

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.02 GROSS ACRES, SITUATED ON THE SOUTH SIDE OF POPPY LANE, APPROXIMATELY 580 FEET SOUTH OF THE INTERSECTION OF DOREL DRIVE AND PENITENCIA CREEK ROAD (APN 599-24-008) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-1-RR RURAL RESIDENTIAL RESIDENCE ZONING DISTRICT

WHEREAS, the City of San José has conducted all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code regarding the approximately 2.02-gross-acre site located on the south side of Poppy Lane, approximately 580 feet south of the intersection of Dorel Drive and Penitencia Creek Road (APN 599-24-008) (the “subject property”); and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José 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-RR Rural Residential Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves 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 in accordance with CEQA; 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. C22-122) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing A(PD) Planned Development Zoning District; the rezoning would increase the residential capacity by one unit;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. The subject property is hereby rezoned to the R-1-RR Rural Residential Residence Zoning District.

The subject property 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. C22-122 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
File No. C22-122
PROPERTY REZONE PURPOSES
0 POPPY LANE, SAN JOSE, CALIFORNIA (APN 599-24-008)

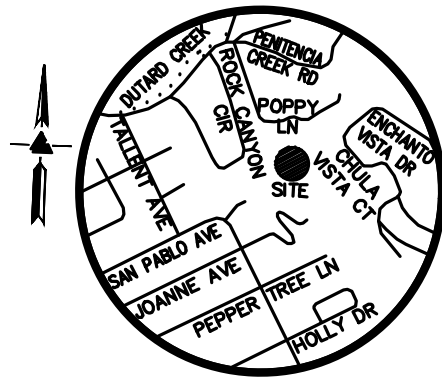
The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and as recorded in the office of the County Recorder of Santa Clara County on January 20, 2021 as Document Number 24793243, more particularly described as follows:

Beginning at a granite monument found at the Eastern most corner of that certain 0.246 acre Tract conveyed by John Q. Patton, et ux, to Kimball M. Anderson, et ux, by deed dated August 30, 1949 and recorded September 15, 1949 in Book 1847 of Official Records, page 128, Santa Clara County records and running thence Northerly along the Easterly line of said 0.246 acre Tract, North 23° 00' West 256.56 feet to an iron pipe found at the Northern most corner of said 0.246 acre Tract and at the Northern most corner of that certain 1.749 acre Tract conveyed by Helena Antonia Legue, et al, to Kimball m. Anderson, et ux, by deed dated July 31, 1945 and recorded August 9, 1945 in Book 1276 of Official Records, page 449, Santa Clara County records; thence leaving said 0.246 acre Tract and running Westerly along the Northerly line of said 1.749 acre Tract South 61° 00' West 340.56 feet to an iron pipe set at the Western most corner of said 1.749 acre Tract and in the Easterly line of that certain 1.749 acre Tract designated as parcel one, conveyed by Ida Cox, to Kimball M. Anderson, et ux, by deed dated December 1, 1942 and recorded December 4, 1942 in Book 1117 of Official Records, page 458, Santa Clara County records; thence leaving said 1.749 acre Tract and running Northerly and Westerly along the boundaries of said 11.50 acre Tract the two following courses and distances: North 23° 00' West 315.00 feet and North 66° 42' West 20.00 feet to a 2" x 3" stake and iron pipe found; thence Southerly along the Westerly line of said 11.50 acre Tract and its prolongation Southerly South 23° 00' East 362.00 feet to an iron pipe set five inches below the surface of the ground; thence North 61° 00' East 19.61 feet to an iron pipe set at the point distant South 61° 00' West 0.50 feet from a line of steel fence; thence Southerly along a line parallel with and distant 0.50 feet at right angles Westerly from said line of steel fence, South 23° 00' East 210.85 feet to a point distant South 61° 00' West 0.50 feet from the Southerly common corner for said 11.50 acre Tract and said 1.749 acre Tract; and thence Easterly along the Southerly line of said 11.50 acre Tract, said 1.749 acre Tract and said 0.246 acre Tract, North 61° 00' East 341.66 feet to the point of beginning.

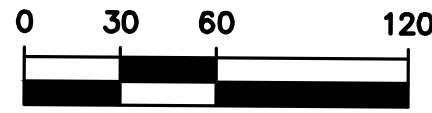
A plat showing the above described legal description is attached hereto and made a part hereof as Exhibit "B".

END OF DESCRIPTION





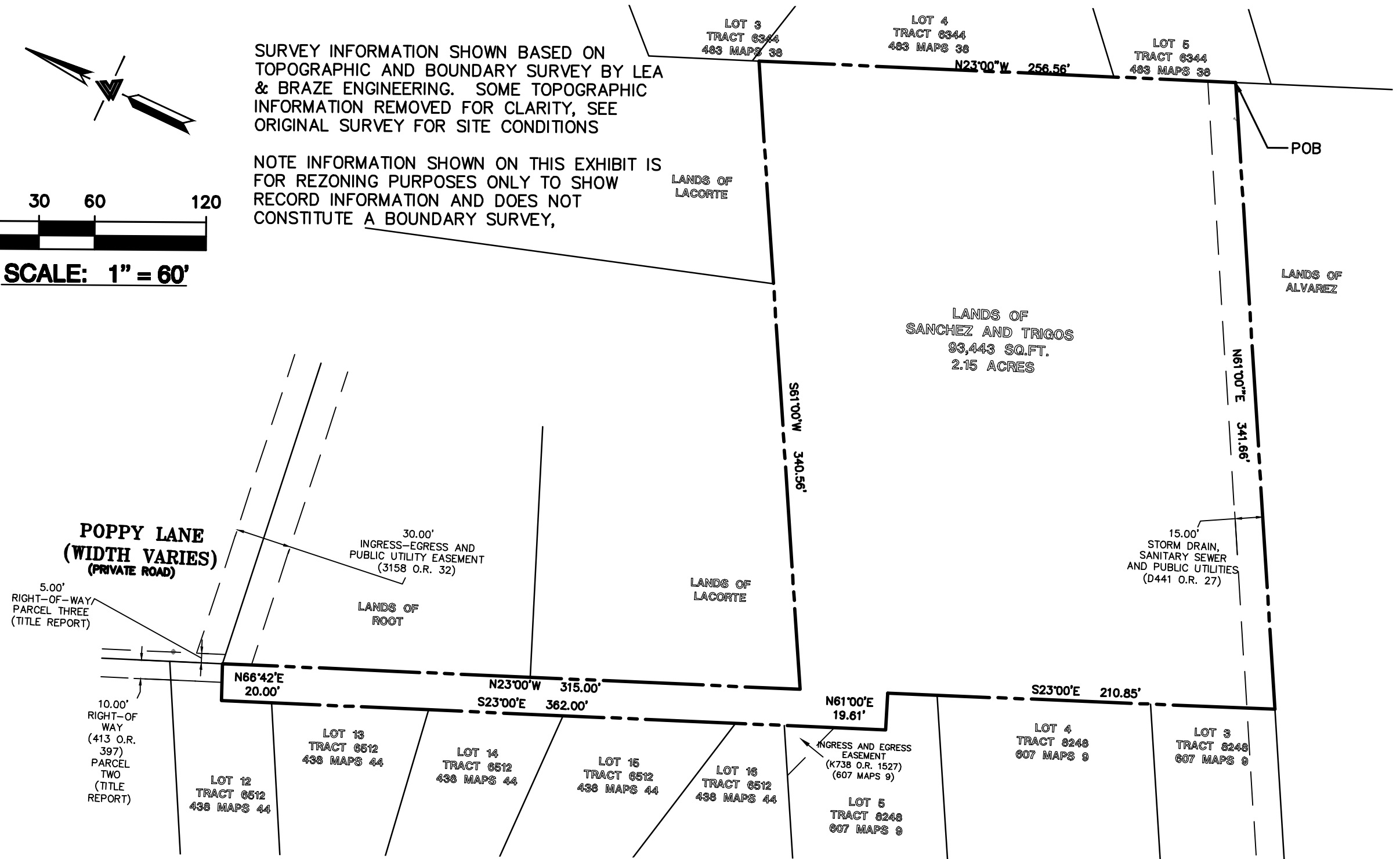
VICINITY MAP
NO SCALE



SCALE: 1" = 60'

SURVEY INFORMATION SHOWN BASED ON TOPOGRAPHIC AND BOUNDARY SURVEY BY LEA & BRAZE ENGINEERING. SOME TOPOGRAPHIC INFORMATION REMOVED FOR CLARITY, SEE ORIGINAL SURVEY FOR SITE CONDITIONS

NOTE INFORMATION SHOWN ON THIS EXHIBIT IS FOR REZONING PURPOSES ONLY TO SHOW RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY,



Date 09-27-2022
Update 02-07-2023
Update 04-05-2023

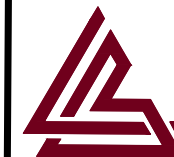
Scale 1" = 60'
Design By PC
Checked By PC
Job No. 2220379



REZONING EXHIBIT B
FILE# C22-122
POPPY LANE
SAN JOSE CALIFORNIA

SANTA CLARA COUNTY

APN: 599-24-008



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