



# CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28515**", the original copy of which is attached hereto, was passed for publication of title on the **17<sup>th</sup> day of March, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **7<sup>th</sup> day of April, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,  
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **May 8, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **April 8, 2009**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28515**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTH SIDE OF CAMDEN AVENUE APPROXIMATELY 300 FEET EAST OF PASO LOS CERRITOS (APN: 575-16-053) FROM THE R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE 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 Mitigated Negative Declaration was prepared and publicly circulated for a rezoning project under File No. PDC07-078, and said Mitigated Negative Declaration was approved by the Director of Planning as of January 26, 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 of the City of San José has considered the Mitigated Negative Declaration prepared for this proposed rezoning prior to taking any approval actions on this proposed 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 A(PD) Planned Development.

The base district zoning of the subject property shall be A - Agriculture. The PD zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Corte De Rosa LLC," **dated September 21, 2007, last revised September 9, 2008.**

The General Development Plan for this A(PD) Planned Development rezoning 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.

**SECTION 3.** The land development approval that is the subject of City File No. PDC07-078 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 17<sup>th</sup> day of March, 2009 by the following vote:

AYES: CAMPOS, CHIRCO, HERRERA, LICCARDO, NGUYEN, PYLE, REED.

NOES: NONE.

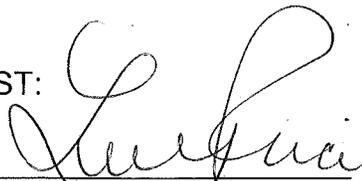
ABSENT: CHU, CONSTANT, KALRA, OLIVERIO.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

## LEGAL DESCRIPTION

## EXHIBIT "A"

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:

Beginning at the Southwesterly corner of Lot 801 on the Boundary of Tract No. 5152-Montevideo Unit No. 12, a map of which was filed for record in Book 302 of Maps at pages 16 and 17 Santa Clara County Records, thence leaving said point of beginning along the boundary of said Tract No. 5152 the following courses, and distances: North 14° 19' East, 209.91 feet; North 75° 41' West, 22.91 feet; North 14° 19' East 85.33 feet; along a tangent curve to the right with a radius of 300.00 feet through a central angle of 33° 41' 00" for an arc length of 176.37 feet, North 48° 00' East, 106.45 feet; North 42° 00' West 89.50 feet; along a tangent curve to the left with a radius of 470.00 feet through a central angle of 37° 17' 00" for an arc length of 305.84 feet; North 79° 17' West, 256.78 feet; along a tangent curve to the right with a radius of 370.00 feet through a central angle of 9° 48' 25" for an arc length of 63.33 feet and North 89° 05' 25' West, 81.25 feet to a point on the Easterly boundary of Tract No. 4712-Montevideo Unit No. 9, a map of which was filed for record in Book 261 of Maps at pages 9 and 10 Santa Clara County Records; thence along the boundary of said Tract No. 4712 the following courses and distances: South 0° 54' 35" West, 174.00 feet; South 19° 23" West, 163.45 feet and South 36° 46' 29" West, 222.01 feet to the most Easterly corner of Tract No. 4710 Montevideo Unit No. 7, a map of which was filed for record at Book 256 of Maps, at page 46 Santa Clara County Records; thence along said boundary of Tract No. 4710 the following courses and distances; South 18° 47' 47" West, 78.97 feet, South 10° 43' 29" West, 75.00 feet and South 6° 25' 10" West 80.00 feet to a point on the Northerly boundary of Tract No. 4711, Montevideo Unit No. 8, a map of which was filed for record in Book 256 of Maps at pages 47 and 48, Santa Clara County Records; thence along the boundary of said Tract No. 4711, the following courses and distances; from a tangent bearing of South 83° 34' 50" East along a curve to the left with a radius of 1945.00 feet through a central angle of 4° 30' 30" for an arc length of 153.04 feet; South 88° 05' 20" East, 399.30 feet and along a tangent curve to the right with a radius of 1055.00 feet through a central angle of 10° 08' 00" for an arc length of 186.59 feet to the point of beginning.

Excepting therefrom all that portion thereof described as follows:

Beginning at the most Southerly corner of Lot 601 as said Lot is shown on the Map of Tract No. 4712 Montevideo-Unit No. 9 Recorded in Book 261 of Maps at pages 9 and 10, Santa Clara County Records; thence from said Point of Beginning along the Southeasterly line of said Lot 601, North 36° 46' 29" East, 74.76 feet to a angle point in said Southeasterly line; thence leaving said Southeasterly line South 19° 23' 00" West, 78.34 feet; thence North 53° 13' 31" West, 23.42 feet to the Point of Beginning.

Also Excepting therefrom all that portion thereof lying within the exterior boundaries of Tract No. 5602, the map of which was filed for record in the office of the Recorder of the County of Santa Clara, in Book 346 of Maps, at pages 17 and 18.

Also excepting therefrom that portion described in the Deed Recorded March 10, 1976 as Instrument No. 5236993 Official Records, as follows:

Beginning at the Southeasterly corner of Lot 505 of Tract No. 4710, Montevideo Unit No. 7, a map of which is Recorded in Book 256 of Maps at page 46, Santa Clara County Records; thence from said Point of Beginning along the Southeasterly line of said Lot 505, North 10° 43' 29" East, 75.00 feet; thence along the Southeasterly prolongation of the Northeasterly line of said Lot 505, South 79° 16' 31" East, 50.50 feet thence South 11° 00' 20" West, 75.00 feet; thence North 79° 16' 31" West, 50.13 feet to the Point of Beginning.

Also excepting therefrom that portion described in the Deed Recorded May 24, 1976 as Instrument No. 5293263 Official Records, as follows:

Beginning at the Northeasterly corner of Lot 504 of Tract No. 4710, Montevideo Unit No. 7, a map of which is Recorded in Book 256 of Maps at page 46, Santa Clara County Records; thence from said Point of Beginning along a Southeasterly prolongation of the Northeasterly line of said Lot South 79° 16' 31" East, 50.13 feet; thence South 6° 25' 10" West, 75.59 feet to a point on the Northerly line of Camden Avenue as shown on the map of Tract No. 4711, Montevideo Unit No. 8 Recorded in Book 256 of Maps at pages 47 and 48, Santa Clara County Records; thence along said Northerly line of Camden Avenue from a tangent which bears North 85° 03'

EXHIBIT "A" (continued)

Title No. 07-98202693-A-MC  
Locate No. CACT17743-7743-2982-0098202693

12" West along a curve to the right having a radius of 1945.00 feet through a central angle of  $1^{\circ} 28' 22''$  for an arc length of 50.00 feet to the Southeasterly corner of said Lot 504; thence leaving said Northerly line of Camden Avenue and along the Southeasterly line of said Lot North  $6^{\circ} 25' 10''$  East 80.00 feet to the Point of Beginning.

Also excepting therefrom that portion described in the Deed Recorded May 3, 1977 as Instrument No. 5630414 Official Records, as follows:

Beginning at the Southeasterly corner of Lot 506 of Tract No. 4710, Montevideo Unit No. 7, a map of which is Recorded in Book 256 of Maps at page 56, Santa Clara County Records; thence from said Point of Beginning along a Southeasterly line of said Lot 506; North  $18^{\circ} 47' 47''$  East, 78.97 feet to the Northeasterly corner of said Lot; thence along the Southeasterly prolongation of the Northeasterly line of said Lot 506, South  $60^{\circ} 12' 00''$  East, 50.94 feet; thence South  $18^{\circ} 47' 47''$  West, 62.16 feet; thence North  $79^{\circ} 16' 31''$  West, 50.50 feet to the Point of Beginning.

APN: 575-16-053