

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.38 GROSS ACRE SITUATED ON THE NORTH SIDE OF MINNESOTA AVENUE APPROXIMATELY 200 FEET NORTHEAST OF THE INTERSECTION OF MINNESOTA AVENUE AND MERIDIAN AVENUE (1581 MINNESOTA AVENUE) (APN 429-50-052) 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 Statement of Exemption was prepared for a rezoning under File No. PDC22-078, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction or Conversion of Small Structures) was adopted on August 28, 2024; 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 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.

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 to the 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 rezoning of the subject property shall be that rezoning plan set for the subject property entitled, "Grading and Drainage Plan for Two Lot Subdivision, 1581 Minnesota Avenue," dated April 18, 2022 ("General Development Plan").

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. PDC22-078 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, MMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 429-50-052

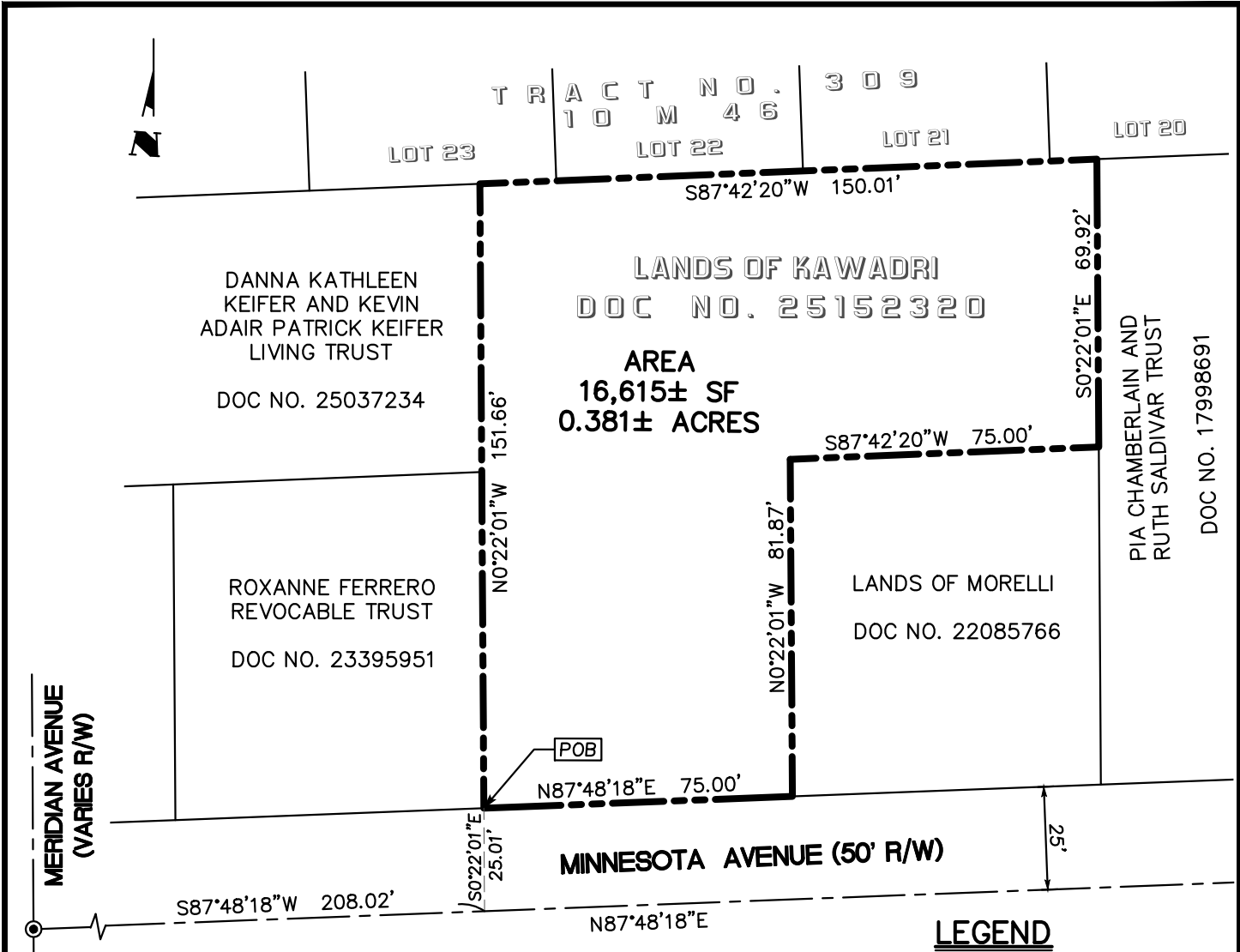
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE;

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF ISABEL DRIVE, NOW KNOWN AS MINNESOTA AVENUE, SAID LINE OF ISABEL DRIVE WAS ESTABLISHED BY DEED FROM C. L. GREER, ET AL, TO COUNTY OF SANTA CLARA, DATED APRIL 17, 1939, AND RECORDED MAY 15, 1939, IN BOOK 933 OF OFFICIAL RECORDS AT PAGE 136, DISTANT THEREON NORTH 87° 48' EAST, 175 FEET FROM THE POINT OF INTERSECTION OF THE SAID LINE OF ISABEL DRIVE, WITH THE EASTERLY LINE OF MERIDIAN ROAD; THENCE ALONG SAID LINE OF ISABEL DRIVE NORTH 87° 48' EAST, 75 FEET; THENCE PARALLEL WITH THE SAID LINE OF MERIDIAN ROAD, NORTH 82.16 FEET TO THE SOUTHEASTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM HENRIETTA W. BERRY AND MARY J. BERRY TO ADOLPH PRAGER, ET UX, DATED DECEMBER 22, 1932 AND RECORDED JANUARY 3, 1933 IN BOOK 632 OF OFFICIAL RECORDS, PAGE 507; THENCE ALONG THE SAID SOUTHEASTERN LINE OF THE LAND SO DESCRIBED IN THE DEED TO PRAGER, SOUTH 87° 48' WEST, 75 FEET; THENCE SOUTH 82.16 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY CLARA B. HOWE TO JOHN CIAMONDI BY DEED DATED APRIL 9, 1928 AND RECORDED APRIL 10, 1928 IN BOOK 394 OF OFFICIAL RECORDS, PAGE 200, SANTA CLARA COUNTY RECORDS, DISTANT THEREON NORTH 87° 48' EAST 208 FEET FROM THE SOUTHWESTERLY CORNER OF SAID PARCEL OF LAND, IN THE CENTERLINE OF MERIDIAN ROAD, 65 FEET WIDE, THENCE ALONG SAID SOUTHERLY LINE OF SAID LAND SO CONVEYED TO CIAMONDI, NORTH 87° 48' EAST, 150 FEET TO A POINT WHICH IS DISTANT ALONG SAID LINE NORTH 87° 48' EAST, 325 FEET FROM THE EASTERLY LINE OF MERIDIAN ROAD; THENCE SOUTHERLY AND PARALLEL WITH THE CENTERLINE OF MERIDIAN ROAD, 70 FEET; THENCE PARALLEL WITH SAID SOUTHERLY LINE OF THE LAND SO CONVEYED TO CIAMONDI, SOUTH 87° 48' WEST, 140 FEET; THENCE NORTHERLY AND PARALLEL WITH SAID LINE OF MERIDIAN ROAD 70 FEET TO THE POINT OF BEGINNING.



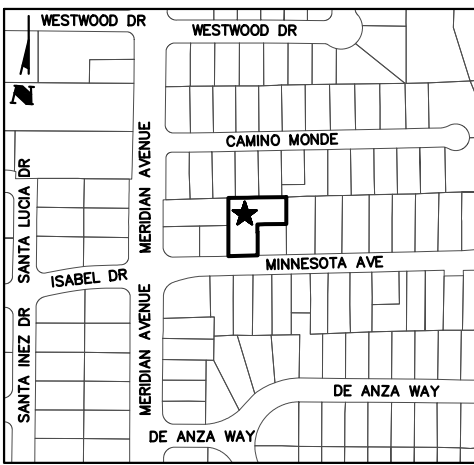
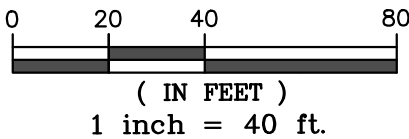
LEGEND

- PROPOSED REZONING BOUNDARY LINE
- - - CENTERLINE
- ⊙ 1" IRON PIPE IN MONUMENT BOX
- SF SQUARE FEET

BASIS OF BEARINGS

THE BEARING N0°22'01"W OF THE CENTERLINE OF MERIDIAN AVENUE AS SHOWN ON THAT CERTAIN MAP OF RECORD OF SURVEY RECORDED IN BOOK 881 OF MAPS AT PAGE 2, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS BASIS OF BEARINGS FOR THIS MAP.

GRAPHIC SCALE



LOCATION MAP
NOT TO SCALE

**PLAT MAP
FOR REZONING
1581 MINNESOTA AVE
APN 429-50-052**



San Jose

California

SCALE: 1" = 40'	DATE: 08/19/24	DRWG. NAME:	PROJECT NO.	SHEET 1 OF 1
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