

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.07 GROSS ACRES SITUATED EASTERLY OF THE INTERSECTION OF MILLER AVENUE AND TUCKER DRIVE (1334 & 1348 MILLER AVENUE) (APNS 377-25-053 & 377-25-055) FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL 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. PDC21-032 (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 R-1-8(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-1-8 Single-Family Residential Zoning District. The Planned Development rezoning of the subject property shall be that rezoning plan set for the subject property entitled, "LAND SUBDIVISION & NEW ATTACHED AND DETACHED HOUSES," dated August 17, 2021, and last updated April 30, 2023 ("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 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. PDC21-032 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

Legal Description

1334 & 1338 Miller Avenue

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at a point in the center line of Miller Avenue distant thereon North 0° 15' West 2186.80 feet from the point of intersection of said line of Miller Avenue with the center line of Prospect Road as the **Point of Beginning**; thence running along the center line of Miller Avenue, North 0° 15' West 178.66 feet to a nail set in the southwesterly corner of that certain 10.21 acre tract of land described in the deed from Sivert H. Shelley to Elmer Taggart dated October 8, 1897 and recorded October 8, 1897, in Book 202 of Deeds at page 337, Santa Clara County records; thence leaving said center line of Miller Avenue and along the southerly line of said 10.21 acre tract north 89° 45' east 304.75 feet to a 3/4" iron pipe set at the northeasterly corner of that certain 1.25 acre tract of land described in the deed from L.F. Hoffman et ux, to Harry Jaeger dated September 9, 1952, and recorded September 18, 1952, in book 2489 of Official Records at page 291, Santa Clara County records; thence along the easterly line of said 1.25 acre tract South 0° 15' West 178.66 feet; thence parallel with the southerly line of the 10.21 acre tract of land hereinabove referred to, South 89° 45' West 304.75 feet to the **Point of Beginning** and being a portion of the Quito Rancho, and also being a portion of the 13.269 acre tract of land shown upon map of Record of Survey filed for record in the office of the recorder of the County of Santa Clara, State of California, on October 25, 1951 in Book 35 of Maps, page 9.

Excepting therefrom the westerly 45 feet of said described property.

APN: 377-25-053 & 377-25-055

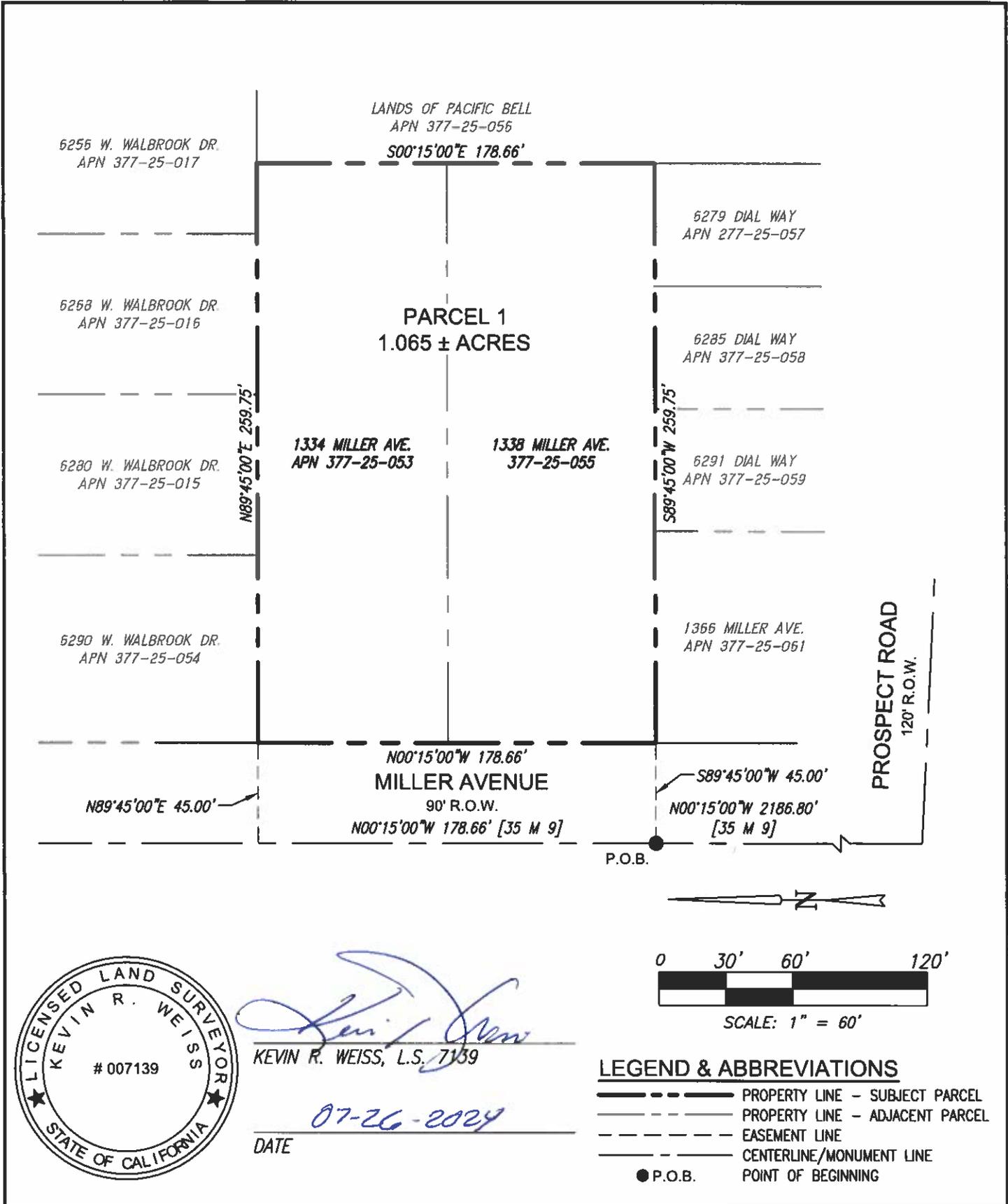


EXHIBIT 'B': PLAT FOR PLANNING PURPOSES
SAN JOSE PDC21-032 CALIFORNIA
SCALE: DATE: 07/26/2024 BY: DG
SHEET 2 OF 2 JOB NO. 5228



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