

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 6.96-GROSS ACRES SITUATED ON THE WEST SIDE OF LICK AVENUE, APPROXIMATELY 470 FEET NORTH OF WEST ALMA AVENUE (1197 LICK AVENUE) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M (PD) PLANNED DEVELOPMENT 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 Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to R-M (PD) Planned Development Zoning District under File No. PDC18-025 (the “MND”); 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 (PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved, and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project; 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 as R-M (PD) Planned Development 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" 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. PDC18-025 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF LICK AVENUE WITH THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF "UWUNTA TRACT", A MAP OF WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN [BOOK K OF MAPS, PAGE 23](#);

THENCE NORTH 28° 59' 58" WEST ALONG THE SAID SOUTHWESTERLY LINE OF LICK AVENUE 984.80 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHEASTERLY LINE OF THE LAND DESCRIBED IN THE DEED FROM MARTHA J. LEWIS TO MARY H. GOEDDEL, RECORDED MARCH 15, 1877 IN [BOOK 44 OF DEEDS, PAGE 520](#), SANTA CLARA COUNTY RECORDS;

THENCE SOUTH 61° 00' 02" WEST ALONG THE SOUTHEASTERLY LINE OF THE LANDS SO DESCRIBED IN SAID DEED TO GOEDEL, 234.00 FEET TO THE INTERSECTION THEREOF WITH THE NORTHEASTERLY LINE OF THE LAND DESCRIBED EIGHTHLY IN THE INDENTURE DATED FEBRUARY 6, 1907 BETWEEN W. W. DIXON, ET UX, AND THE SOUTHERN PACIFIC COMPANY, RECORDED JUNE 25, 1913 IN [BOOK 404 OF DEEDS, PAGE 458](#), SANTA CLARA COUNTY RECORDS;

THENCE NORTH 22° 49' 58" WEST ALONG SAID NORTHEASTERLY LINE 114.84 FEET, MORE OR LESS, TO THE SOUTHEASTERLY LINE OF GOODYEAR STREET;

THENCE SOUTH 50° 25' 02" WEST ALONG SAID LAST NAMED LINE AND THE SOUTHWESTERLY PROLONGATION THEREOF, 209.867 FEET TO A POINT THAT IS 43 FEET NORTHEASTERLY, AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MAIN TRACT OF THE SOUTHERN PACIFIC RAILROAD COMPANY FROM SAN JOSE TO LICK;

THENCE SOUTH 33° 29' 30" EAST PARALLEL WITH AND 43 FEET NORTHEASTERLY AT RIGHT ANGLES, FROM THE SAID CENTER LINE OF THE MAIN TRACT 1064 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE SOUTHEASTERLY LINE OF THE SAID "UWUNTA TRACT";

THENCE NORTH 61° 00' 02" EAST ALONG SAID LAST NAMED LINE AND THE NORTHEASTERLY PROLONGATION THEREOF, 341.65 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF THE "UWUNTA TRACT" ABOVE REFERRED TO AND A PORTION OF SUNNYSIDE AVENUE (NOW ABANDONED), AND A PORTION OF THE MARGARET W. REED TRACT OF THE PUEBLO LANDS TO THE CITY OF SAN JOSE.

EXCEPTING THEREFROM ALL THAT PORTION CONVEYED TO THE CITY OF SAN JOSE BY DEED RECORDED JULY 12, 2011 AS INSTRUMENT NO. [21235534](#) OF OFFICIAL RECORDS.

PARCEL TWO:

ALL OF PARCEL C, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY- PORTION OF LOT 7-A OF THE M.W. REED TRACT," WHICH MAP WAS FILED FOR RECORD IN

THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON
MARCH 5, 1959 IN [BOOK 103 OF MAPS, AT PAGE 21](#).

APN: 434-13-040