

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.90 GROSS ACRE SITUATED ON THE NORTH SIDE OF BARK LANE, APPROXIMATELY 150 FEET WEST OF WEYBURN LANE (7201 BARK LANE), FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE RM(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 (“Subject Property”); 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 the R--M(PD) Planned development Zoning District under File No. PDC17-035 (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 RM(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-M Multiple Residence Zoning District. The RM(PD) Planned Development zoning of the subject property shall be that General Development Plan for the subject property entitled, "PD-Rezoning Bark Lane Residential", dated February 18, 2020 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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. PDC17-035 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

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

BEING ALL OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO JASON AND LILY LEE RECORDED JULY 23, 2019 UNDER RECORDERS SERIES NUMBER 24237076 IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 AS SAID LOT IS SHOWN ON THE MAP OF TRACT NO. 5358 FILED ON MAY 4, 1973 IN BOOK 322 OF MAPS AT PAGE 47 IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, THENCE ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 1 SOUTH 00°03'50" EAST 123.49 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BARK LANE;

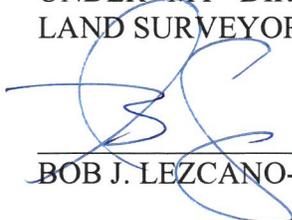
THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 89°41'10" WEST TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO SIERRA BRIDGE LLC RECORDED NOVEMBER 25, 2014 UNDER RECORDERS SERIES NUMBER 22782043 IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA;

THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG THE EASTERLY LINE OF SAID PARCEL (14-22782043) NORTH 00°08'50" WEST, 123.60 FEET;

THENCE ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 1 (322 M 47) NORTH 89°42'20" WEST, 320.18 FEET TO THE POINT OF BEGINNING;

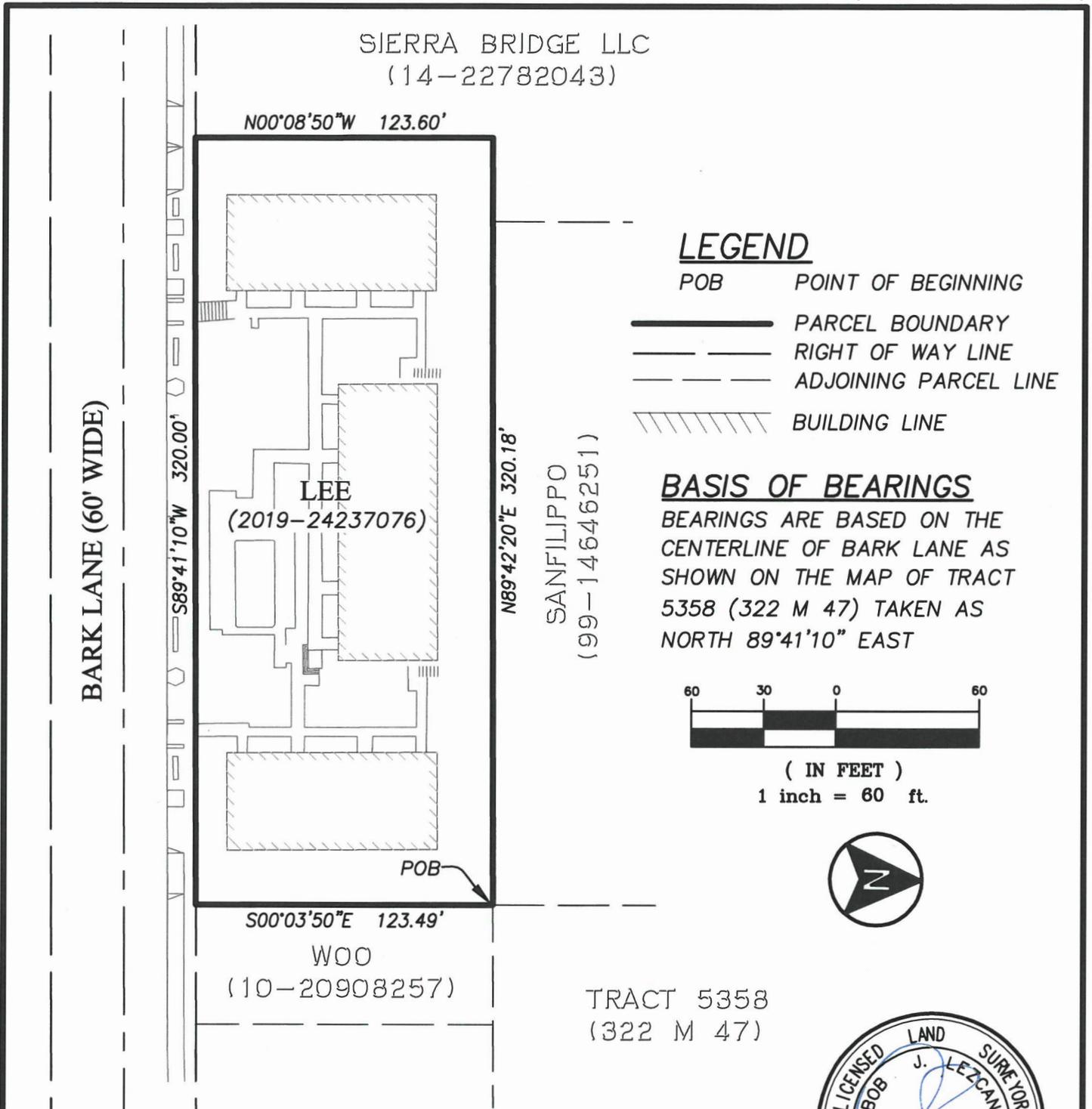
CONTAINING 39,545 SQUARE FEET OF LAND, MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT



BOB J. LEZCANO-LS8514





ADDRESS: BARK LANE SAN JOSE, CA	ASSESSORS PARCEL NO.: 372-24-011
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<p>817 Arnold Drive Ste. 50 Martinez, CA 94553 Ph: (925) 476-8499</p>	<p>EXHIBIT 'B' PLAT TO ACCOMPANY LEGAL DESCRIPTION</p>	DRAWN BY: BJL	SHEET 1 OF 1
		PROJECT NO: 17060	
		SCALE: 1"-80'	DATE: 12-9-19