

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 0.15-GROSS ACRE SITE SITUATED ON THE WEST SIDE OF SOUTH 21ST STREET APPROXIMATELY 110 FEET SOUTHERLY OF EAST SANTA CLARA STREET (19 SOUTH 21ST STREET) FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT AND 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 “FPEIR”) certified by the City Council on November 1, 2011, by Resolution No. 76041, and the Final Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (the “SEIR”) certified by the City Council on December 15, 2015, by Resolution No. 77617, 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;

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 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. C19-015 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

EXHIBIT "A"

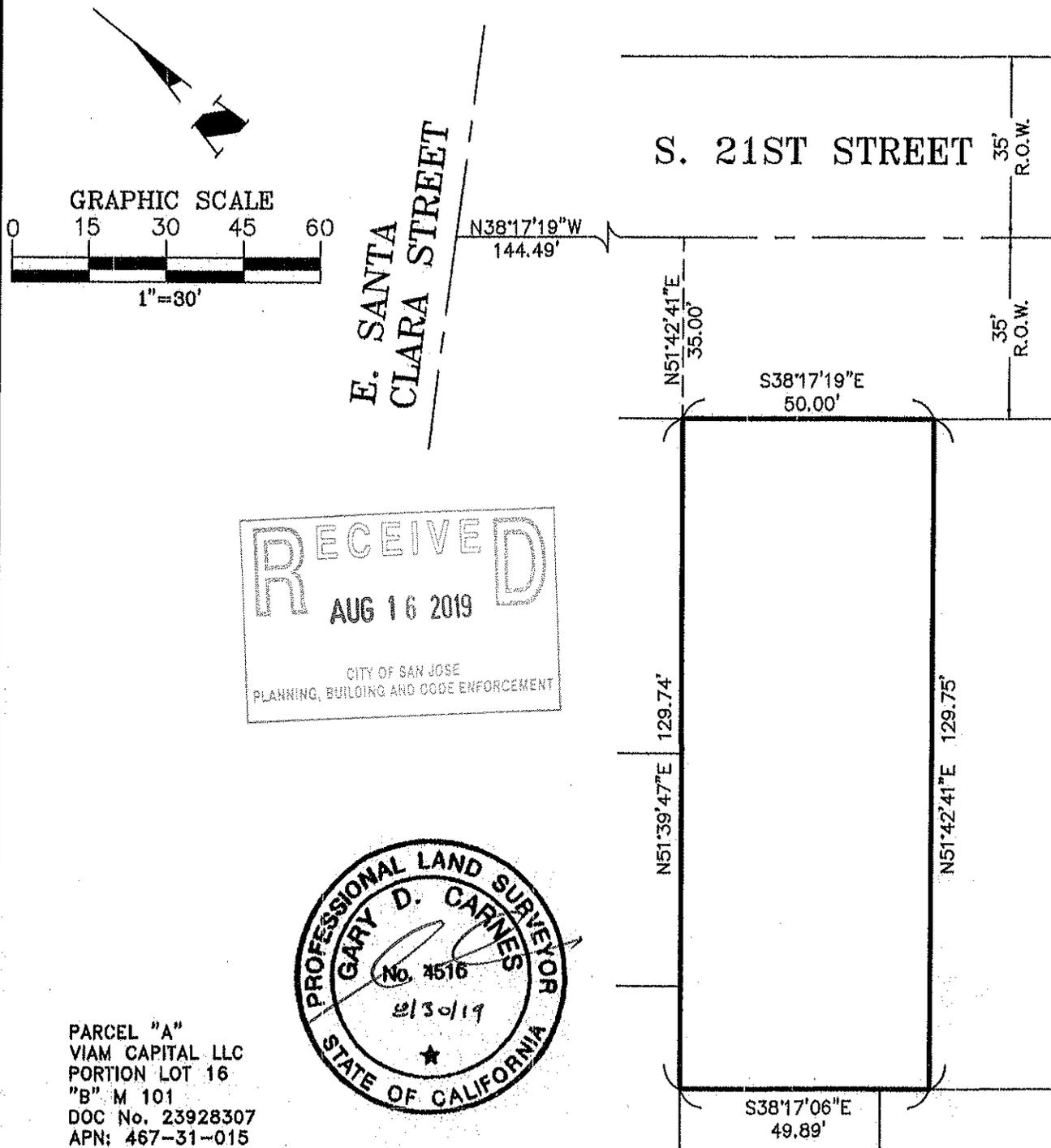
Legal Description

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:

Portion of Lot 16 in Block 4, as shown on that certain Map entitled "Map of the Property of the East San Jose Homestead Association", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on February 17, 1870 in Book "B" of Maps, at Page 101 and more particularly described as follows:

BEGINNING on the Westerly line of Twenty-Frist Street, distant thereon 108.85 feet Southerly from the intersection of the Westerly line of Twenty-First Street, with the Southerly line of Santa Clara Street; thence from said Point of Beginning Westerly along the line dividing Lots 3, 4 and 16, in said Block 4, 130 feet; thence at right angles Southerly, parallel with Twenty-First Street, 50 feet; thence at right angles Easterly 130 feet to the Westerly Line of Twenty-First Street; thence Northerly along the Westerly line of Twenty-First Street, 50 feet to the Point of Beginning.





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AUG 16 2019
CITY OF SAN JOSE
PLANNING, BUILDING AND CODE ENFORCEMENT



PARCEL "A"
VIAM CAPITAL LLC
PORTION LOT 16
"B" M 101
DOC No. 23928307
APN: 467-31-015

EXHIBIT "B" - REZONING PLAN

CA CARNES & ASSOCIATES
LAND SURVEYORS
9505 SUGAR BABE DRIVE GILROY CA 95020
T: (408) 847-2013 F: (408) 846-7248
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DRAWN BY: J.H.	DATE: 04/29/2019	PAGE: 1 OF 1
PROJECT MANAGER: G.C.	SCALE: 1" = 30'	JOB NO.: 1939