

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.28
GROSS ACRE SITUATED ON THE SOUTH SIDE OF
BRACE AVENUE APPROXIMATELY 280 FEET EASTERLY
OF NEWPORT AVENUE (1168 BRACE AVENUE) FROM
THE R-1-8 SINGLE-FAMILY RESIDENCE 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 Statement of Exemption was prepared for a rezoning under File No. PDC18-041, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction of four multi-family units) was adopted on July 1, 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-M(PD) Planned Development 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;

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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 as RM(PD) Planned Development Zoning District. The base district zoning of the subject property shall be RM Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "1168 Brace Avenue Multi Unit Residential" last revised on June 22, 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" 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. PDC18-041 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): 429-17-006

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:

LOT NO. NINE (9) OF THE THOMAS SUBDIVISION NO. 3, AS THE SAME IS SHOWN AND DELINEATED UPON THE OFFICIAL MAP OF SAID SUBDIVISION OF RECORD IN BOOK "M" OF MAPS, AT PAGE 98, RECORDS OF SANTA CLARA COUNTY, STATE OF CALIFORNIA.