

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.43-GROSS ACRE SITUATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF FOX AVENUE AND NORTH FIRST STREET (447 NORTH FIRST STREET) (APNS:259-20-016, 259-20-017, 259-20-014, AND 259-20-015), FROM THE CO COMMERCIAL OFFICE AND R-1-8 SINGLE-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, 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-M Multiple 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-M Multiple 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. C18-035 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

Real property, situate in the incorporated territory of the City of San Jose, County of Santa Clara, State of California, described as follows:

Being all of Lot 1, Lot 2, Lot 3, Lot 6 and a portion of Lot 8, as said Lots are shown on that certain map entitled, "Plat of Fox Addition in the City of San Jose", filed for record in the office of the Recorder of the County of Santa Clara, State of California, on November 26, 1872 in Book E of Miscellaneous Records, page 25 and more particularly described as follows:

Beginning at the point of intersection of the Southwesterly line of First Street (80 feet wide) with the Northerly line of Fox Avenue (40 feet wide);

Thence, along said Northerly line of Fox Avenue, South $68^{\circ}21'55''$ West 190.56 feet (the bearing of said Northerly line being taken as South $68^{\circ}21'55''$ West for the purpose of making this description);

Thence, Northwesterly and parallel to said First Street, North $29^{\circ}54'16''$ West 95.04 feet to the Northwest Line of said Lot 8;

Thence, along the Northwesterly lines of said Lot 8, Lot 6 and Lot 1, North $60^{\circ}05'44''$ East 188.58 feet to said Southwesterly line of First Street;

Thence, along last said line, South $29^{\circ}54'16''$ East 122.45 feet to the point of beginning.

Containing 20,507 square feet of land, more or less.

The monument line of Fox Avenue as shown on that certain Record of Survey, filed for record on January 21, 1986 in book 555 of maps at pages 2 through 16, inclusive, was used as the basis of bearings for this description. Said bearing being taken as South $68^{\circ}21'55''$ West.

Attached hereto is a plat (Exhibit B) to accompany legal description, and by this reference made a part hereof.

This description was prepared by me or under my direct supervision.

Brian L. Sousa

Brian L. Sousa, LS 7917
License Expires: 12-31-2019



Date: Oct. 17, 2018

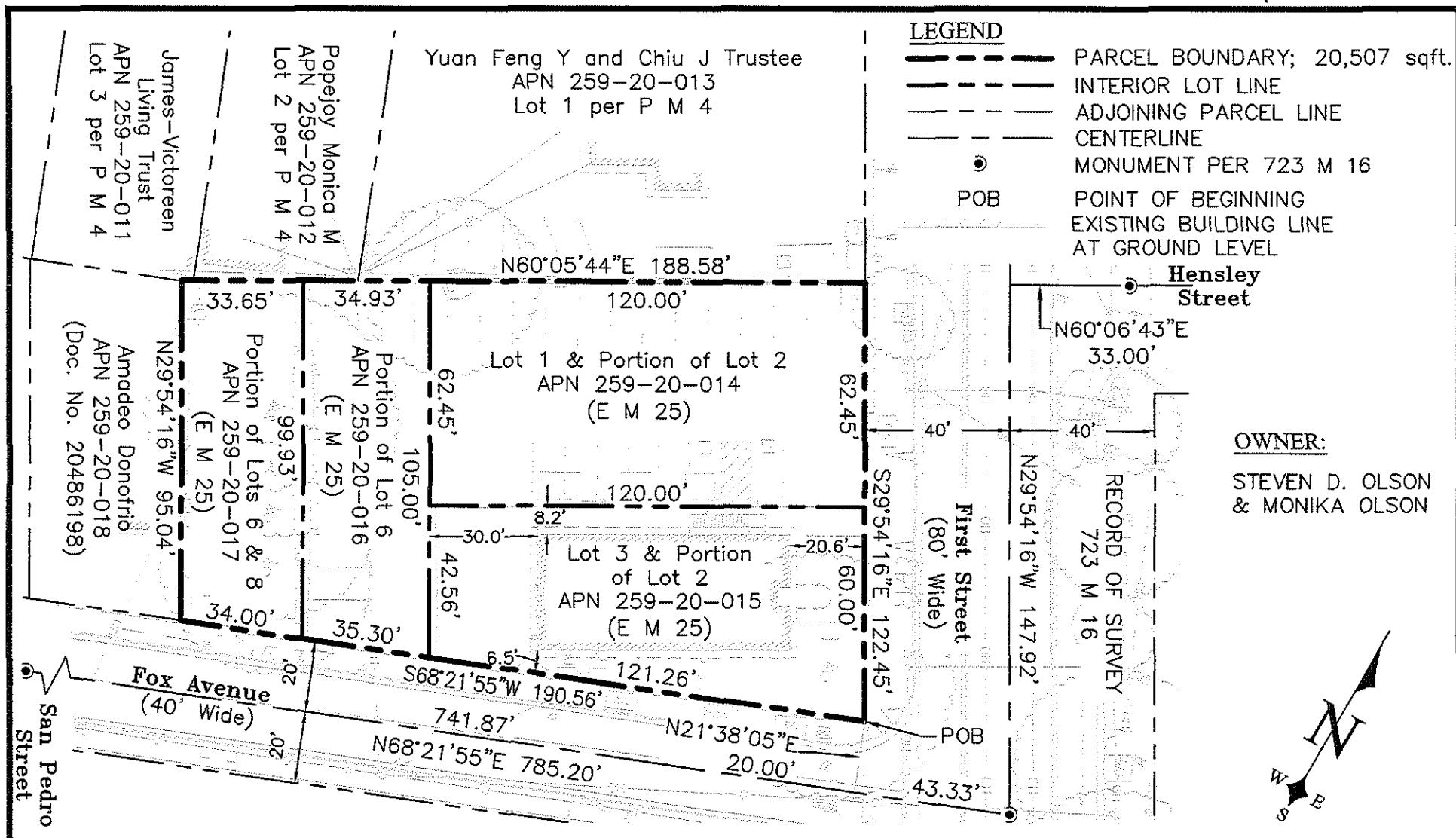


EXHIBIT B
(E M 25)

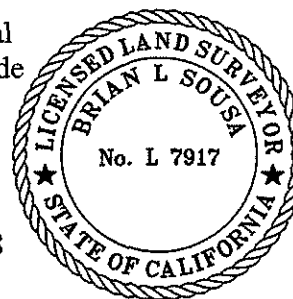
Sousa Land Surveys

tel 707.425.4300 fax 707.471.0318
3809 Rollingwood Dr. Fairfield, CA 94534

This plat has been prepared to accompany the legal description for the parcel shown and is hereby made a part of that description. This map was prepared by me or under my direct supervision.

Brian L. Sousa

Brian L. Sousa, LS 7917 Date: Oct. 17, 2018
License Expires: 12-31-19



Scale: 1" : 40'

40 20 0 40

IF PHYSICAL DISTANCE ACROSS SCALE BAR IS NOT EXACTLY TWO (2) INCHES, ADJUST SCALE ACCORDINGLY.

Site Address:
447 North First Street
City of San Jose, CA