

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.59 GROSS ACRES SITUATED ON THE SOUTH SIDE OF AMBUM AVENUE, APPROXIMATELY 250 FEET WESTERLY FROM MITTON DR (3464 AMBUM AVENUE) (3464 AMBUM AVENUE) (APN 654-55-015) FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE R-1-5(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-1-5(PD) Planned Development Zoning District under File No. PDC22-j028 (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-1-5(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-1-5(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-1-5 Single-Family Residence Zoning District. The Planned Development rezoning of the subject property shall be that rezoning plan set for the subject property entitled, "3464 Ambum Ave Vesting Tentative Map," dated revised January 5, 2024 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning 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 and incorporated 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. PDC22-028 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 \_\_\_\_\_, 2024 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk



EXHIBIT "A"  
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcels 1 & 2 as described in the Grant Deed recorded February 5, 2021, in Document No. 24819121 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said Parcel 1;  
Thence South 89°53'08" West, 407.77 feet;  
Thence North 05°36'27" West, 172.91 feet;  
Thence North 79°07'56" East, 197.38 feet;  
Thence North 00°06'48" West, 157.62 feet;  
Thence South 79°25'14" East, 78.48 feet;  
Thence South 09°55'48" East, 72.02 feet;  
Thence South 78°14'03" East, 166.94 feet;  
Thence South 29°52'39" East, 69.99 feet;  
Thence South 16°57'27" West, 194.47 feet, to the POINT OF BEGINNING.

Containing 2.58 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

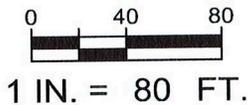
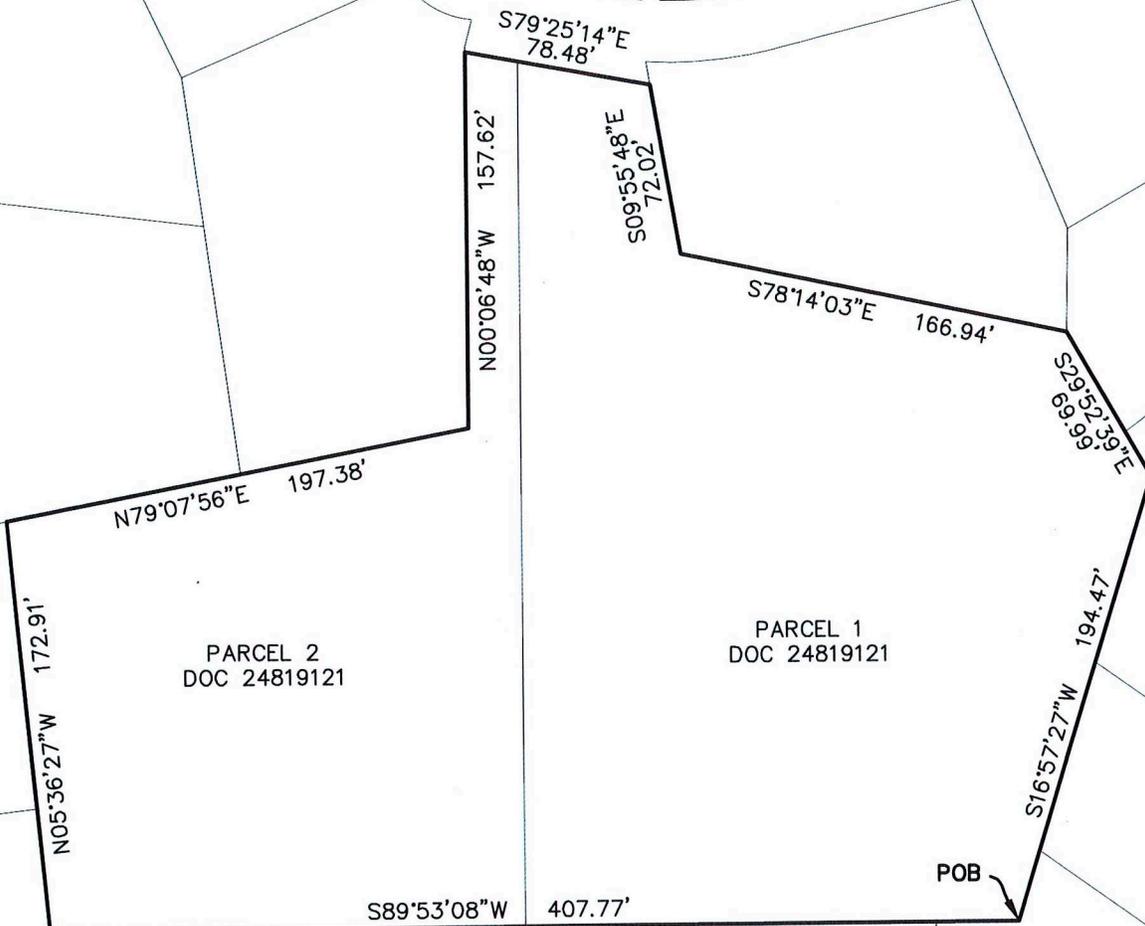
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 8-29-24

Tracy L. Giorgetti  
Tracy L. Giorgetti, LS 8720



AMBUM AVENUE



LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2024-08-29

Designed: -

Drawn: RF

Checked: TG

Proj. Engr.: -

631600PL01



1570 Oakland Road (408) 487-2200  
 San Jose, CA 95131 HMHca.com

EXHIBIT "B"  
 PLAT TO ACCOMPANY DESCRIPTION:  
 FOR ZONING PURPOSES

SAN JOSE

CALIFORNIA