

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.138-GROSS ACRE SITUATED ON THE SOUTH SIDE OF WABASH STREET, APPROXIMATELY 400 FEET WESTERLY OF ARCHER STREET (APN: 015-05-080), FROM THE 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**, 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, as amended, 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;

**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 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. C19-003 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**

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being all of Lots 12 and 13 in Block 2, as shown on that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed April 11, 1890 in Book D of Maps, at Pages 184 and 185, Records of Santa Clara County, California, being more particularly described as follows:

**Beginning** at the northeast corner of said "Lot 13"; thence along the northeast line of said "Lot 13",

S43°17'53"E, a distance of 119.84 feet to the northwest line of "Parcel 4", as shown on the Parcel Map filed December 16, 2013 in Book 867 of Maps, at Pages 26 and 27, Records of Santa County, California; thence along said northwest line, and it's westerly projection,

S48°12'34"W, a distance of 50.00 feet, to the southwest line of said "Lot 12"; thence along said southwest line,


N43°17'53"W, a distance of 119.84 feet to the southeast line of Wabash Street, being 50 feet wide, as shown on said Parcel Map; thence along said southeast line,

N48°12'34"E, a distance of 50.00 feet to the **Point of Beginning**.

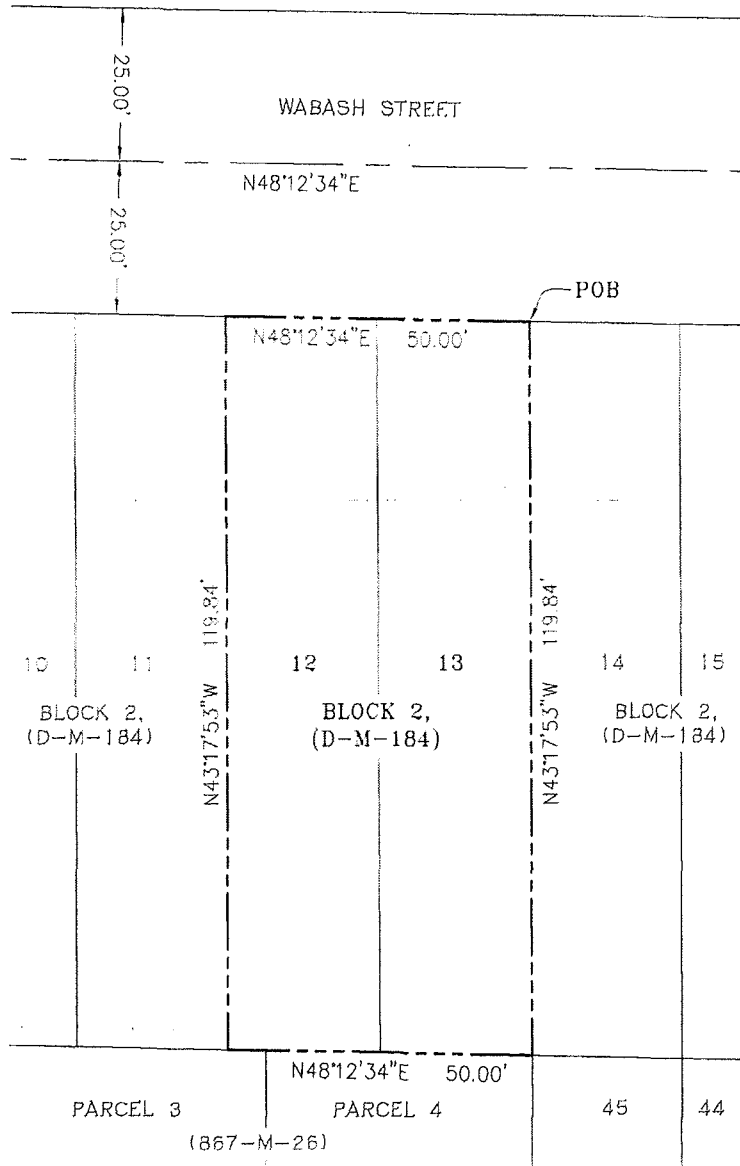
Containing 5,990 square feet, more or less.  
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

 01/14/2019  
Bryan Pierce, PLS 8859                      Date  
Expires: 12/31/2019





**LEGEND**

- BOUNDARY LINE
- EXISTING LOT LINE
- MONUMENT LINE
- POINT OF BEGINNING



**C19-003**

**BASIS OF BEARINGS:**

THE BEARING OF N48°12'34"E ALONG THE NORTH LINE OF PARCELS 3 AND 4 AS SHOWN ON THE PARCEL MAP FILED DECEMBER 16, 2013 IN BOOK 867 OF MAPS, AT PAGES 26 AND 27, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.



SCALE IN FEET: 1" = 30'

**"EXHIBIT B"**

ALL OF LOTS 12 AND 13 IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF NEW CHICAGO AT PORT ALVISO, SANTA CLARA COUNTY, CALIFORNIA", FILED APRIL 11, 1890, IN BOOK "D" OF MAPS, AT PAGES 184 AND 185, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA

SANTA CLARA COUNTY, CALIFORNIA

SHEET 1 OF 1

**RJA**  
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SCALE:  
1"=30'

DATE:  
01/17/2018

JOB NO.:  
172027