

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING A 0.04-ACRE PORTION OF CERTAIN REAL PROPERTY OF APPROXIMATELY 0.22-GROSS ACRE SITUATED ON THE WEST SIDE OF NORTH 5TH STREET, APPROXIMATELY 150 FEET NORTHERLY OF WASHINGTON STREET (APN: 249-45-047) (419 NORTH 5TH STREET), FROM THE LI LIGHT INDUSTRIAL 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**, a Statement of Exemption was prepared for a rezoning under File No. C19-010, and said Statement of Exemption (CEQA Categorical Exemption Sections 15331 for Historical Resource Restoration and Rehabilitation and 15303[b] for New Construction or Conversion of Small Structures, installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structures) was adopted on July 3, 2019; 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 Statement of Exemption as the appropriate environmental clearance for the proposed project 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 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. C19-010 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"**  
**DESCRIPTION OF PARCEL PROPERTY**  
**FOR**  
**LANDS OF TTAI INVESTMENTS LLC.**  
**419 NORTH FIFTH STREET, SAN JOSE, CA**  
**APN 249-45-047**

CERTAIN REAL PROPERTY HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, AND STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL A DESCRIBED IN THE DEED OF TRUST TO **TTAI INVESTMENTS LLC. A CALIFORNIA LIMITED LIABILITY COMPANY** RECORDED JULY 27, 2018, AS DOCUMENT 23991757, OF OFFICIAL RECORDS OF SANTA CLARA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF FIFTH STREET, DISTANT THEREON NORTHERLY **177.00** FEET FROM THE NORTHERLY LINE OF WASHINGTON STREET

RUNNING THENCE FROM SAID POINT OF BEGINNING AND ALONG THE WESTERLY LINE OF FIFTH STREET, SOUTHERLY **57.00** FEET

THENCE LEAVING SAID LINE OF FIFTH STREET AND RUNNING PARALLEL WITH SAID NORTHERLY LINE OF WASHINGTON STREET, WESTERLY **137.70** FEET

THENCE PARALLEL WITH THE WESTERLY LINE OF FIFTH STREET NORTHERLY **17.50** FEET

THENCE AT RIGHT ANGLES WESTERLY **57.45** FEET TO THE SOUTHEASTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S (FORMERLY THE WESTERN PACIFIC RAILWAY) RIGHT OF WAY

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID RIGHT OF WAY, NORTHEASTERLY **55** FEET MORE OR LESS, TO A POINT IN SAID LINE THAT WOULD BE INTERSECTED BY A LINE DRAWN WESTERLY FROM THE POINT OF BEGINNING AND PARALLEL WITH THE NORTHERLY LINE OF WASHINGTON STREET

**BASIS OF BEARING** - EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF WASHINGTON STREET, **160** FEET MORE OR LESS TO THE POINT OF BEGINNING AND BEING A PART OF **BLOCK 13 IN THE WHITE'S ADDITION TO THE CITY OF SAN JOSE.**

CONTAINING AN AREA OF **0.22 ACRES (10,018 SQUARE FEET)**

SEE EXHIBIT "B" FOR THE ACCOMPANYING PLAT, ATTACHED HERETO AND MADE PART OF THEREOF.

Prepared on April 15, 2019

P. Zavareh & Associates Consulting Engineers



