DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.14-GROSS ACRE SITUATED ON THE SOUTH SIDE OF WABASH STREET, APPROXIMATELY 400 FEET WESTERLY OF ARCHER STREET (APN: 015-05-080), FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY RESIDENTIAL 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

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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. C18-002 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

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"EXHIBIT A"
LEGAL DESCRIPTION

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being all of Lots 12 and 13 in Block 2, as shown on that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed April 11, 1890 in Book D of Maps, at Pages 184 and 185, Records of Santa Clara County, California, being more particularly described as follows:

Beginning at the northeast corner of said "Lot 13"; thence along the northeast line of said "Lot 13",

S43°17'53"E, a distance of 119.84 feet to the northwest line of "Parcel 4", as shown on the Parcel Map filed December 16, 2013 in Book 867 of Maps, at Pages 26 and 27, Records of Santa County, California; thence along said northwest line, and it's westerly projection,

S48°12'34"W, a distance of 50.00 feet, to the southwest line of said "Lot 12"; thence along said southwest line,

N43°17'53"W, a distance of 119.84 feet to the southeast line of Wabash Street, being 50 feet wide, as shown on said Parcel Map; thence along said southeast line,

N48°12'34"E, a distance of 50.00 feet to the **Point of Beginning**.

Containing 5,990 square feet, more or less.
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

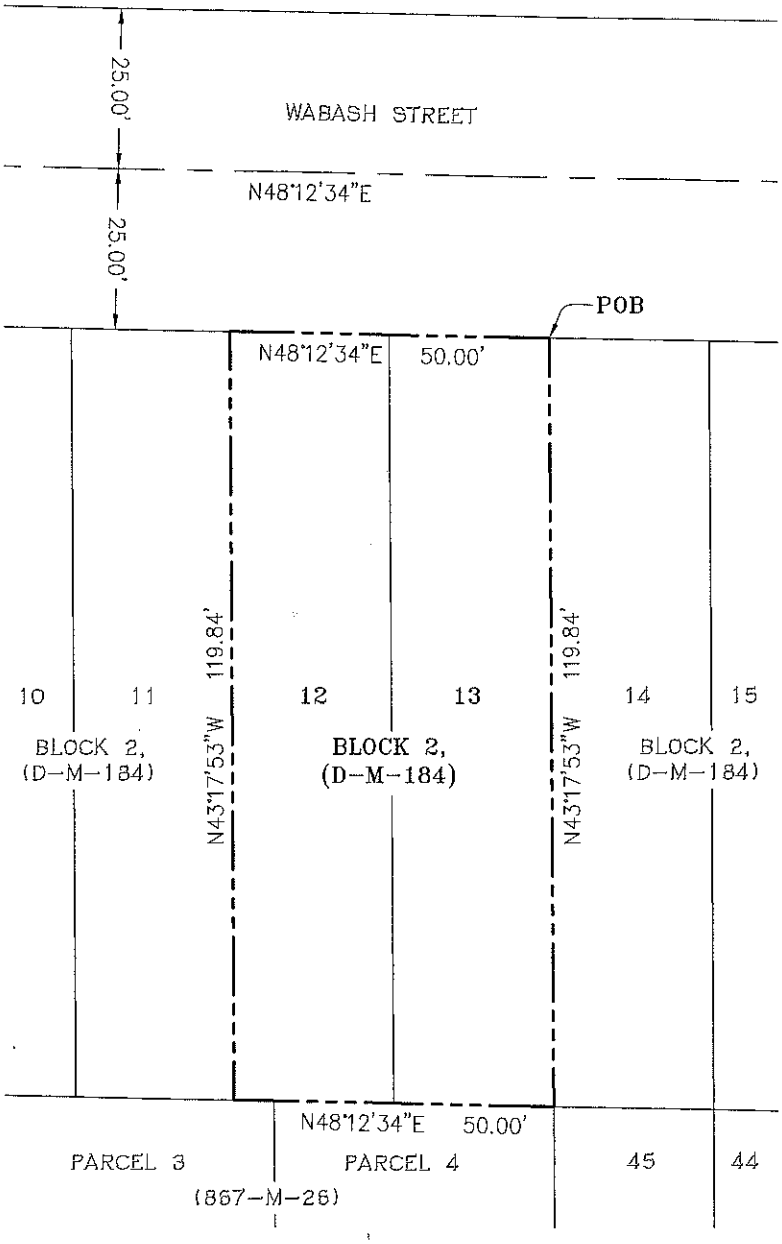
02/14/2018

Bryan Pierce, PLS 8859 Date
Expires: 12/31/2019



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EXHIBIT "B" (File No. C18-002)



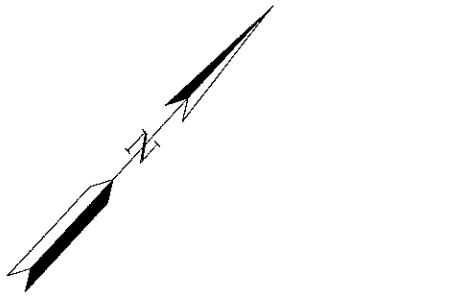
LEGEND

———	BOUNDARY LINE
———	EXISTING LOT LINE
——— — ———	MONUMENT LINE
POB	POINT OF BEGINNING



BASIS OF BEARINGS:

THE BEARING OF N48°12'34"E ALONG THE NORTH LINE OF PARCELS 3 AND 4 AS SHOWN ON THE PARCEL MAP FILED DECEMBER 16, 2013 IN BOOK 867 OF MAPS, AT PAGES 26 AND 27, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.



SCALE IN FEET: 1"= 30'

"EXHIBIT B"

ALL OF LOTS 12 AND 13 IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF NEW CHICAGO AT PORT ALVISO, SANTA CLARA COUNTY, CALIFORNIA", FILED APRIL 11, 1890, IN BOOK "D" OF MAPS, AT PAGES 184 AND 185, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA

SHEET 1 OF 1

RJA
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