

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.15-GROSS ACRE SITUATED ON THE EAST SIDE OF SOUTH 11TH STREET, APPROXIMATELY 170 FEET SOUTHERLY OF EAST SANTA CLARA STREET (12 SOUTH 11TH STREET) FROM THE CG COMMERCIAL GENERAL 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 the 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;

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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 site," 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. C18-028 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:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

## Exhibit "A"

### Legal Description

That portion of Block 27 of the Naglee Park Tract in the City of San Jose, County of Santa Clara, State of California, as shown on the map recorded April 15, 1902 in Book F2 of Maps, Page 15, Official Records of said county and state, described as follows:

Beginning at the most westerly corner of the parcel of land described in the deed granted to Rosanne Mayhew, as Trustee of the Rosanne Mayhew Family Trust Dated August 8, 2013, recorded as Document# 22417196 of Official Records of said county and state on October 17, 2013, said Point of Beginning being on the northeasterly line of South Eleventh Street distant southeasterly 120 feet from the point of intersection of the northeasterly line of South Eleventh street with the southeasterly line of Santa Clara Street;

Thence along the northwesterly line of said Mayhew parcel North  $59^{\circ}20'20''$  East 159.96' to the most northerly corner of said Mayhew parcel;

Thence along the northeasterly line of said Mayhew parcel South  $30^{\circ}40'07''$  East 39.98';

Thence southwesterly along a line parallel to the northwesterly line of said Mayhew parcel a distance of 159.96' to a point on the northeasterly right of way of South Eleventh Street;

Thence along said right of way North  $30^{\circ}40'07''$  West 39.98' to the Point of Beginning.

The attached map labeled "Exhibit B" is to be used to assist in retracing the lines of this description.

This legal description is based on field survey performed by Wilson Land Surveys, Inc, as shown on map recorded October 4, 2018 at Book 917 of Maps Page 52, Official Records of said county and state.

Total Area: .15 acres (6,395 sq ft)

Koen Wilson

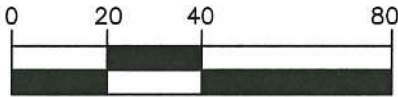
Wilson Land Surveys, Inc.



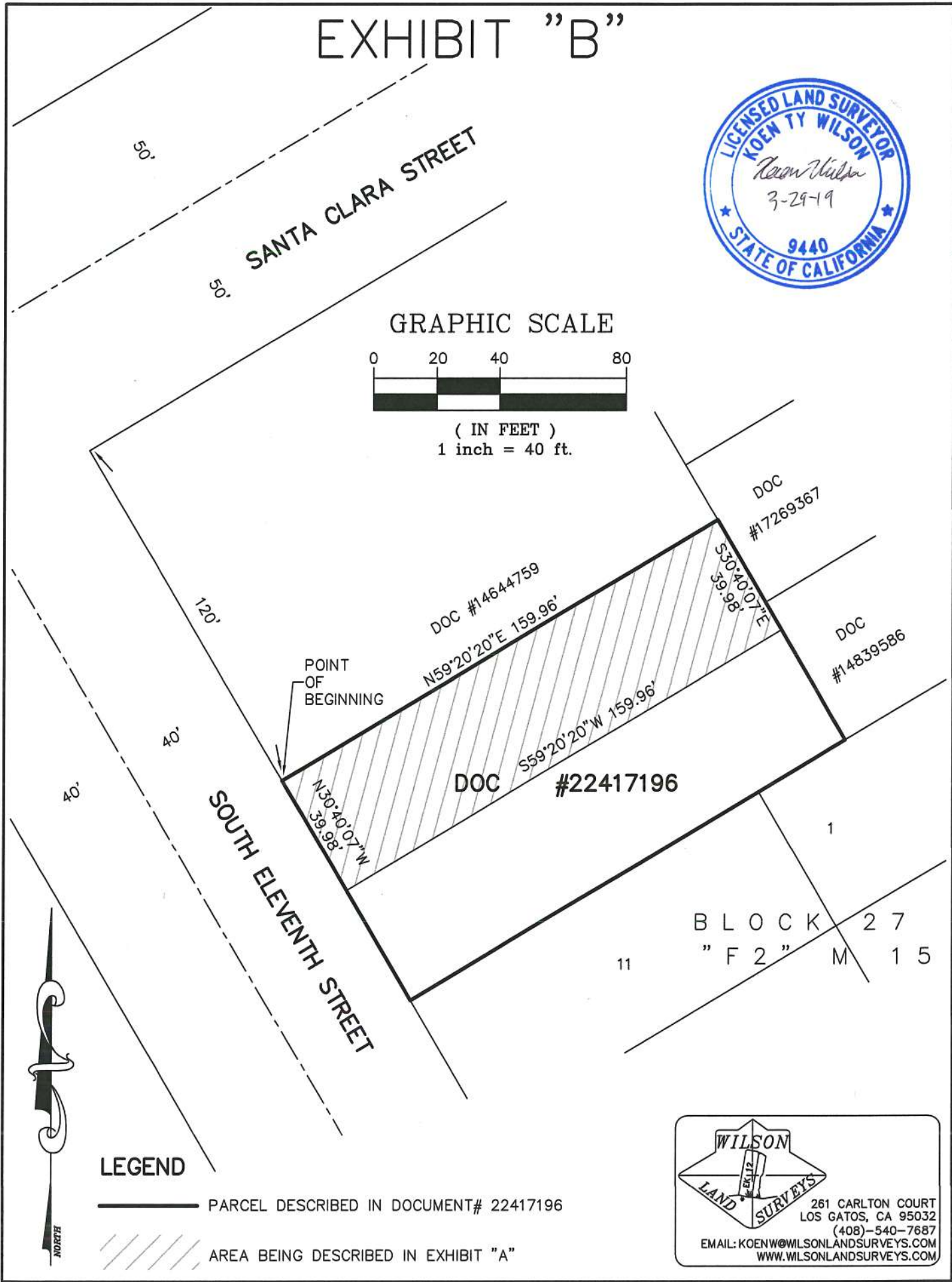
EXHIBIT "B"



GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.



LEGEND

— PARCEL DESCRIBED IN DOCUMENT# 22417196

/// AREA BEING DESCRIBED IN EXHIBIT "A"

**WILSON**  
**LAND SURVEYS**

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