



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. 28711**", the original copy of which is attached hereto, was passed for publication of title on the **15th day of September, 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 **29th day of September, 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 **October 30, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30th day of September, 2009**.

(SEAL)

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

/rmk

ORDINANCE NO. 28711

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED BETWEEN WATER STREET AND HOPE STREET NORTH OF SOUTHSIDE DRIVE FROM COUNTY OF SANTA CLARA TO R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning 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 prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to the R-2 Two-Family Residence Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject prezoning from unincorporated County to R-2 Two-Family Residence Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such 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 prezoned as R-2 Two-Family Residence Zoning District.

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. C09-013 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 15th day of September, 2009 by the following vote:

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

NOES: NONE.

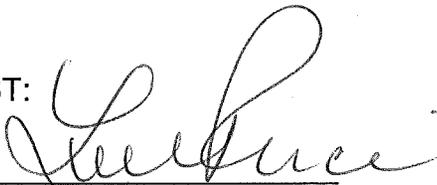
ABSENT: CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

EXHIBIT ' _____ '

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: FRANKLIN NO. 54

R-2 Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being all of Lots 4 and 5 and a portion of Southside Drive as shown on the Map of Tract No. 355 "Southside Tract" recorded on September 3, 1946 in Book 11 of Maps at Pages 44-45, Records of Santa Clara County, all of the lands of "Dorsa" as shown on Tract No. 585 "Fanelli Tract" recorded on August 22, 1949 in Book 24 of Maps at Pages 24-25, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by Franklin No. 13-C, said property being more particularly described as follows:

Beginning at the most southerly corner of said Tract No. 585, said point also being on the northwesterly line of said Franklin No. 13-C; thence along the southeasterly line of said lands of "Dorsa", the southeasterly line of said Lots 4 and 5, and said northwesterly line of Franklin No. 13-C, S 50°04'00" W 330.28 feet to the most southerly corner of said Lot 4; thence leaving said northwesterly line of Franklin No. 13-C, along the southwesterly line of said Lot 4 and its northwesterly projection, N 38°30'00" W 296.75 feet to the centerline of Southside Drive as shown on said Tract No. 355; thence along said centerline and along the northwesterly line of said lands of Dorsa, N 50°04'00" E 330.28 feet to the southwesterly line of said Tract No. 585; thence along said southwesterly line of Tract No. 585, S 38°30'00" E 296.75 feet to the Point of Beginning.

The described property contains approximately 2.25 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.

The above description of real property was prepared by me in conformance with the requirements of Section 8726(g,k,l,m) of the Business and Professions Code of the State of California.



Patricia A. Cannon 8/20/09
Patricia A. Cannon, PLS 8186