DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.01-GROSS ACRES SITUATED ON THE EAST SIDE OF CAMDEN AVENUE BETWEEN MALPAS DRIVE AND CANNA LANE (0 CAMDEN AVENUE) (APN 567-26-014), FROM THE A AGRICULTURAL ZONING DISTRICT TO THE R-2 TWO-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, an Addendum to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), certified by the City Council on November 1, 2011 by Resolution No. 76041, and the Supplemental Environmental Impact Report (the "SEIR"), certified by the City Council on December 15, 2015 by Resolution No. 77617, , 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 the R-2 Two-Family 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;

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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-2 Two-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. C16-017 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:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

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EXHIBIT "A"
RE-ZONING LEGAL DESCRIPTION
FOR
LANDS OF KELSEY
FILE NO. C16-017
APN: 567-26-014



File No. 25788
Drawn By BFH
Checked By ABF
September 27, 2018

9/27/2018

BRYAN F. HAPPEE, PLS 8229

PERIMETER DESCRIPTION OF THE LANDS OF THE KELSEY FAMILY TRUST DATED MARCH 17, 2000 AS TO AN UNDIVIDED ½ INTEREST AND THE LANDS OF THE EBERTS FAMILY LIVING TRUST, UDT 09/10/08 AS TO AN UNDIVIDED ½ INTEREST;

SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND

BEING the lands described in **"**Property Two" of the Lands conveyed to Matt A. Kelsey and Rachael A. Kelsey, Trustees of the "Kelsey Family Trust dated March 17, 2000", and Recorded April 25, 2000 in Document Number 15224632, Official Records of Santa Clara County Records, and;

BEING the lands described in "Property Two" of the lands conveyed to Kenneth Marvin Eberts, Jr. and Marjorie K. Eberts, Trustees of the "Eberts Family Living Trust, UTD 09/10/08 (Marjorie K. Eberts, separate Property)", and being more particularly bounded described as follows to wit;

BEGINNING at a point on the northern boundary of that 2.36 acre Parcel of Land Conveyed from Bank of America National Trust and Savings Association to Vivian Arnerich Kelsey, et al, by Deed Recorded June 3, 1957 in Book 3812, Page 9, Official Records of Santa Clara County, from which point, the northwestern corner thereof bears, North 89°51'00" West 22.56 feet distant, said **POINT OF BEGINNING** being the northeastern corner of the parcel deeded to the City of San Jose, by Deed Recorded, December 8, 1988 in Book K780, Page 2018, Official Records of Santa Clara County;

THENCE from said **POINT OF BEGINNING**, leaving said northern boundary, southwesterly along a non-tangent curve to the right from a tangent that bears South 1°32'22" West, having a radius of 1008.00 feet, through a central angle of 10°34'25" and arc length of 186.03 feet to a point on the eastern line of Camden Avenue (formerly Hicks Road and before that was also known as Los-Gatos-Almaden Road or Harwood Road); thence southeasterly along said eastern boundary, South 00°09'00" East 188.91 feet, to a point from which the southern corner of Parcel II of the lands conveyed to the Santa Clara Valley Water District recorded August 27, 1976 in Book C248, Page 176, Santa Clara County Records, (also being the southern corner of the lands conveyed to Vivian Arnerich Kelsey et al, by deed Recorded in Book 1426, Page 9,

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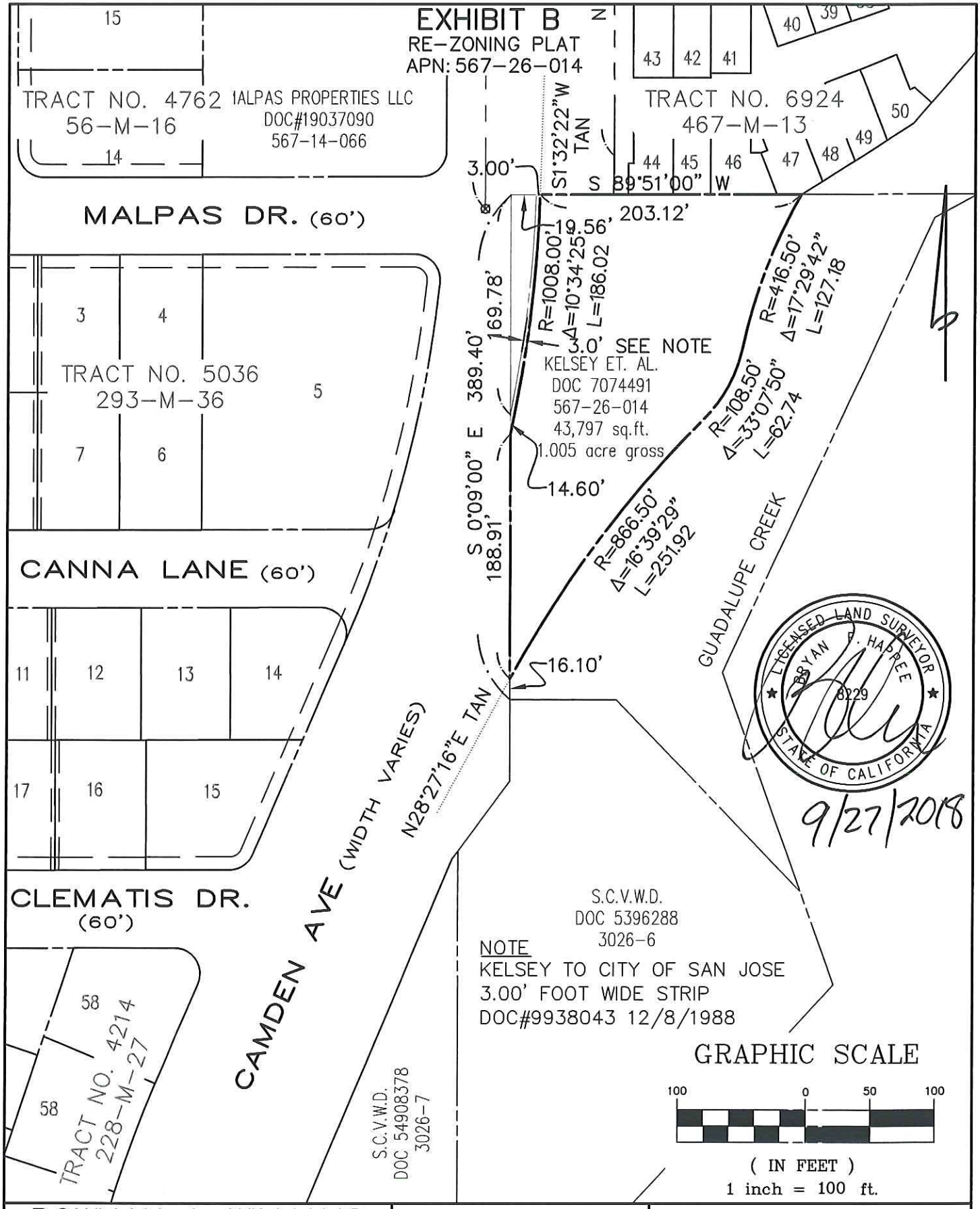
EXHIBIT "A"
RE-ZONING LEGAL DESCRIPTION
FOR
LANDS OF KELSEY
FILE NO. C16-017
APN: 567-26-014

Official Records of Santa Clara County) bears the following courses, South 00°09'00 East 78.96 feet (South 00°22'53" East 78.96 feet in said last referenced deeds), South 36°30'00" West 67.12 feet (South 37°01'53" West 67.12 feet in said last referenced deeds), and South 00°09'00" East 416.10 feet (South 00°22'53" East 416.10 in said last referenced deeds) distant; thence leaving said eastern line of Camden Avenue (formerly Hicks Road and before that was also known as Los-Gatos-Almaden Road or Harwood Road) along a curve to the right from a tangent that bears North 28°27'16" East (North 28°59'09" East in said deeds) , having a radius of 866.50 feet, through a central angle of 16°39'29", for an arc length of 251.92 feet (251.89 feet in said deeds) to a point of reverse curvature; thence along a curve to the left, having a radius of 108.50 feet, through a central angle of 33°07'50", an arc length of 62.74 feet to a point of reverse curvature; then along a curve to the right, having a radius of 416.50 feet, through a central angle of 17°29'42", an arc length of 127.18 feet, to a point on the northern boundary of the above referenced 2.365 acre parcel, from which point, the eastern corner of said 2.366 acre parcel, also being the northwestern corner of the first cited exception as described in the above referenced lands of "the Kelsey Family Trust dated March 17, 2000", and as described in the first cited exception to the above referenced lands of "Eberts Family Living Trust, UTD 09/10/08 (Marjorie K. Eberts, separate Property)", bears North 89°51'00" East (South 89°37'07" East in said last referenced deeds) 137.85 feet distant; thence southwesterly along said northern boundary of said 2.36 acre parcel South 89°51'00" West (South 89°37'07 East in said last referenced deeds) 203.12 feet, to the **POINT OF BEGINNING**;

Containing 43,797 Sq. ft./ 1.005 Acre gross, a little more or less;

SURVEYED & COMPILED IN SEPTEMBER 2018 BY BOWMAN AND WILLLIAMS CONSULTING CIVIL ENGINEERS FILE NO. 25788.

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BOWMAN & WILLIAMS		
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS 3949 RESEARCH PARK COURT, SUITE 100 SOQUEL, CA 95073-2094 TEL (831)426-3560	SCALE 1"=100'	JOB NO. 25788
	DATE SEPTEMBER 27, 2018	DWG NAME 25788.DWG
	DRAWN BFH	FILE NO. 25788

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