



COUNCIL AGENDA: 09/25/18  
FILE: 18-1267  
ITEM: 10.1 (a)

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 11, 2018

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**COUNCIL DISTRICT: 3**

**SUBJECT: FILE NO. C17-014. CONVENTIONAL REZONING FROM THE R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE ZONING DISTRICT ON A 0.15-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH SECOND STREET, APPROXIMATELY 175 FEET SOUTHERLY OF MARGARET STREET (735 SOUTH SECOND STREET)**

### **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Vora absent) to recommend that the City Council:

- a. Adopt a resolution approving an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
- b. Approve an ordinance rezoning certain real property approximately 0.15-gross acre located on the west side of South Second Street, approximately 175 feet southerly of Margaret Street (735 South Second Street), from the R-2 Two-Family Residence Zoning District to the R-M Multiple Residence Zoning District.

### **OUTCOME**

If the City Council approves the rezoning, future development applications consistent with R-M Multiple Residence Zoning District standards may be considered on the subject site.

## **BACKGROUND**

On August 22, 2018, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning, which was included on the Consent Calendar of the Planning Commission Agenda. The item remained on the consent calendar and no members of the public spoke on the proposed rezoning.

The Planning Commission voted 6-0-1 (Commissioner Vora absent) to recommend approval of the rezoning to the City Council, as recommended by the Planning staff, with no separate discussion on the item.

## **ANALYSIS**

A complete analysis of the issues regarding the proposed Conventional Rezoning, including General Plan conformance, is contained in the attached Planning Commission Staff Report.

## **EVALUATION AND FOLLOW-UP**

If the rezoning is approved, the appropriate entitlement application may be submitted to implement uses consistent with the development standards of the R-M Multiple Residence Zoning District.

## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City's website. The rezoning request was also published in a local newspaper, the Post Record. This Memorandum is posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

Preparation of this Memorandum has been coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

September 11, 2018

**Subject: File No. C17-014**

Page 3

**CEQA**

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, was prepared for the project under the provisions of the environmental review requirements, and the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. A complete analysis is contained in the attached staff report.

/s/

ROSALYNN HUGHEY, SECRETARY  
Planning Commission

For questions please contact Sylvia Do, Acting Deputy Director, at (408) 535-7907.

Attachment: Staff Report and attachments



## PLANNING COMMISSION STAFF REPORT

<b>File No.</b>	<b>C17-014</b>
<b>Applicant:</b>	<b>Philip Beitpoulice</b>
<b>Location</b>	<b>735 South Second Street</b>
<b>Existing Zoning</b>	<b>R-2 Two-Family Residence</b>
<b>Proposed Zoning</b>	<b>R-M Multiple Residence</b>
<b>Council District</b>	<b>3</b>
<b>Historic Resource</b>	<b>Yes</b>
<b>Historic Conservation Area</b>	<b>Martha Gardens</b>
<b>Annexation Date:</b>	<b>March 27, 1850 (Original City)</b>
<b>CEQA:</b>	<b>Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto</b>

### APPLICATION SUMMARY:

The proposed project is a Conventional Rezoning from the R-2 Two-Family Residence Zoning District to the R-M Multiple Residence Zoning District of a 0.15-gross acre site.

### RECOMMENDATION:

Planning staff recommends that the Planning Commission recommend the City Council to:

1. Adopt a resolution approving an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
2. Adopt an ordinance rezoning certain real property of approximately 0.15 gross acre located on the west side of South Second Street, approximately 175 feet southerly of Margaret Street (735 South Second Street), from the R-2 Two-Family Residence Zoning District to the R-M Multiple Residence Zoning District.

### PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Land Use/Transportation Diagram Designation</b>	<b>Mixed Use Neighborhood</b> <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent
<b>Consistent Policies</b>	<b>H-1.1; IP-1.1; IP-1.6; IP-8.2</b>
<b>Inconsistent Policies</b>	<b>None</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Mixed Use Neighborhood	CN Commercial Neighborhood	Single-Family Residence
<b>East</b>	Mixed Use Neighborhood	CN Commercial Neighborhood	Church and Single-Family Residence
<b>South</b>	Mixed Use Neighborhood	CN Commercial Neighborhood	Duplex
<b>West</b>	Mixed Use Commercial	CP Commercial Pedestrian	Commercial use, car wash

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
3/27/1850	Original City
8/14/2007	Conservation Area Nomination (File No. CA07-001)
4/14/2017	Site Development Permit to allow construction of four multi-family residential units (townhomes) on a 0.15-gross acre site-under review (File No. H17-020)
7/11/1018	Tentative Map to subdivide one parcel into four residential condominium units on a 0.15-gross acre site- under review (File No. T18-033)

### PROJECT DESCRIPTION

On April 14, 2017, the applicant applied for a Conventional Rezoning from the R-2 Two-Family Residence Zoning District to the R-M Multiple Residence Zoning District of a 0.15-gross acre site. If the City Council approves the proposed rezoning, the applicant will be able to pursue a future development of four multi-family residential units (townhomes). Both Site Development Permit application (File No. H17-020) and Tentative Map permit application (File No. T18-033) are on file with the Planning Division.

### Site and Surrounding Uses

The project site is located on the west side of South Second Street, approximately 175 feet southerly of Margaret Street at 735 South Second Street (see Figure 1).

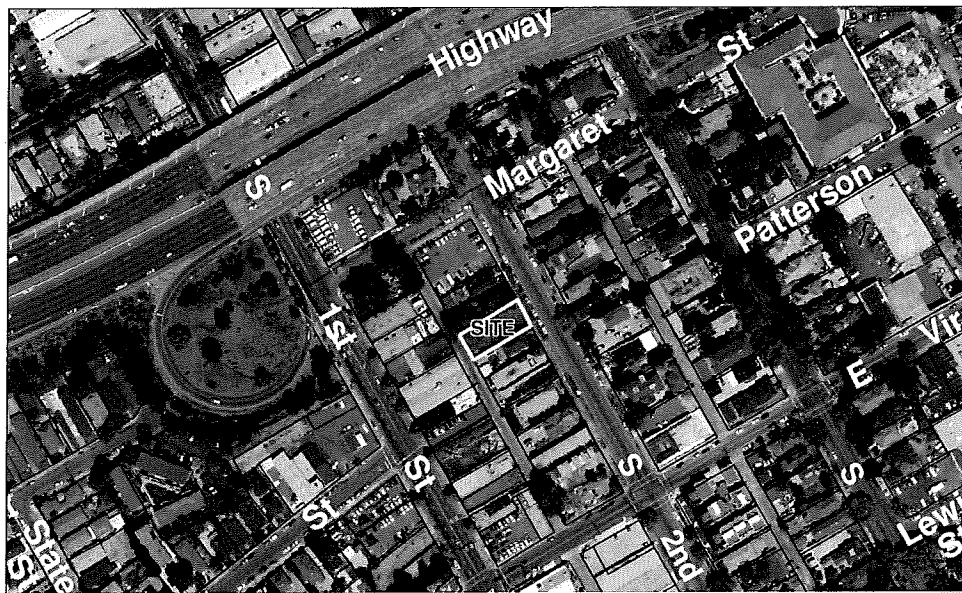


Figure 1: Aerial View

The subject 0.15-gross acre site is currently vacant. The site is generally surrounded by a mix of housing types and densities with single-family residences to the north, two-story duplexes and two-story apartment buildings to the south, a church and one- and two-story residences across South Second Street, to the east, and a car wash and commercial uses, across the rear alley, to the west.

## ANALYSIS

The proposed Conventional Rezoning was analyzed with respect to conformance with: 1) the Envision San José 2040 General Plan; 2) Martha Gardens Specific Plan; 3) the Zoning Ordinance; 4) Spartan/Keyes Strong Neighborhood Initiative; and 5) the California Environmental Quality Act (CEQA).

### Envision San José 2040 General Plan Conformance

The subject site has a land use designation of Mixed Use Neighborhood on the Envision San José 2040 General Plan Land Use/Transportation Diagram (see Figure 2).



Figure 2: General Plan Map

This designation has a density of up to 30 dwelling units per acre (30 DU/AC), and a FAR of 0.25 to 2.0. This designation applies to areas intended for development primarily with either townhouse or small-lot single-family residences and also to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. Existing neighborhoods with this designation are typically characterized by development pattern where small townhouse development may exist adjacent to more traditional single-family development or more intense multi-family development. The site is in the Victorian Neighborhood sub-area of the Martha Gardens Specific Plan area.

*Analysis: The proposed conventional rezoning of the site from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District is consistent with the site's Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Mixed Use Neighborhood. This rezoning would allow the site to be developed with multi-family residences. The applicant's intent is to develop the site with four multi-family residential units (townhomes) at a density of 26 DU/AC and a FAR of 1.2, which is within the maximum allowable density of up to 30 DU/AC and a FAR between 0.25 to 2.0 per the General Plan designation.*

*Furthermore, a mix of densities already exists in the neighborhood with the adjacent sites developed with two-family and more traditional single-family residences. The site's General Plan designation supports infill development at medium to high residential densities. Additionally, two-story apartment buildings and attached multi-family residential uses already exist on the same side of the street. Therefore, a future townhome development would be an appropriate type of residential land use for the subject vacant site.*

*The site is also adjacent to a mix of land uses with a church to the east, commercially developed sites to the west, and taller single-story or two-story residential uses to the north and south. This existing development pattern further supports the development of the site with a mix of uses and at a compatible scale and height. Additionally, the site is located in the Martha Gardens Specific Plan area and any future residential development would need to conform to the Victorian Neighborhood sub-area of the Martha Gardens Specific Plan area, as further discussed below.*

The conventional rezoning is also consistent with the following General Plan policies:

1. Housing Policy H-1.1: Through the development of new housing and the rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

*Analysis: This project adds to the existing diversity of housing of the area which includes a variety of one- and two-family homes as well as multi-family residences.*

2. Implementation Policy IP-1.1: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
3. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals and policies.
4. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed uses and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: The site is currently located in the R-2 Two-Family Residence Zoning District, which limits development of the site to a single-family residence or a duplex. The proposed R-M Multiple Residence Zoning District would allow the site to be developed at a higher density and with a choice of residential housing type in conformance to the General Plan designation of Mixed Use Neighborhood.*

*The proposed Conventional Rezoning to the R-M Multiple Residence Zoning District is preferred over R-2 Two Family Residence Zoning District as it will allow new development that is compatible with the existing mix of commercial and residential land uses on adjacent properties. This development pattern would be consistent with the General Plan goals intended for this area.*

### **Martha Gardens Specific Plan**

The site is located in the Martha Gardens Specific Plan area and, specifically, the Victorian Neighborhood Sub-Area. This plan is available at:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/460>

The Martha Gardens Specific Plan establishes a framework for the redevelopment of this specific area of San José and intends new infill development to develop in a manner that forms a strong relationship with the existing historic character and framework of the neighborhood. The Victorian Neighborhood Sub-Area is comprised of properties located along South Second and Third Street, primarily north of Martha Street, in the northwestern portion of the Specific Plan area. This sub-area is characterized by impressive collection of Victorian houses, set back from the street with lawns and front porches. The main objective of the Specific Plan is to preserve the historic character of the existing Victorian homes and design new projects to blend in with the neighborhood. Overall the proposed infill project would have to conform to the Specific Plan area and the Victorian Neighborhood sub-area, as well as the Development Standards of the proposed conventional zoning district.

The Martha Gardens Specific Plan has a maximum height of 35 feet. While the R-M Zoning District allows 45 feet, any future development will not be allowed to exceed 35 feet. The other setbacks in the Martha Gardens Specific Plan roughly correspond to the conventional R-M Multiple Residence Zoning District development standards. The front setbacks of the future development would need to conform to the front yard setbacks of the existing front yards in the neighborhood, with a range of a minimum of 10 feet, to a maximum of 20 feet.

For in-fill development to be successful, projects should be built at a compatible scale, setbacks and footprint as the existing historic homes in the sub-area, with a similar palette of materials and complementary level of detailing. The Specific Plan's vision is not to see the Victorian homes replicated, but to see compatible materials used in future development that reflect a similar attention to detail. The future project, currently under review for the subject site, will be reviewed for consistency as regards to form, style, design, color and materials, in order to be compatible with the adjacent historic homes in the Victorian sub-area of the Martha Gardens Specific Plan area, per the discussion above.

### **Zoning Ordinance Conformance**

The existing Zoning District for the subject site is R-2 Two-Family Residence (see Figure 3). This zoning district allows the construction of a single-family residence or a two-family residence (duplex). Rezoning the site to the R-M Multiple Residence Zoning District would allow the future development of the site at a higher density in conformance with the development regulations of the conventional R-M Multiple Residence Zoning District (see Table 1). The applicant proposes to develop up to four multi-family residential units (townhomes) at this site.

The adjacent properties to the north and south of the subject site have a zoning designation of CN Commercial Neighborhood and the area is currently developed with non-conforming residential uses. The adjacent properties to the east and west of the subject site have a zoning designation of CP Commercial Pedestrian Zoning District and CN Commercial Neighborhood Zoning District and are developed with a church and commercial uses, respectively. Therefore, the proposed Conventional Rezoning of the subject site to R-M Multiple Residence Zoning District is compatible to the adjacent zoning districts, and any future higher intensity development of the site would conform to the General Plan designation of Mixed Use Neighborhood.



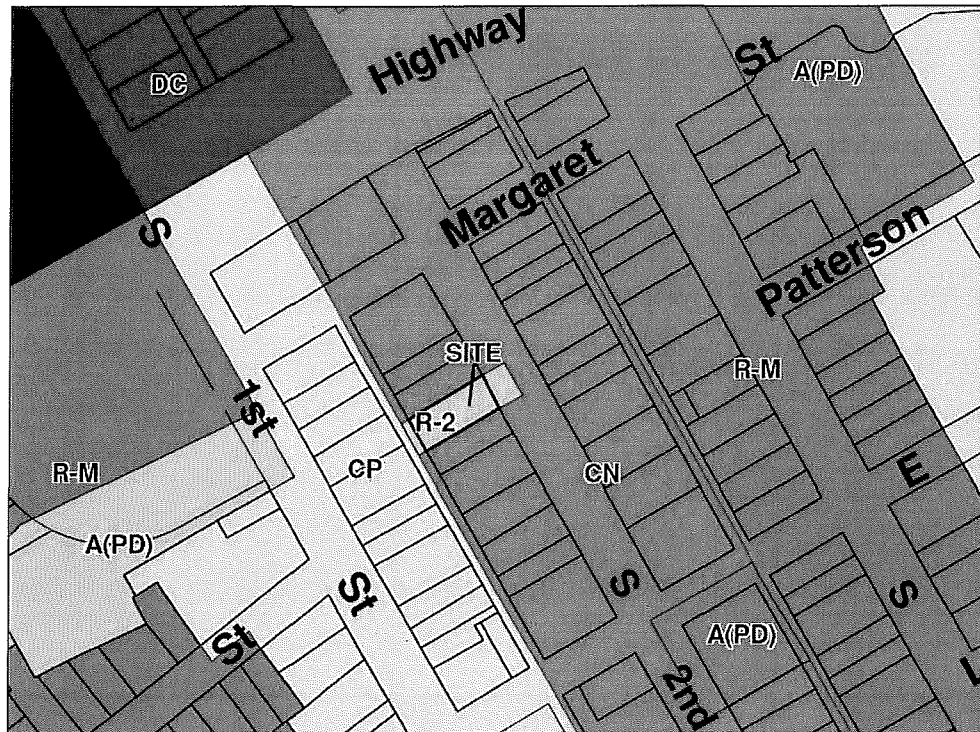


Figure 3: Existing Zoning Map

R-M Multiple Residence Zoning District*Lot Size*

The minimum lot size requirement in the R-M Multiple Residence Zoning District is 6,000 square feet.

*Setbacks and Height*

The minimum setback and maximum height requirements for the development of future residential unit project in the R-M Multiple Residence Zoning District, pursuant to Section 20.30.200 and Table 20-60 of the Zoning Ordinance, are shown in Table 1 below.

<b>Building Setbacks and height of R-M Multiple Residence Zoning District</b>	<b>Required</b>
Front Setback	10 feet (must match existing neighborhood per Specific Plan discussed above)
Side Setback	5 feet
Rear Setback	25 feet
Height (Maximum)	45 feet (limited to 35 feet and 3 stories per Specific Plan discussed above.)

Table 1: Setbacks and Height

*Parking Requirements*

The parking requirement for development in the R-M Multiple Residence Zoning District is pursuant to Section 20.90.060 and Table 20-210 of the Zoning Ordinance. Future residential development will require minimum two spaces per unit.

*Design Guidelines*

Pursuant to Design Guidelines, the total private open space requirement for each residential unit is minimum 400 square feet.

**Spartan/Keyes Strong Neighborhood Initiative (SNI)**

This project is located within the Spartan/Keyes SNI area. The Strong Neighborhood Initiative (SNI) Plan promotes a vision for the residential areas of Spartan Keyes to be a safer, more livable, and unique neighborhood. The Spartan Keyes neighborhood consists of a mix of single-family, two-family, and multiple-family residences with varied Architectural styles and forms. These range from the classic Victorian and Craftsman style of the late 19th to the early mid-20th Century period, and 1990s post-modern architecture. The future project consists of multi-family residential units (townhomes) which will contribute towards the uniqueness of the traditional as well as postmodern architectural forms and will complement the existing neighborhood.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, was prepared for the project under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which will require major revisions to the previous EIR, or new information of substantial importance is available.


The proposed rezoning would not result in any new or substantially increased significant impacts beyond those previously identified in the Envision San José 2040 General Plan EIR, as supplemented. For the project site, the City's Zoning Ordinance did not identify a General Plan conforming zoning district for Mixed Use Neighborhood General Plan land use designation. The proposed rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District, however, shall provide a compatible land use and would not result in any impacts beyond those identified in the previously identified certified EIRs.

Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts beyond those previously identified in certified EIRs. Additionally, the proposed rezoning would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the previously certified EIRs; nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR.

**PUBLIC HEARING NOTIFICATION**

In order to inform the public of the proposed project, staff followed City Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Rina Shah

**Approved by:**  Acting Planning Official for Rosalynn Hughey, Planning Director

**Date:** 8/14/2018

**Attachments:**

Exhibit A: Draft Addendum Resolution

Exhibit B: Draft Ordinance

Exhibit C: Legal Description & Plat Map

<b>Owner:</b>	<b>Applicant:</b>
Andranik Karam Glen View Drive San Jose, CA 95120	Philip Beitpoulice 1115 Virgil Place San Jose, CA 95120

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 735 SOUTH SECOND STREET REZONING PROJECT ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AS ADDED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED**

**WHEREAS**, the City of San José ("City") acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"), prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Envision San José 2040 General Plan ("General Plan Update FPEIR"), which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José 2040 General Plan; and

**WHEREAS**, the Planning Commission of the City certified said General Plan Update FPEIR, which certification was not appealed; and

**WHEREAS**, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011, setting forth certain findings pertaining to the General Plan Update FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

**WHEREAS**, subsequent to said actions on the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental EIR

("SEIR") to the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

**WHEREAS**, the Planning Commission of the City certified said SEIR, which certification was not appealed; and

**WHEREAS**, in connection with the adoption of a resolution approving said SEIR to the Envision San José 2040 General Plan Greenhouse Gas Reduction Strategy (Planning File No. PP15-060), the City Council adopted Resolution No. 77617 on December 15, 2015 setting forth certain findings pertaining to the SEIR, all pursuant to the provisions of CEQA; and

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared and approved an Addendum to the General Plan Update FPEIR and SEIR for the 735 South Second Street Rezoning under Planning File No. C17-014 (the "Addendum"), all in accordance with CEQA; and

**WHEREAS**, the 735 South Second Street Rezoning (the "Project") analyzed under the Addendum consists of a conventional rezoning of a certain real property situated on the west side of South Second Street, approximately 175 feet southerly of Margaret Street, from the R-2 Two-Family Residence Zoning District to the R-M Multiple Residence Zoning District totaling approximately 0.15 gross acre, in San José, California; and

**WHEREAS**, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved General Plan Update FPEIR and SEIR, as addended, nor will the Project result in an increase in the severity of significant effects identified in the General Plan Update FPEIR and SEIR, as addended; and

**WHEREAS**, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

**WHEREAS**, the City Council has reviewed and considered the General Plan Update FPEIR and SEIR, as addended, and the Addendum and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the General Plan Update FPEIR and SEIR, as addended, and the Addendum thereto for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the General Plan Update FPEIR and SEIR, as addended, as all modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying General Plan Update FPEIR and SEIR, as addended, prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the General Plan Update FPEIR and SEIR, as addended, represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. C17-014). The General Plan Update FPEIR and SEIR, as addended, and the Addendum are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.15 GROSS ACRE SITUATED ON THE WEST SIDE OF SOUTH SECOND STREET, APPROXIMATELY 175 FEET SOUTHERLY OF MARGARET STREET (735 SOUTH SECOND STREET), FROM THE R-2 TWO FAMILY RESIDENCE ZONING DISTRICT TO THE R-M MULTIPLE 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**, an Addendum to 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, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to R-M Multiple Residence Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project 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 Multiple 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.** The land development approval that is the subject of City File No. C17-014 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.

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PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**ADVANCED  
DEVELOPMENT**

July 12, 2018  
Page 1 of 1

**EXHIBIT "A"**

**DESCRIPTION OF PARCEL PROPERTY**

For Planned Development Permit Zoning

**Address: 735 Second Street, San Jose California 95112**

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

Being a part of lots 5 & 8 in Block 63 of said Reed's addition according to a map thereof recorded in the Office of the Recorder of the County of Santa Clara, State of California on March 18, 1869 in Book "C" of Miscellaneous Records, at page 322.

**BEGINNING** at the intersection of the Westerly line of Second Street with the Southerly line of Margaret Street, as said streets are shown on said map.

Thence from said Point of Beginning along Westerly Right of Way line of Second Street South 30°39'00" East 179.84 feet to True Point of Beginning.

Thence from said True Point of Beginning with following courses:

South 59°21'00" West 125.34 feet; Thence

Parallel to Westerly line of Second Street South 30°39'00" East 53.50 feet; Thence

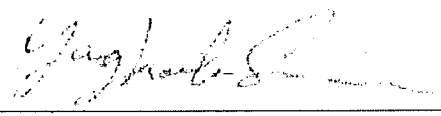
North 59°21'00" East 125.34 feet to a point on said Westerly Right of Way line of Second Street; Thence

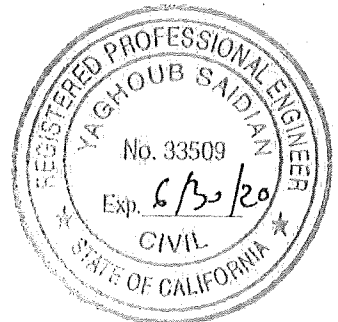
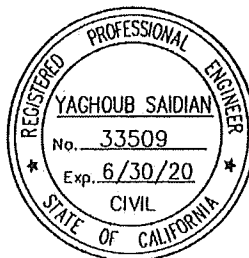
Along said Westerly line North 30°39'00" West 53.50 feet to the True Point of **Beginning**

Containing an area of 6,706 square feet more or less

**As shown on PLAT attached hereto and made a part hereof as Exhibit "B".**

**ADVANCED DEVELOPMENT**

  
Yaghoubo Saidian, R.C.E. No. 33509



7-12-2018

Date  


MARGARET STREET (60' WIDE)

SOUTH SECOND STREET  
(80' WIDE)

0 15 30 60  
( IN FEET )  
1 INCH = 30 FT.

POINT OF BEGINNING

TRUE POINT OF BEGINNING

N30°39'00"W 179.84'

N30°39'00"W 53.50'

R/W

APN  
172-17-022

APN  
172-17-023

N59°21'00"E 125.34'

APN  
172-17-024  
AREA = 6706 SF

N59°21'00"E 125.34'

APN  
172-17-025

APN  
172-17-026

R/W

N30°39'00"W 53.50'

ALLEY  
(25' WIDE)

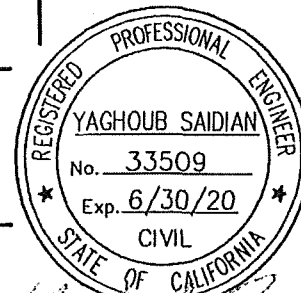
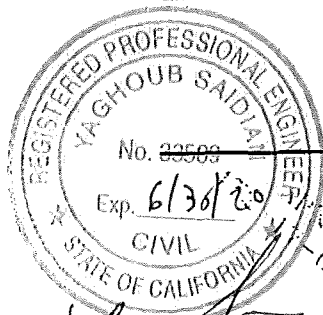


EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

ADVANCED DEVELOPMENT

2933 BENJAMIN COURT  
SAN JOSE, CALIFORNIA 95124  
(408) 891-1689

Subject PLANNED DEVELOPMENT PERMIT  
735 S. SECOND STREET  
SAN JOSE, CALIFORNIA  
By AG Date 07-12-2018 Chkd         
SHEET 1 OF 1