

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.27-ACRE SITUATED ON THE SOUTH SIDE OF VIEWPOINT LANE APPROXIMATELY 400 FEET WEST OF ALMADEN ROAD (10080 VIEWPOINT LANE) FROM THE A AGRICULTURAL ZONING DISTRICT TO THE R-1-5 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-1-5 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-1-5 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. C18-020 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT 'A'

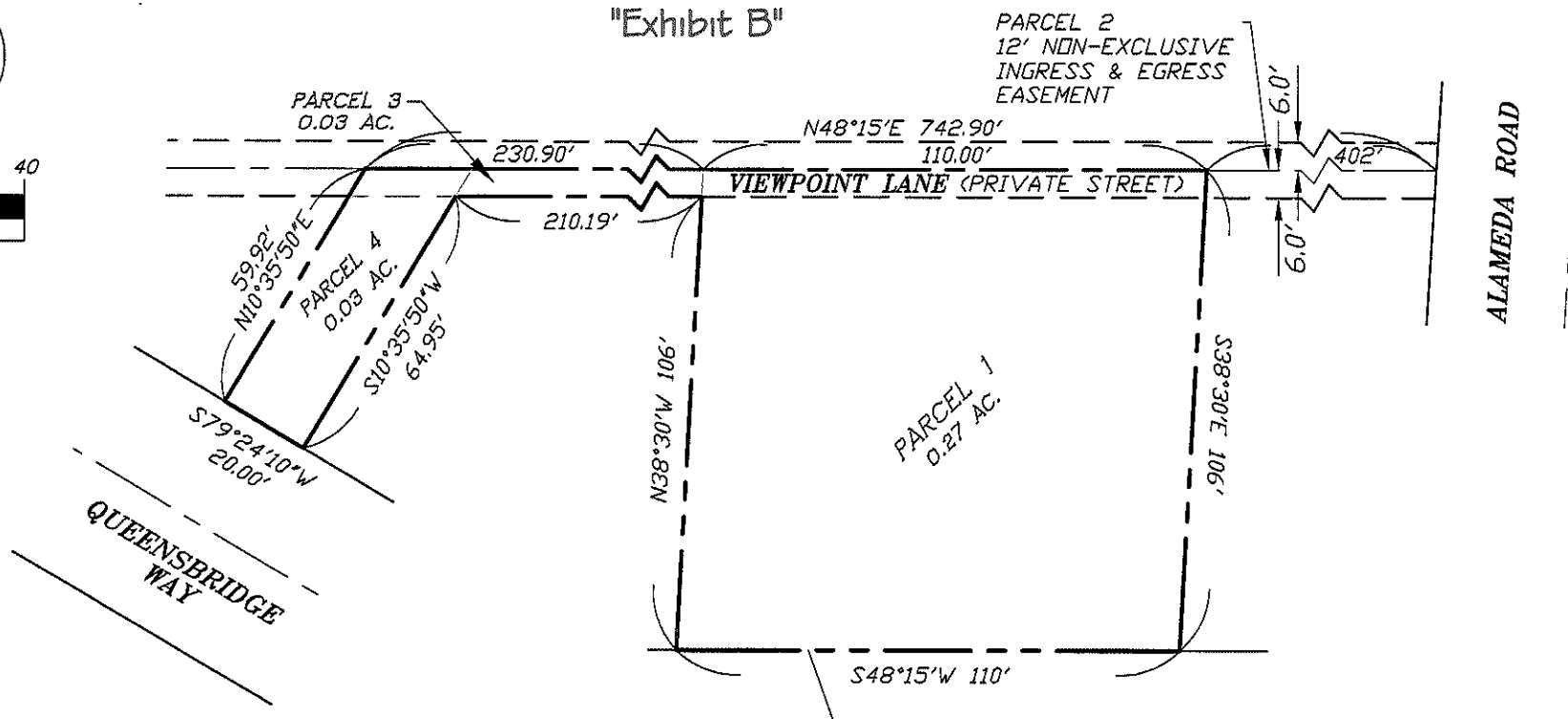
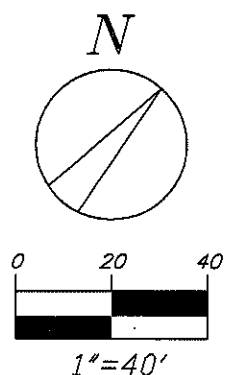
Beginning at a point in the Southeasterly line of that certain 232.56 acre tract of land deeded by the Commissioner's of the Funded Debt of the City of San Jose to H.H. Kooser by Deed dated December 4, 1867 and recorded in Book U of Deeds, at page 420, distant thereon S.48°15' W. 402 feet from a stake "KS" set at the intersection of said Southeasterly line with the Southwesterly line of Almaden Road; thence running along said Southeasterly line of said 232.56 acre tract, S.48°15' W. 110 feet; thence parallel with said Southwesterly line of Almaden Road, N.38°30' W. 106 feet to the center line of the right of way hereinafter described; thence along said line and parallel with the said Southeasterly line of said 232.56 acre tract, N.48°15' E. 110 feet; thence parallel with said line of Almaden Road, S.38°30' E. 106 feet to the point of beginning and being a portion of Pueblo Tract No. 2, San Jose City Lands.

Together with a non-exclusive right of way for ingress and egress over a strip of land 12 feet wide, the center line of which is described as follows:

Beginning at a point on the Southwesterly line of the Almaden Road distant thereon N.38°30' W. 106 feet from a stake "KS" set

at the most Easterly corner of that certain 232.56 acre tract of land deeded by the Commissioners of the Funded Debt of the City of San Jose to H.H. Kooser by Deed dated December 4, 1867 and recorded in Book U of Deeds, at page 420, and running thence S.48°15' W. 1148.40 feet.

ZONING PLAT
10080 VIEWPOINT LN.
SAN JOSE, CA 95120
"Exhibit B"



REFERENCES:

OLD REPUBLIC TITLE REPORT 0614003579-LC

Leroy Gatto, a single man

July 28, 2009

August 7, 2009 in Official Records under Recorder's Serial Number
20391605



PREPARED BY:

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