

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 9.3 GROSS ACRES SITUATED ON THE EAST SIDE OF CAPITOL AVENUE APPROXIMATELY 500 FEET SOUTHERLY OF SIERRA GRANDE WAY (333 SOUTH CAPITOL AVENUE, 2601 NUESTRA CASTILLO COURT AND 2605 LA HACIENDA COURT) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT 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, a Statement of Exemption was prepared for a rezoning under File No. PDC17-054, and said Statement of Exemption (Section 15305 for Minor Alteration in Land Use Limitations) was adopted on February 28, 2019; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject zoning;

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 properties," is hereby rezoned as A(PD) Planned Development Zoning District. The base district zoning of the subject properties shall be A Agricultural Zoning District. The Planned Development zoning of the subject properties shall be that development plan for the subject properties entitled, "Monte Vista Gardens" received on March 7, 2019 ("General Development Standard").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject properties referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" 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. PDC17-054 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.

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

For APN/Parcel ID(s): 484-44-059

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

PARCEL ONE:

ALL OF PARCEL 3, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 16, 1999 IN BOOK 721, OF MAPS, AT PAGES 39, 40 AND 41.

PARCEL TWO:

EASEMENTS CONTAINED IN THAT CERTAIN QUITCLAIM DEED TO MONTE VISTA GARDENS FAMILY HOUSING, L.P., A CALIFORNIA LIMITED PARTNERSHIP RECORDED SEPTEMBER 1, 2000, INSTRUMENT NO. 15376544, OFFICIAL RECORDS, FOR SHARED PARKING STALLS AND FOR PRIVATE STREET AND INGRESS AND EGRESS OVER PARCEL 1, SAID EASEMENTS AND PARCEL ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 16, 1999 IN BOOK 721, OF MAPS, AT PAGES 39, 40 AND 41. SAID EASEMENTS ARE APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 3 OF SAID PARCEL MAP, AND AS FURTHER CONTAINED IN THAT CERTAIN AGREEMENT REGARDING EASEMENT USE, EXECUTED BY AND BETWEEN ROEM DEVELOPMENT CORPORATION AND MONTE VISTA GARDENS FAMILY HOUSING, L.P., RECORDED JULY 31, 2001 AS INSTRUMENT NO. 15768900.

North parcel:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

All of Parcel 2, as Shown upon that certain Map entitled "Parcel Map", which Map was filed for record in the office of Recorder of County of Santa Clara, State of California, on November 16, 1999 in Book 721, of Maps, at pages 39, 40 and 41.

East parcel:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

All of Parcel 1, as Shown upon that certain Map entitled "Parcel Map", which Map was filed for record in the office of Recorder of County of Santa Clara, State of California, on November 16, 1999 in Book 721, of Maps, at pages 39, 40 and 41.