

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED IN THE AREA GENERALLY BOUNDED BY BOTH SIDES OF UNDERWOOD DRIVE, TEMPLE DRIVE, BARKER DRIVE, KELTNER AVENUE, NORTH OF WILLIAMS ROAD, FROM R-M MULTIPLE RESIDENCE DISTRICT TO R-M (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, the area encompassed by the subject proposed rezoning was found to be exempt from the California Environmental Quality Act of 1970 (CEQA), as amended, which determination was found to be complete by the Planning Commission on November 4, 2009, under File No. PDC09-017, and which determination 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 R-M (PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said Exemption prior to taking any approval actions on this project.

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 R-M (PD) Planned Development. The base zoning district of the subject property shall be the R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "A Residential Development at Underwood Drive, Temple Drive, Barker Drive, and Keltner Avenue," **last revised September 9, 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.

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

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.

SECTION 3. The land development approval that is the subject of City File No. PDC09-017 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 November, 2009, 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.

**Underwood Drive, Temple Drive, Barker Drive, Keltner Drive
Planned Development Zoning
Legal Description**

Section 1.

Those certain parcels designated as Lots 1 through 47 as shown on that certain map entitled: "Tract No. 2052," recorded in Book 146 of Maps at Pages 6 and 7 in the Office of the County Recorder of Santa Clara County, State of California this 24th day of April 1962.

APNs 299-32-006 through -052

Section 2.

Those certain parcels designated as Lots 1 through 17 as shown on that certain map entitled: "Tract No. 3545," recorded in Book 155 of Maps at Page 31 in the Office of the County Recorder of Santa Clara County, State of California this 12th day of September 1963.

APNs 299-32-003, -004, -005, -053 through -068.

TRACT NO. 2052

CONSISTING OF TWO (2) SHEETS
 BEING A PORTION OF THE QUITO RANCH AND A RESUBDIVISION OF LOTS 3 AND
 PARK OF LOT 10, AND A RESUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

RUTH AND GOING CIVIL ENGINEERS

SAN JOSE, CALIFORNIA

NOTES
 All distances and dimensions shown herein are in feet and decimals thereof.
 The blue border indicates the boundaries of the land subdivided by this map.
 The area within the blue border is 10.058 acres.

BASIS OF BEARINGS
 The bearing N. 0° 10' 00" W. of the centerline of Boynton Avenue as shown
 on that certain map entitled, "Tract No. 179 - The First National Bank of
 San Jose - Subdivision A", recorded in Book 4 of Maps at pages 26 and 27
 Santa Clara County Records was taken as the basis of bearings.

LEGEND

- Monument Found
- Monument Set
- Iron Pipe Found
- Iron Pipe Set
- Public Service Easement
- Wire Clearance Easement
- Anchor Easement
- Building Set Back Line

CURVE DATA

NO.	R	D	L
1	20.00	107° 16' 20"	51.52
2	20.00	89° 43' 50"	31.32
3	20.00	89° 50' 40"	31.47
4	20.00	277° 15' 50"	31.52
5	20.00	256° 11' 01"	31.52
6	20.00	25° 21' 40"	31.52
7	20.00	11° 34' 46"	2.04
8	20.00	19° 41' 17"	5.00
9	20.00	21° 07' 55"	5.00
10	20.00	21° 18' 36"	30.81
11	20.00	21° 33' 57"	59.92
12	20.00	21° 51' 35"	87.56
13	20.00	22° 12' 58"	117.50
14	20.00	22° 37' 58"	150.00
15	20.00	23° 16' 04"	184.50
16	20.00	24° 07' 58"	230.00
17	20.00	25° 13' 04"	287.50
18	20.00	26° 32' 58"	357.50
19	20.00	28° 07' 58"	440.00
20	20.00	29° 58' 58"	535.00
21	20.00	32° 16' 00"	642.50
22	20.00	35° 00' 00"	762.50
23	20.00	38° 16' 00"	905.00
24	20.00	42° 16' 00"	1070.00
25	20.00	46° 16' 00"	1257.50
26	20.00	50° 16' 00"	1467.50
27	20.00	54° 16' 00"	1700.00
28	20.00	58° 16' 00"	1955.00
29	20.00	62° 16' 00"	2232.50
30	20.00	66° 16' 00"	2532.50
31	20.00	70° 16' 00"	2855.00
32	20.00	74° 16' 00"	3200.00
33	20.00	78° 16' 00"	3567.50
34	20.00	82° 16' 00"	3957.50
35	20.00	86° 16' 00"	4370.00
36	20.00	90° 16' 00"	4805.00
37	20.00	94° 16' 00"	5262.50
38	20.00	98° 16' 00"	5742.50
39	20.00	102° 16' 00"	6245.00
40	20.00	106° 16' 00"	6769.00
41	20.00	110° 16' 00"	7314.50
42	20.00	114° 16' 00"	7881.50
43	20.00	118° 16' 00"	8470.00
44	20.00	122° 16' 00"	9080.00
45	20.00	126° 16' 00"	9711.50
46	20.00	130° 16' 00"	10364.50
47	20.00	134° 16' 00"	11039.00
48	20.00	138° 16' 00"	11734.50
49	20.00	142° 16' 00"	12451.00
50	20.00	146° 16' 00"	13188.50
51	20.00	150° 16' 00"	13947.00
52	20.00	154° 16' 00"	14726.50
53	20.00	158° 16' 00"	15527.00
54	20.00	162° 16' 00"	16348.50
55	20.00	166° 16' 00"	17191.00
56	20.00	170° 16' 00"	18054.50
57	20.00	174° 16' 00"	18939.00
58	20.00	178° 16' 00"	19844.50
59	20.00	182° 16' 00"	20771.00
60	20.00	186° 16' 00"	21718.50
61	20.00	190° 16' 00"	22687.00
62	20.00	194° 16' 00"	23676.50
63	20.00	198° 16' 00"	24687.00
64	20.00	202° 16' 00"	25718.50
65	20.00	206° 16' 00"	26771.00
66	20.00	210° 16' 00"	27844.50
67	20.00	214° 16' 00"	28939.00
68	20.00	218° 16' 00"	30054.50
69	20.00	222° 16' 00"	31191.00
70	20.00	226° 16' 00"	32348.50
71	20.00	230° 16' 00"	33527.00
72	20.00	234° 16' 00"	34726.50
73	20.00	238° 16' 00"	35947.00
74	20.00	242° 16' 00"	37188.50
75	20.00	246° 16' 00"	38451.00
76	20.00	250° 16' 00"	39734.50
77	20.00	254° 16' 00"	41039.00
78	20.00	258° 16' 00"	42364.50
79	20.00	262° 16' 00"	43711.00
80	20.00	266° 16' 00"	45078.50
81	20.00	270° 16' 00"	46467.00
82	20.00	274° 16' 00"	47876.50
83	20.00	278° 16' 00"	49307.00
84	20.00	282° 16' 00"	50758.50
85	20.00	286° 16' 00"	52231.00
86	20.00	290° 16' 00"	53724.50
87	20.00	294° 16' 00"	55239.00
88	20.00	298° 16' 00"	56774.50
89	20.00	302° 16' 00"	58331.00
90	20.00	306° 16' 00"	59908.50
91	20.00	310° 16' 00"	61507.00
92	20.00	314° 16' 00"	63126.50
93	20.00	318° 16' 00"	64767.00
94	20.00	322° 16' 00"	66428.50
95	20.00	326° 16' 00"	68111.00
96	20.00	330° 16' 00"	69814.50
97	20.00	334° 16' 00"	71539.00
98	20.00	338° 16' 00"	73284.50
99	20.00	342° 16' 00"	75051.00
100	20.00	346° 16' 00"	76838.50
101	20.00	350° 16' 00"	78647.00
102	20.00	354° 16' 00"	80476.50
103	20.00	358° 16' 00"	82327.00
104	20.00	362° 16' 00"	84208.50
105	20.00	366° 16' 00"	86121.00
106	20.00	370° 16' 00"	88064.50
107	20.00	374° 16' 00"	90039.00
108	20.00	378° 16' 00"	92044.50
109	20.00	382° 16' 00"	94081.00
110	20.00	386° 16' 00"	96148.50
111	20.00	390° 16' 00"	98247.00
112	20.00	394° 16' 00"	100376.50
113	20.00	398° 16' 00"	102537.00
114	20.00	402° 16' 00"	104728.50
115	20.00	406° 16' 00"	106951.00
116	20.00	410° 16' 00"	109204.50
117	20.00	414° 16' 00"	111489.00
118	20.00	418° 16' 00"	113804.50
119	20.00	422° 16' 00"	116151.00
120	20.00	426° 16' 00"	118528.50
121	20.00	430° 16' 00"	120937.00
122	20.00	434° 16' 00"	123367.50
123	20.00	438° 16' 00"	125819.00
124	20.00	442° 16' 00"	128291.50
125	20.00	446° 16' 00"	130785.00
126	20.00	450° 16' 00"	133309.50
127	20.00	454° 16' 00"	135855.00
128	20.00	458° 16' 00"	138421.50
129	20.00	462° 16' 00"	141009.00
130	20.00	466° 16' 00"	143617.50
131	20.00	470° 16' 00"	146247.00
132	20.00	474° 16' 00"	148897.50
133	20.00	478° 16' 00"	151569.00

