND RUNNING NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID LOBUE FOR A DISTANCE OF 112.56 TO THE NORTHERNMOST CORNER THEREOF, SAID CORNER BEING ALSO THE SOUTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM VITO LOBUE, ET UX, TO PHILIP TAORMINA, ET UX, DATED OCTOBER 31, 1930, RECORDED NOVEMBER 12, 1930, IN BOOK 540, OFFICIAL RECORDS, PAGE 309, SANTA CLARA COUNTY RECORDS, RUNNING THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF LAND SO DESCRIBED IN THE DEED TO SAID TAORMINA FOR A DISTANCE OF 40.13 FEET TO THE WESTERNMOST CORNER THEREOF RUNNING THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LAND OF TAORMINA FOR A DISTANCE OF 111.72 FEET TO THE NORTHERNMOST CORNER THEREOF ON THE SOUTHWESTERLY LINE OF PALM STREET; RUNNING THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF PALM STREET FOR A DISTANCE OF 68.55 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE SAID SOUTHEASTERLY LINE OF GOODYEAR STREET; THENCE RUNNING SOUTHWESTERLY ALONG THE SAID SOUTHEASTERLY LINE OF GOODYEAR STREET FOR A DISTANCE OF 220.63 FEET TO THE POINT OF BEGINNING.