

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.3 GROSS ACRES SITUATED ON THE WEST SIDE OF RACE STREET, APPROXIMATELY 300 FEET SOUTHERLY OF PARK AVENUE (237-253 RACE STREET & 216-280 GRAND AVENUE) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M(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 Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to R-M(PD) Planned Development Zoning District under File No. PDC17-019 (the “MND”); and

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

WHEREAS, this Council of the City of San José has considered, approved and adopted said Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on the project.

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-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Exhibit C, dated February 16, 2018 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning 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 and depicted 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. PDC17-019 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

LEGAL DESCRIPTION

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

PARCEL ONE:

LOTS 27 AND 28, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MAY 2, 1889, IN VOL. "D" OF MAPS, PAGE 97.

PARCEL TWO:

LOT 33, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MAY 2, 1889, IN VOL. "D" OF MAPS, PAGE 97.

PARCEL THREE:

LOTS EIGHT (8), NINE (9), TEN (10) AND ELEVEN (11), AS DELINEATED AND SO DESIGNATED UPON MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS RECORDED MAY 2, 1889 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "D" OF MAPS, PAGE 97.

PARCEL FOUR:

LOTS 6 AND 7, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", FILED RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MAY 2, 1889 IN VOL. "D" OF MAPS, PAGE 97.

PARCEL FIVE:

LOTS FOUR (4) AND FIVE (5), AS DELINEATED AND SO DESIGNATED UPON MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS RECORDED MAY 2, 1889 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "D" OF MAPS, PAGE 97.

PARCEL SIX:

LOTS TWENTY-NINE (29), THIRTY (30), THIRTY-ONE (31) AND THIRTY-TWO (32), AS DELINEATED AND SO DESIGNATED UPON MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS RECORDED MAY 2, 1889 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "D" OF MAPS, PAGE 97.

PARCEL SEVEN:

First American Title Insurance Company

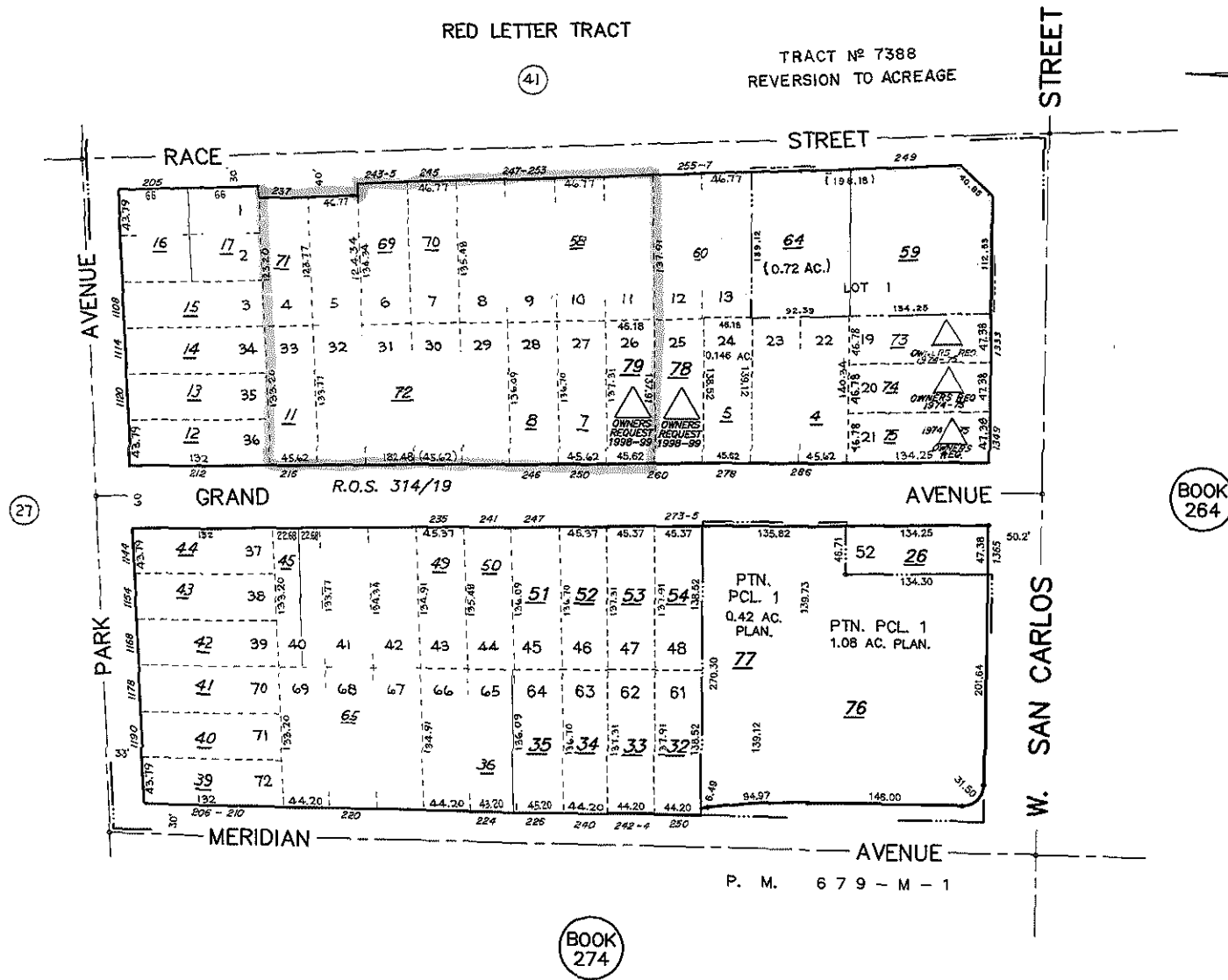
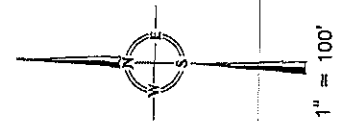
LOT TWENTY SIX (26), AS DELINEATED AND SO DESIGNATED UPON MAP ENTITLED, "RED LETTER TRACT, BEING SUBDIVISION OF LOTS 54 AND 55 OF THE LOS COCHES RANCHO", WHICH MAP WAS RECORDED MAY 2, 1889 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "D" OF MAPS, PAGE 97.

APN: 261-42-007 (Affects: Lot 27 of Parcel One)
261-42-008 (Affects: Lot 28 of Parcel One)
261-42-011 (Affects: Parcel Two)
261-42-058 (Affects: Parcel Three)
261-42-069 (Affects: Lot 6 of Parcel Four)
261-42-070 (Affects: Lot 7 of Parcel Four)
261-42-071 (Affects: Parcel Five)
261-42-072 (Affects: Parcel Six)
261-42-079 (Affects: Parcel Seven)

First American Title Insurance Company

RED LETTER TRACT

TRACT № 7388
REVERSION TO ACREAGE



TRA DET. MAP 1050
LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2009-2010