



## CITY OF SAN JOSÉ, CALIFORNIA

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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. 28533**", the original copy of which is attached hereto, was passed for publication of title on the **21<sup>st</sup> day of April, 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 **5<sup>th</sup> day of May, 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 **June 5, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **7<sup>th</sup> day of May, 2009**.

(SEAL)

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

/rmk

**ORDINANCE NO. 28533**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF SOUTH 10TH STREET APPROXIMATELY 90 FEET NORTH OF MARGARET STREET (684 SOUTH 10<sup>TH</sup> STREET), 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**, under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, which determination has not been protested, challenged 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 does hereby certify that, as the decision-making body, it has considered and approves the information contained in the Exemption prior to acting upon or approving such project.

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

**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 Zoning District.

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, "Three Detached Houses 682-684 S. 10<sup>th</sup> Street," **last revised April 18, 2008.**

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.

**SECTION 3.** The land development approval that is the subject of City File No. PDC07-094 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 21<sup>st</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.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

## EXHIBIT "A"

## LEGAL DESCRIPTION

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

ALL OF LOT 14, AND A PORTION OF AN ALLEY (NOW ABANDONED) IN BLOCK 8, REED'S ADDITION (UNRECORDED), AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "CITY OF SAN JOSE, COPIES FROM THE ORIGINAL MAP DRAWN BY SHERMAN DAY, CIVIL ENGINEER", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK "A" OF MAPS, AT PAGES 72 AND 73, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF TENTH STREET, DISTANT THEREON 68.92 FEET NORTHWESTERLY FROM THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF MARGARET STREET WITH THE NORTHEASTERLY LINE OF TENTH STREET, SAID POINT OF BEGINNING BEING ALSO THE DIVIDING LINE BETWEEN LOTS 14 AND 15, IN BLOCK 8, SAID STREETS, LOTS AND BLOCK ARE SHOWN UPON THE MAP HEREINABOVE REFERRED TO; THENCE RUNNING NORTHWESTERLY AND ALONG SAID NORTHEASTERLY LINE OF TENTH STREET, 68.92 FEET TO THE COMMON CORNER FOR LOTS 11 AND 14, IN SAID BLOCK 8; THENCE RUNNING NORTHEASTERLY ALONG SAID DIVIDING LINE BETWEEN SAID LOTS 11 AND 14, 137.84 FEET TO THE CENTER LINE OF AN ALLEY NOW ABANDONED, AS SAID ALLEY IS SHOWN UPON THE MAP HEREINABOVE REFERRED TO; THENCE RUNNING ALONG SAID CENTERLINE AND PARALLEL WITH SAID LINE OF TENTH STREET, SOUTHEASTERLY 68.92 FEET TO THE LINE DIVIDING LOTS 14 AND 15, IN SAID BLOCK 8; THENCE SOUTHWESTERLY ALONG SAID LAST NAMED LINE, 137.04 FEET TO THE POINT OF BEGINNING.

APN: 472-23-004-00