

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE PREZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.28 GROSS ACRE, SITUATED ON THE NORTHEAST CORNER OF WOODARD ROAD AND CALICO AVENUE (15415 WOODARD ROAD) (APN: 414-27-018) FROM UNINCORPORATED TERRITORY WITHIN THE COUNTY OF SANTA CLARA TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning 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, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed prezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject prezoning to the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the

SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith 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-1-8 Single-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. C19-025 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.

PASSED FOR PUBLICATION of title this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Schedule A

Order No.	2202061756-PL
Ref. No.	15415 Woodard
Guarantee No.	A04016-CTG-281129
Liability	\$ 500.00
Date of Guarantee	April 11th, 2019 at 8:00:00 AM
Fee	\$ 400.00

1. Name of Assured:

Hossein Ghauomi Javinani and Mahnaz Ebrahimian Najafabadi

2. The estate or interest in the Land which is covered by this Guarantee is:

Fee as to Parcel(s) One and an Easement as to Parcel(s) Two

3. The Land referred to in this Guarantee is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

PARCEL ONE:

Beginning at a point in the Easterly line of that certain tract of land conveyed by Anna M. Bachmann, et al, to John D' Amico, et ux, by Deed dated October 8, 1951 and Recorded October 15, 1951 in Book 2299 of Official Records, Page 352, distant thereon N. 0° 05' 20" W. 30.0 feet from the original center line of Woodard Road, 40 feet wide; thence parallel with said center line of Woodard Road, N. 89° 53' 20" W. 77.07 feet; thence on a curve to the right, with a radius of 20 feet, through a central angle of 89° 48', for an arc distance of 31.35 feet; thence parallel with the Easterly line of said tract of land so conveyed to D' Amico, N. 0° 05' 20" W. 105.07 feet; thence parallel with said center line of Woodard Road, S. 89° 53' 20" E. 97.00 feet to a ¾ inch pipe set on the Easterly line of said tract of land so conveyed to D' Amico; thence along said Easterly line, S. 0° 05' 20" E. 125.00 feet to the point of beginning and being a part of the Southeast ¼ Section 2 T. 8 S.R. 1 W., M.D.M and as delineated upon the Map of the Record of Survey of land of John D' Amico, which was filed for Record January 13, 1954 in Book 47 of Maps, at Page 18, Records of Santa Clara County, California.

PARCEL TWO:

A right of way for ingress and egress and the right to install and maintain utilities over, along and under a strip of land 10 feet wide, described as follows:

Beginning at the Southeasterly corner of the parcel of land hereinabove described, and running thence along the Southerly line thereof, N. 89° 53' 20" W. 77.07 feet; thence S. 0° 05' 20" E. 10.0 feet to the Northerly line of Woodard Road, thence along said line S. 89° 53' 20" E. 77.07 feet; thence N. 0° 05' 20" W. 10.0 feet to the point of beginning.

APN: 414-27-018

4. Assurances:

According to the Public Records as of the Date of Guarantee,

a. Title to the estate or interest in the Land is vested in:

Hossein Ghauomi Javinani and Mahnaz Ebrahimian Najafabadi, husband and wife as community property with right of survivorship

NOTES:

1. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY. THE AREA WITHIN THE DISTINCTIVE BOUNDARY IS 12,040 SF OR 0.2764 ACRES

LEGEND

- BOUNDARY OF PROPERTY SURVEYED
 --- CENTERLINE

LANDS OF KOCHANSKI
 APN: 414-27-019

LANDS OF CHOI
 APN: 414-27-020

N89°53'20"W 97.00' BNDRY.

30

30

CALICO AVENUE
 N0°05'40"W 160.00' R1

S0°05'40"E 105.07' BNDRY.

EX. GARAGE TO BE REMOVED

SUBJECT LOT

12040 SF

0.276 AC

LANDS OF JAVINANI
 APN: 414-27-018

EX. HOUSE TO BE REMOVED

N0°05'40"W 125.00' BNDRY.

LANDS OF OFIR
 APN: 414-27-017

N0°05'40"W 109.26'

L=31.34' R=20.00'
 $\Delta=89^{\circ}47'40''$

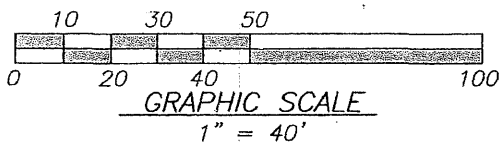
S89°53'20"E 77.07' BNDRY.

S89°53'20"E R1

FOUND CITY MONUMENT

WOODARD ROAD

30
30



BASIS OF BEARINGS

THE BEARING NORTH 68°55'50" EAST OF THE MONUMENT LINE OF WOODWARD ROAD AND MAY LANE AS CALCULATED ON THAT MAP OF TRACT NO 2209 FILED FOR RECORD IN BOOK 97 OF MAPS PAGES 41, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARING FOR THIS SURVEY.

REFERENCES:

R1 TRACT NO. 2209 97-M-41



6-19-19

EXHIBIT B
 PLAT MAP

15415 WOODARD RD

SAN JOSE,

CALIFORNIA

DATE: 6/19/19
 SCALE: 1"=100'
 DRAWN BY: O.O.
 CHECKED BY: O.O.
 JOB NO.: 1723

OSUNA ENGINEERING, INC.

117 BERNAL RD., #70-336
 SAN JOSE, CALIFORNIA
 PH: (408) 721-2100

Porfirio Oscar Osuna
 PCE NO. 70829

EXHIBIT "B" (File No. C19-025)