



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. 28670**", the original copy of which is attached hereto, was passed for publication of title on the **17th day of November, 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 **1st day of December, 2009**, by the following vote:

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

NOES: NONE.

ABSENT: NONE

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **1st day of January, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **2nd day of December, 2009**.

(SEAL)

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

/rmk

ORDINANCE NO. 28670

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.

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 17th day of November, 2009, by the following vote:

AYES: CHIRCO, CHU, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

**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

CONSIDERING OF THE CITY OF SAN JOSE
 BEING A PORTION OF THE CITY OF SAN JOSE, CALIFORNIA
 PARCELS OF LOTS 2 & 4 OF TRACT NO. 1021 TRACT NATIONAL BANK OF SAN JOSE SUBDIVISION
 LYING WITHIN THE CITY OF SAN JOSE
 SCALE: 1"=100' MARCH 1962
RUTH AND GOING CIVIL ENGINEERS
 SAN JOSE, CALIFORNIA

NOTES
 All distances and dimensions shown herein are in feet and decimals thereof.
 The line location indicates the boundaries of the land subdivided by this map.
 The area within the blue border is 10,228 square feet.

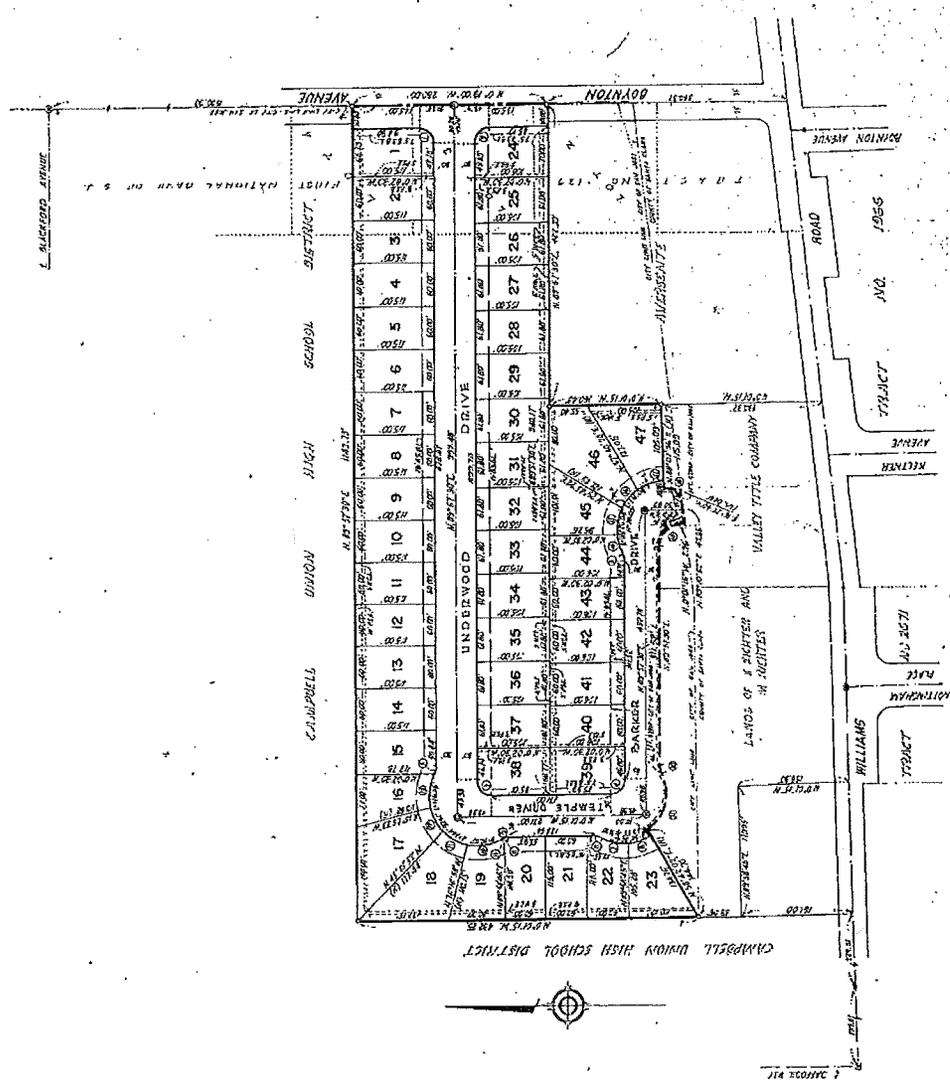
BASIS OF BEARINGS
 The bearing N 0° 10' 00" W of the extension of Bayview Avenue as shown
 on first subdivision map entitled, "Tract No. 1021 - The First National Bank of
 San Jose - Subdivision 4" recorded in Book 4, of Maps of pages 36 and 37
 being other survey records was taken as the basis of bearings.

LEGEND

- Measurement Road
- Measurement 36"
- Iron pipe Road
- Iron Pipe 36"
- Public Service Easement
- Wet Concrete Sheetment
- Anchor Easement
- Building Set Back Line
- 7 1/2'
- 10' C.E.
- 10' B.S.L.

CURVE DATA

NO.	PI	PC	PT	LC	EA	EC	EA	EC	EA	EC	EA	EC
1	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
2	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
3	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
4	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
5	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
6	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
7	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
8	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
9	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
10	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
11	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
12	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
13	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
14	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
15	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
16	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
17	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
18	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
19	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
20	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
21	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
22	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
23	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
24	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
25	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
26	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
27	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
28	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
29	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
30	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
31	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
32	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
33	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
34	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
35	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
36	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
37	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
38	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
39	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
40	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
41	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
42	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
43	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
44	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
45	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
46	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
47	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
48	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
49	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
50	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
51	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
52	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000



Recorded July 16, 1962 in Book 146 Pages 617
 R. L. Williams

Sub. 2052

