ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.29 GROSS ACRE SITUATED ON THE SOUTH SIDE OF ABORN ROAD, APPROXIMATELY 111 FEET EASTERLY OF NIEMAN BOULEVARD (2462 ABORN ROAD) FROM THE A AGRICULTURAL ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY 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

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

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 as 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. The land development approval that is the subject of City File No. C18-011 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.

//

//

//

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

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

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE EVERGREEN OR ABORN ROAD, DISTANT THEREON N. 78° 54' E. 147.20 FEET FROM THE NORTHWESTERLY CORNER OF LOT 6. AS SAID ROAD AND LOT ARE SHOWN UPON THE MAP OF KETTMAN PARTITION HEREINAFTER REFERRED TO; SAID NORTHWESTERLY CORNER OF SAID LOT 6 BEING ALSO THE MOST NORTHERLY CORNER OF THAT CERTAIN 80.18 ACRE TRACT OF LAND CONVEYED BY MARY KETTMAN TO ROSALIE M. PFEFFER, ET AL, BY DEED RECORDED FEBRUARY 10. 1948, IN BOOK 1564 OF OFFICIAL RECORDS, AT PAGE 525, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE FROM SAID POINT OF BEGINNING CONTINUING ALONG SAID SOUTHERLY LINE OF EVERGREEN OR ABORN ROAD. N. 78E 54' E. 70 FEET TO A POINT; SAID POINT BEING THE MOST NORTHERLY CORNER OF THAT CERTAIN 2.00 ACRE TRACT OF LAND CONVEYED BY THOMAS J. FAMA AND ALICE M. FAMA. HUSBAND AND WIFE, TO PHILIP P. DANGELO AND LENA G. DANGELO, HUSBAND AND WIFE, BY DEED DATED NOVEMBER 5, 1951, AND RECORDED NOVEMBER 21, 1951, IN BOOK 2320 OF OFFICIAL RECORDS, AT PAGE 572, OF SANTA CLARA COUNTY RECORDS; THENCE RUNNING ALONG THE NORTHEASTERLY LINE OF SAID 2 00 ACRE TRACT OF LAND AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID 80.18 ACRE TRACT OF LAND, S. 29° 08' E. 160 FEET TO A POINT IN SAID NORTHEASTERLY LINE OF THE 2.00 ACRE TRACT OF LAND; THENCE RUNNING S. 78° 54' W. AND PARALLEL WITH THE SOUTHERLY LINE OF THE EVERGREEN OR ABORN ROAD 70 FEET TO A POINT; THENCE RUNNING N. 29° 08' W. AND PARALLEL WITH THE NORTHEASTERLY LINES OF SAID 80.18 ACRE AND SAID 2.00 ACRE TRACTS OF LAND 160 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 6 OF THE KETTMAN PARTITION OF RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA. STATE OF CALIFORNIA. IN BOOK "C" OF MAPS. PAGE 24.

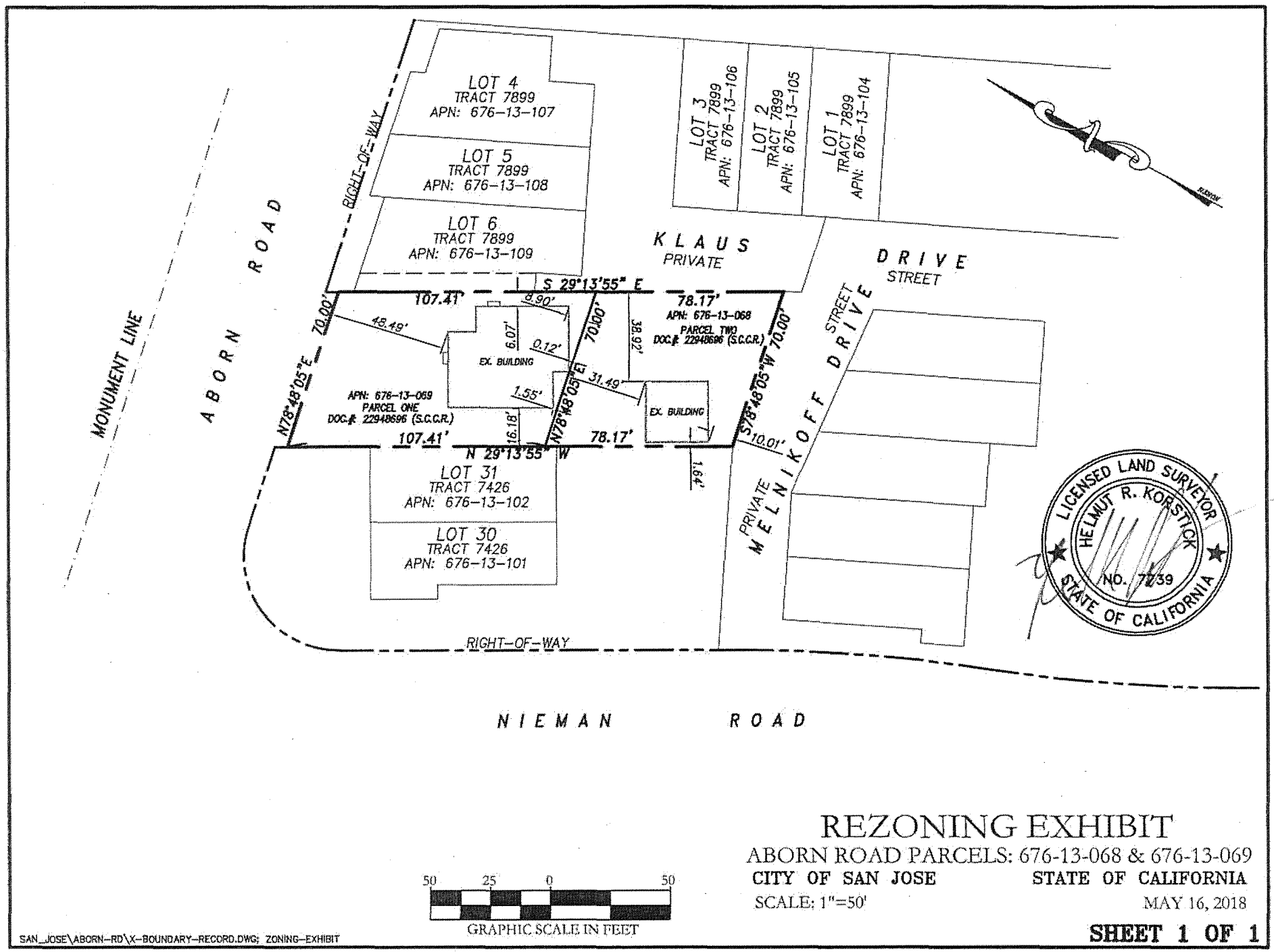
EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF SAN JOSE IN THAT CERTAIN DEED RECORDED JUNE 16, 1978 IN BOOK 0746 OF OFFICIAL RECORDS, AT PAGE 569, AS DOCUMENT NO. 6048605. SANTA CLARA COUNTY RECORDS.

PARCEL TWO;

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO LOREN W. THORSON, ET UX, IN DEED RECORDED DECEMBER 5, 1967 IN BOOK 7951 OF OFFICIAL RECORDS PAGE 28, THENCE N 29° 14' 14" W 183.70' TO THE TRUE POINT OF BEGINNING, THENCE FROM THE TRUE POINT OF BEGINNING. S. 78° 48' 05" W. 70 FEET, THENCE N 29° 14' 14" W 78.17; THENCE N 78° 45' 05" E 70 FEET, THENCE S 29° 14' 14" E. 78.17' TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF LOT 6 OF THE KETTMAN PARTITION AS SHOWN UPON THE MAP OF THE KETTMAN PARTITION IN THE RECORDS OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK "O" OF MAPS PAGE 24.

APN: 676-13-068, 676-13-069

EXHIBIT "B" (File No. C18-011)



REZONING EXHIBIT

ABORN ROAD PARCELS: 676-13-068 & 676-13-069

CITY OF SAN JOSE STATE OF CALIFORNIA

SCALE: 1"=50' MAY 16, 2018

SAN_JOSE\ABORN-RD\X-BOUNDARY-RECORD.DWG; ZONING-EXHIBIT

SHEET 1 OF 1