

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.413-
GROSS ACRE SITUATED ON THE SOUTHWEST CORNER
OF HAYES AVENUE AND LEAN AVENUE (APN: 690-29-
001), FROM THE R-1-1 SINGLE FAMILY RESIDENCE
ZONING DISTRICT TO THE R-2 TWO-FAMILY 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. C19-030, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction or Conversion of Small Structures that applies to the construction of up to three single-family residences in an urbanized area) was adopted on February 12, 2020; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-2 Two-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; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan.

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-2 Two-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. C19-030 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 690-29-001

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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 IN THE SOUTHERLY LINE OF HAYES AVENUE, AS SAID LOT AND AVENUE ARE SHOWN UPON THE MAP OF THE SUBDIVISION OF THE TRACT IN SANTA TERESA RANCHO, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK "H" OF MAPS, AT PAGE 121, SANTA CLARA COUNTY RECORDS; RUNNING THENCE ALONG THE SOUTHERLY LINE OF HAYES AVENUE S. 89°. 30' E. 150.00 FEET; THENCE LEAVING SAID LINE AND RUNNING PARALLEL TO THE WESTERLY LINE OF SAID LOT 11 S. 0°. 37' E. 120.00 FEET; THENCE RUNNING PARALLEL TO SAID SOUTHERLY LINE OF HAYES AVENUE N. 89°. 30' W. 150.00 FEET TO A POINT IN SAID WESTERLY LINE OF LOT 11; THENCE RUNNING ALONG SAID LAST NAMED LINE N. 0°. 37' W. 120.00 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 11, HEREIN REFERRED TO.

