

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.37-GROSS ACRE SITUATED ON THE NORTHEAST CORNER OF EAST SAN ANTONIO AND SOUTH 11TH STREETS (184 SOUTH 11TH STREET) (APN:467-26-095) FROM THE A(PD) PLANNED DEVELOPMENT 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. C19-024, and said Statement of Exemption (Section 15301 for Existing Facilities which consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination) was adopted on October 2, 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 Family 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;

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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 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. C19-024 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

JUNE 10, 2019

JOB NO. 19-136

EXHIBIT "A"
LEGAL DESCRIPTION
APN 467-26-095

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS 21, 22 AND THE SOUTHEASTERLY 25 FEET (FRONT AND REAR MEASUREMENTS) OF LOT 20, AND BEING A PORTION OF BLOCK 40 AS SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED "MAP OF THE NAGLEE PARK TRACT SURVEY NO. 1" FILED FOR RECORD APRIL 15, 1902 IN BOOK F2 OF MAPS AT PAGE 15, IN THE OFFICE OF THE RECORDER OF SAID SANTA CLARA COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 22 AND ALSO BEING THE INTERSECTION OF THE NORTHWESTERLY BOUNDARY OF SAN ANTONIO STREET (PUBLIC STREET) AND THE NORTHEASTERLY BOUNDARY OF SOUTH ELEVENTH STREET (PUBLIC STREET), BOTH STREETS ALSO BEING SHOWN ON SAID SUBDIVISION MAP;

THENCE NORTH 30° 40' 00" WEST ALONG SAID NORTHEASTERLY BOUNDARY, A DISTANCE OF 125.00 FEET;

THENCE DEPARTING FROM SAID NORTHEASTERLY BOUNDARY OF ELEVENTH STREET AND HEADING NORTH 59° 20' 00" EAST, A DISTANCE OF 127.96 FEET;

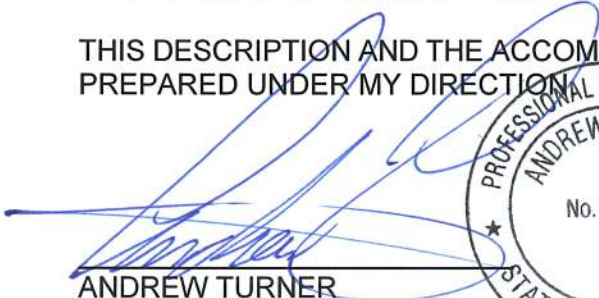
THENCE SOUTH 30° 40' 00" EAST, A DISTANCE OF 125.00 FEET TO A POINT ON SAID NORTHWESTERLY BOUNDARY OF SAN ANTONIO STREET;

THENCE SOUTH 59° 20' 00" WEST ALONG SAID NORTHWESTERLY BOUNDARY, A DISTANCE OF 127.96 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 15,995 SQUARE FEET (0.367 ACRES) OF LAND, MORE OR LESS

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED BY ME OR PREPARED UNDER MY DIRECTION


ANDREW TURNER
P.L.S. 9104
CIVIL ENGINEERING ASSOCIATES, INC.



6/10/2019
DATE

LEGEND

- DISTINCTIVE BOUNDARY
 --- RIGHT-OF-WAY LINE
 --- EXISTING LOT LINE
 --- CENTER LINE
 --- EXISTING EASEMENT LINE
 POB POINT OF BEGINNING

SURVEYOR'S STATEMENT

THIS SITE PLAN WAS PREPARED
BY ME OR UNDER MY DIRECTION.

ANDREW TURNER, P.L.S.

DATED

**REFERENCES**

[1] F2 M 15

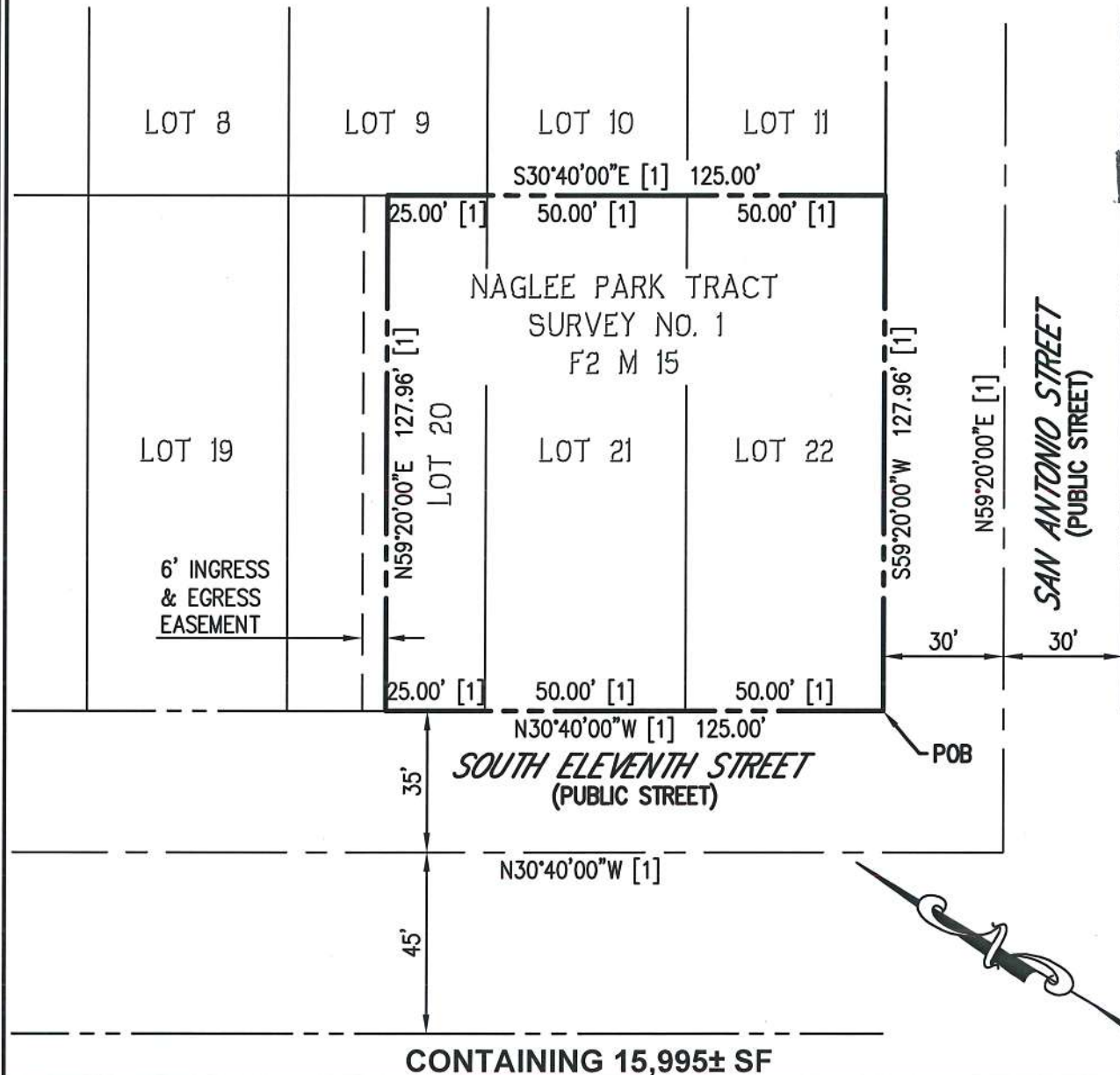


EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION



**Civil
Engineering
Associates**

Civil Engineers • Planners • Surveyors

2055 Gateway Place Suite 550
San Jose, CA 95110
T: (408) 453-1066

BY: CH

DATE: 6/10/2019

SCALE: 1"=40'

JOB NO. 19-136

1 OF 1
SHT.NO.