

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.20
GROSS ACRE SITUATED ON THE NORTHWEST CORNER
OF SOUTH SECOND STREET AND MARTHA STREET (895
SOUTH SECOND STREET) FROM THE CN COMMERCIAL
NEIGHBORHOOD 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 Statement of Exemption was prepared for a rezoning under File No. PDC17-005 and said Statement of Exemption (CEQA Categorical Exemption Section 15303(a) for New Construction or Conversion of Small Structures) was approved by the City of San José Director of Planning, Building and Code Enforcement on June 15, 2018; 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 and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project 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-M(PD) Planned Development Zoning District. The base zoning district 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, "Yuan 3 Attached New Single Family Houses," dated June 25, 2018.

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 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. The land development approval that is the subject of City File No. PDC17-005 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

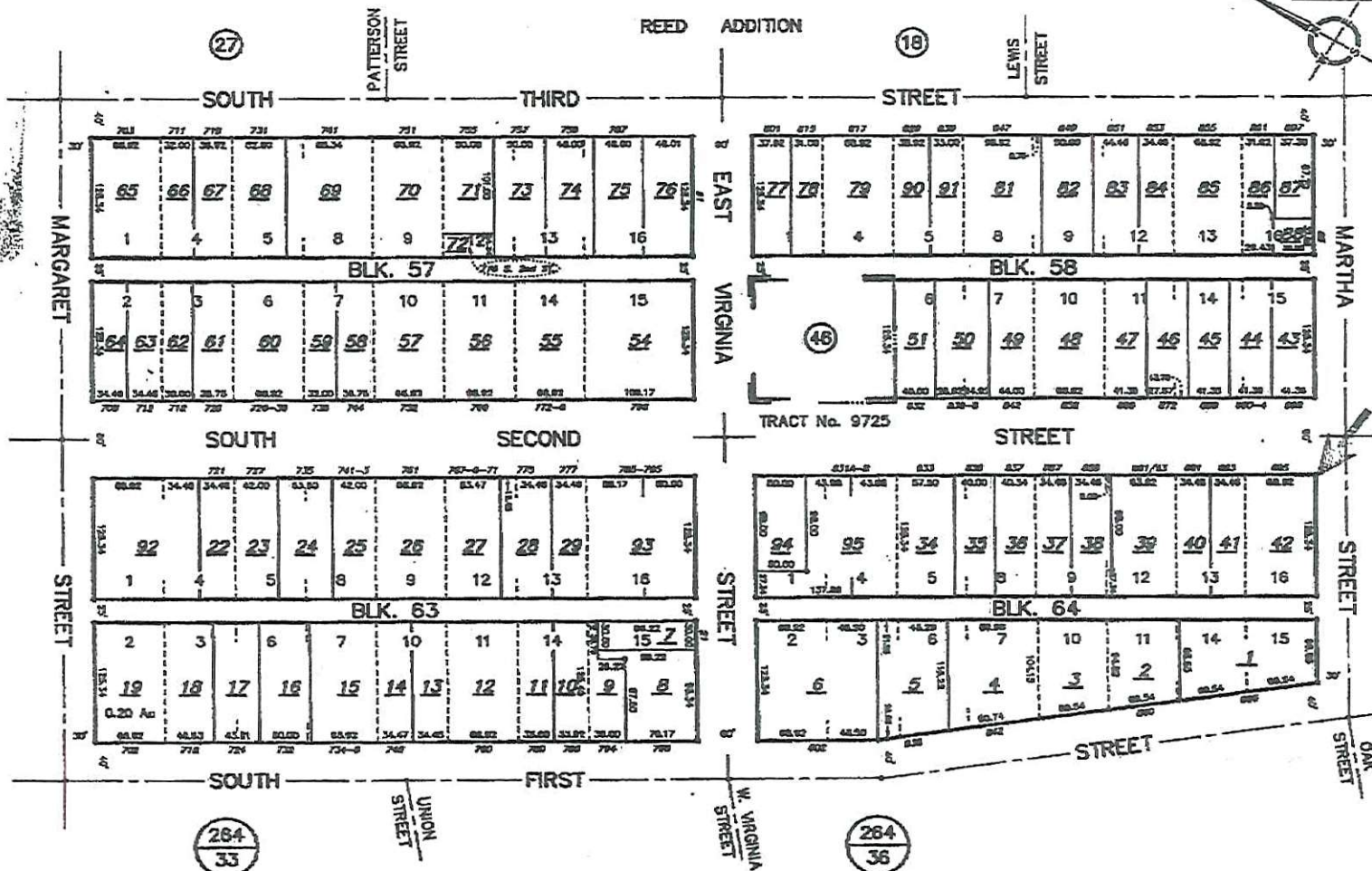
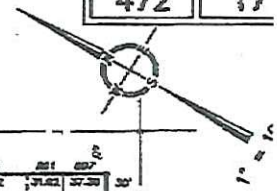
EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Beginning at the intersection of the Westerly line of Second Street with the Northerly line of Martha Street, as said Streets are shown upon the Map hereinafter referred to; thence Northerly and along the said Westerly line of Second Street 68 feet, 9 inches; thence Westerly and parallel with the Northerly line of Martha Street 125.34 feet to an alley; thence Southerly and parallel with Second Street 68 feet, 9 inches to the Northerly line of Martha Street; thence Easterly 125.34 feet to the Point of Beginning and being all of Lot 16 in Block 64 as shown upon that certain Map of Reed's Addition to 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 March 18, 1869 in Book "O" of Miscellaneous Records, at Page 322.

APN: 472-17-042





794 REV. MAP 115
LAWRENCE E. STONE - A
Cadastral map for municipal use
Compiled under R. & T. Code
Effective Feb. Year 2001-02