

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST CORNER OF CARLA DRIVE AND ALMADEN EXPRESSWAY TO A(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 project under File No. PDC08-055, and said Exemption was approved by the Director of Planning on February 23, 2009, which approval has not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council has considered the Statement of Exemption prepared for this proposed rezoning prior to taking any approval action on this proposed rezoning.

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

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development.

The base district zoning of the subject property shall be A-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "(3) New Single Family Homes," **last revised April 8, 2009.**

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" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

SECTION 3. The land development approval that is the subject of City File No. PDC08-055 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 , by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

Exhibit "A"

All that certain real property situated in the County of Santa Clara, State of California, described as follows:

(City of San Jose)

Portion of Lot 3, as shown upon that certain Map entitled, "Norton Tract in Diablo Tract No. 3, San Jose City Lands, Santa Clara County, California", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 4, 1904 in Book F-2 of Maps, at Page 31, and more particularly described as follows:

Beginning at an iron pipe on the Southwesterly line of Almaden Road, at the Northern-most corner of Lot 3, as said Road and Lot are shown upon the Map above referred to; running thence South 46°31' East along the said Southwesterly line of Almaden Road, 100.00 feet to an iron pipe; running South 43°36' West 282.83 feet to an iron pipe; running thence North 46°30' West 346.96 feet to an iron pipe on the Northerly line of said Lot 3; running thence due East along said last named line, 106.79 feet to an iron pipe on the Southwesterly line of "Pioneer School Lot", as said Lot is shown upon the Map above referred to; running thence South 46°30' East along said last named line, 169.92 feet to an iron pipe at the Southernmost corner thereof; running thence North 43°36' East along the Southeasterly line of the said "Pioneer School Lot", 209.29 feet to the point of beginning.

As shown upon that certain Map entitled, "Record of Survey Map of a portion of Lot 3 of the Subdivision of Norton Tract", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on February 27, 1951 in Book 29 of Maps, at Page 47.

EXCEPTING THEREFROM that certain Parcel described in the Deed from Sirel R. Cecala and Carmel E. Cecala, his wife to the County of Santa Clara, recorded April 21, 1969 in Book 8505 of Official Records, Page 331, Santa Clara County records, and more particularly described as follows:

Beginning at the most Easterly corner of that certain parcel of land designated as Parcel C upon the Map entitled, "Record of Survey Almaden Expressway Unit 5-D", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on April 12, 1966 in Book 208 of Maps, at Page 5; thence from said point of beginning along the Northeasterly line of said Parcel C North 45°48'46" West 100.00 feet to the most Northerly corner thereof; thence along the Northwesterly line of said Parcel C and the Southwesterly prolongation thereof, South 44°13'12" West 87.62 feet to a point; thence leaving said prolongation and running along a curve to the left with a radius of 2710.00 feet from a tangent bearing of South 39°52'54" East through a central angle of 2°52'54" an arc distance of 100.35 feet to a point in the Southwesterly

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EXHIBIT "A" Continued

prolongation of the Southeasterly line of said Parcel C; thence along said Southwesterly prolongation and said Southeasterly line North 44°18'12" East 96.13 feet to the point of beginning.

Assessor's Parcel Number **577-16-018**