

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.13-
GROSS ACRE SITUATED ON THE NORTHWEST CORNER
OF MICHIGAN AVENUE AND ARCHER STREET (APN: 015-
05-049), FROM THE CN COMMERCIAL NEIGHBORHOOD
ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY
RESIDENCE 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 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. C18-015 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

OSUNA ENGINEERING, Inc.
Job No. 1572
August 10, 2018

EXHIBIT A
Legal Description

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

Lot 30 and 31, in Block 2 as laid down, designated and delineated upon that certain Map entitled, "Map of New Chicago at Port of Alviso", Santa Clara County, California, of record in the Office of the County Recorder of the County of Santa Clara, State of California, in Book "D" of maps, at pages 184 and 185.

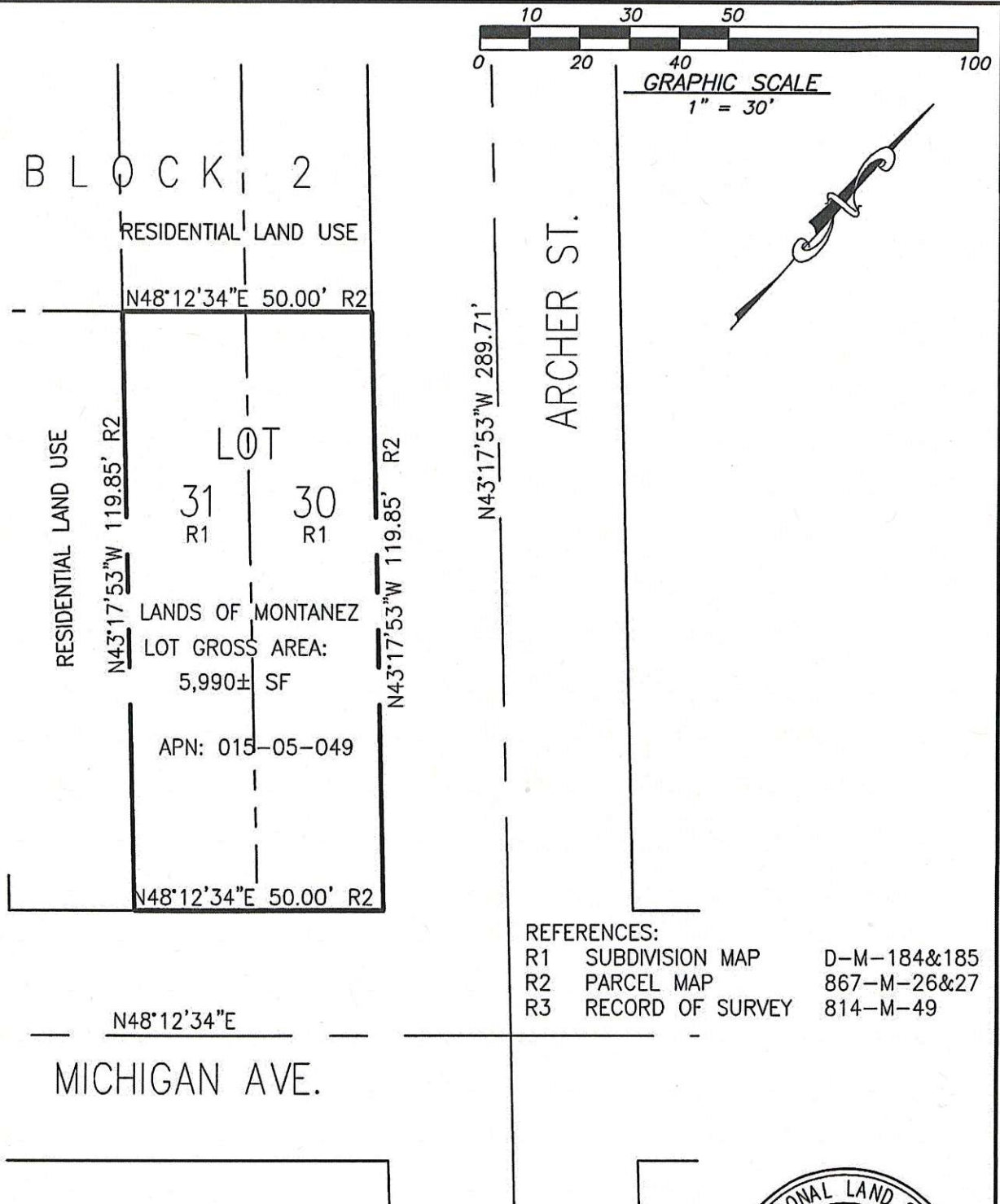
Containing 5,990 S.F., more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.


Porfirio O. Osuna
PLS 8921



8-10-18

LEGEND

- BOUNDARY OF SUBJECT PROPERTY
- LOT LINES PER ORIGINAL MAP R1

PROPERTY OWNER(S): JESUS AND TERESA MONTANEZ



EXHIBIT B - PLAT MAP
LANDS OF MONTANEZ
1298 MICHIGAN AVE

ALVISO,

CALIFORNIA

DATE: 8/10/18
SCALE: 1"=30'
DRAWN BY: O.O.
CHECKED BY: O.O.
JOB NO.: 1517

OSUNA ENGINEERING, INC.

117 BERNAL RD., #70-336
SAN JOSE, CALIFORNIA 95119
PH. (408) 772-4381

PLS NO. 8921
PORFIRIO OSCAR OSUNA