

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.13-GROSS ACRE SITUATED ON THE EASTERLY SIDE OF WABASH STREET, APPROXIMATELY 350 FEET SOUTHWESTERLY OF ARCHER STREET (0 WABASH STREET) (APN 015-05-079) FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1-8 SINGLE FAMILY RESIDENCE 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 for the real property hereinafter described; and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José (“City”) has determined that the proposed rezoning 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 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 rezoning to the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this City Council has considered and approved 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; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C24-035) does not reduce the intensity of residential uses because the proposed rezoning allows for residential density that would not be otherwise allowed in the CN Commercial Neighborhood Zoning District;

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 described in this section, referred to as "subject property," is hereby rezoned to the 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 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. C24-035 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 _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

Matt Mahan
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
FOR PLANNING RE-ZONING PURPOSES

All the real property situated in the City of San Jose, State of California, described as follows:

Lots 14 and 15, Block 2, as delineated upon that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in Book D of Maps, at Pages 184 and 185, more particularly described as follows:

Commencing at a point of intersection of the Southeasterly line of Wabash street and Northwesterly line of Archer street, Said Street as shown on said Map; Thence running S48°12'10"W along said line of Wabash street for a distance of 350.00' to the most Northerly corner of said Lot 15, being the True Point of Beginning; Thence leaving said line of Wabash street, running S43°22'20"E along the Northeasterly line of Lot 15 for a distance of 119.85' to the most Easterly corner of said Lot 15; Thence running S48°12'10"W along the Southeasterly line of Lot 15 and Lot 14 for a distance of 50.00' to the most South corner of Lot 14; Thence running N43°22'20"W along the Southwesterly line of Lot 14 for a distance of 119.85' to the most Westerly corner of Lot 14; Thence running N48°12'10"E along said line of Wabash street for a distance of 50.00' to the True Point of Beginning; and containing 5,990 square feet, more or less.

APN: 012-05-079

End of Description.

As shown on the Plat attached hereto labeled Exhibit "B" (One page) and by this reference made a part hereof.

Prepared by: Zhen Wang

Zhen Wang, PLS 9653

04/10/2024

Zhen's Land Surveying Corp.

info@zhenslandsurveying.com | (415)802-9945



WABASH STREET
(50' WIDE)

CENTERLINE
OF STREET

N48°12'10"E 350.00'

N48°12'10"E 50.00' (2)

N43°22'20"W

N43°22'20"W

CENTERLINE
OF STREET

ARCHER STREET
(50' WIDE)

WU
DN: 23824246
APN 015-05-080

DLZ INVESTMENT LLC
DN: 25566688
LOT 14 & 15
(AREA=5,990 S.F.)
APN 015-05-079
VACANT LAND

HERNANDEZ
DN: 15785780
APN 015-05-052

LOT 12 LOT 13

LOT 14 LOT 15

LOT 16 LOT 17

D

M A P S

1 8 4

BLOCK 2

119.85' (3)

119.85' (3)

N48°12'10"E 50.00' (2)

LOT 46

LOT 45

LOT 44

LOT 43

WANG & TANG
DN: 22831475

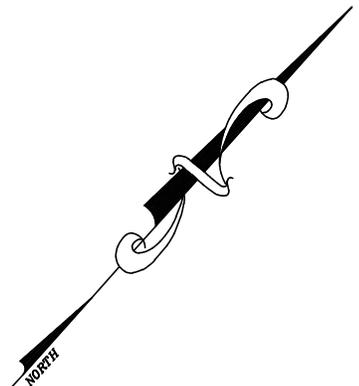
MACIEL
DN: 23529136
APN 015-05-091

IBARRA
DN: 12354708
APN 015-05-090

PARCEL 4
867 MAPS 26
APN 015-05-150



(IN FEET)
1 inch = 30 ft.



DATE: 04/10/2024

EXHIBIT "B"

PLAT FOR PLANNING RE-ZONNING

(VACANT LAND - APN 015-05-079)

ZHEN'S LAND SURVEYING CORP.

WALNUT CREEK, CALIFORNIA
TEL: (415)802-9945

INFO@ZHENS LANDSURVEYING.COM

CITY OF SAN JOSE

SANTA CLARA COUNTY

CALIFORNIA

SCALE: 1"=30'

APRIL, 2024

SHEET 1 OF 1 SHEET