



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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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. 28697**", the original copy of which is attached hereto, was passed for publication of title on the **26th day of January, 2010**, 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 **9th day of February, 2010**, by the following vote:

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

NOES: NONE.

ABSENT: NONE

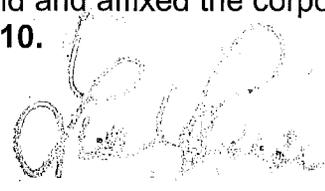
DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **12th day of March, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **11th day of February, 2010**.

(SEAL)



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

/rmk

ORDINANCE NO. 28697**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF ALMADEN EXPRESSWAY, APPROXIMATELY 300 FEET NORTH OF REDMOND AVENUE (16430 ALMADEN ROAD) FROM R-1-1 SINGLE-FAMILY RESIDENCE ZONING DISTRICT 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, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on May 26, 2009, under File No. PDC08-051, 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 A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approves and adopts said MND 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 A(PD) Planned Development Zoning. The base zoning district of the subject property shall be the A-Agricultural Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for Fleetwood Homes," **last revised January 26, 2010.**

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. PDC08-051 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 26th day of January, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT AN IRON PIPE ON THE NORTHEASTERLY LINE OF ALMADEN ROAD, AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM A. C. MELANSON, AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF CELESTINE P. PFEIFFER ALSO KNOWN AS C.P. PFEIFFER AND C.F. PFEIFFER DECEASED TO FRANK BORGHI, DATED JANUARY 28, 1946, RECORDED FEBRUARY 1, 1946 IN BOOK 1320 OFFICIAL RECORDS, PAGE 430, SANTA CLARA COUNTY RECORDS; RUNNING THENCE SOUTH 19° EAST ALONG THE SAID NORTHEASTERLY LINE OF ALMADEN ROAD, 254.25 FEET TO AN IRON PIPE; THENCE LEAVING SAID LAST NAMED LINE AND RUNNING NORTH 89° 45' EAST 361.92 FEET TO AN IRON PIPE ON THE NORTHEASTERLY LINE OF THE LAND SO DESCRIBED IN THE DEED TO SAID BORGHI; RUNNING THENCE NORTH 61° 45' 45" WEST ALONG THE SAID LAST NAMED LINE 504.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM SO MUCH OF THE ABOVE DESCRIBED LAND AS GRANTED TO THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BY INSTRUMENT RECORDED OCTOBER 24, 1966 IN BOOK 7542 PAGE 731 OF OFFICIAL RECORDS; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY DESIGNATED AS PARCEL "N" ON THAT CERTAIN MAP ENTITLED, "RECORDS OF SURVEY, ALMADEN EXPRESSWAY UNIT 5-A, ETC.", AND FILED FOR RECORD ON APRIL 6, 1966 IN BOOK 207 OF MAPS, AT PAGES 46 TO 49, SANTA CLARA COUNTY RECORDS.

APN: 696-24-002