

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.0 GROSS ACRES SITUATED ON THE EAST SIDE OF ROBERTS AVENUE, APPROXIMATELY 300 FEET NORTHWEST OF LE COMPTE PLACE (1170 ROBERTS AVENUE; APN: 477-11-003) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE R-1-8(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 the R-1-8(PD) Planned Development Zoning District under File No. PDC24-039 (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-1-8(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-1-8(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-1-8 Single-Family Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning Roberts Orchards I," dated April 4, 2025 ("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. PDC24-039 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 _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
1170 ROBERTS AVE

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING ALL OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED AUGUST 15, 2000, IN DOCUMENT NO. 15356852 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERNMOST CORNER OF SAID LANDS, THENCE NORTH 37°29'20" WEST, A DISTANCE OF 125.11 FEET ALONG THE NORTH LINE OF ROBERTS AVENUE;

THENCE NORTH 50°03'38" EAST, A DISTANCE OF 349.53 FEET;

THENCE SOUTH 37°28'20" EAST, A DISTANCE OF 125.12 FEET;

THENCE SOUTH 50°03'38" WEST, A DISTANCE OF 349.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 43,689 SQUARE FEET OR 1.003 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

A PLAT OF THE ABOVE DESCRIBED PROPERTY IS ATTACHED AS EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

APRIL 8, 2024



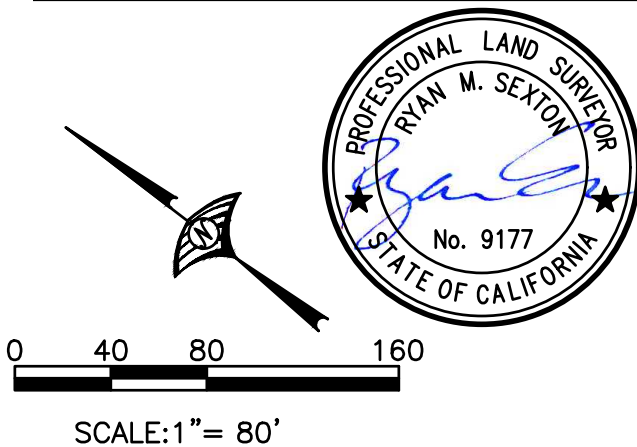
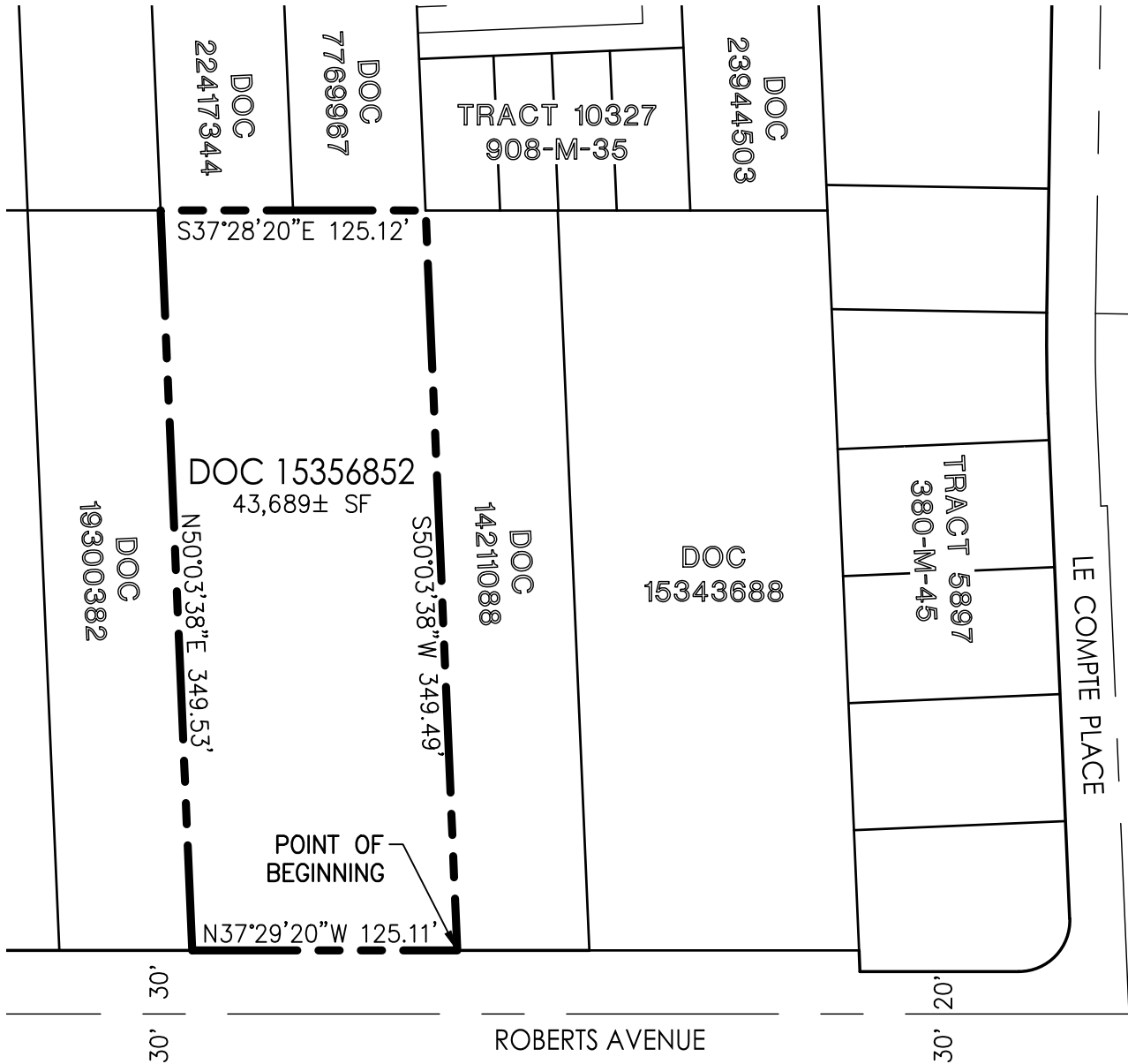
RYAN M. SEXTON / PLS 9177



EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

1170 ROBERTS AVENUE
CITY OF SAN JOSE
SANTA CLARA COUNTY STATE OF CALIFORNIA



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
3875 HOPYARD ROAD, SUITE 345 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

April 8, 2024 4431001 SHEET 1 OF 1