



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. 28712**", 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. 28712

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED BETWEEN GARDEN AVENUE AND WATER STREET, SOUTH 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

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 the property described in the Grant Deed recorded on August 17, 1988 in Book K644 at Pages 495-497, the Individual Grant Deed recorded on December 24, 1998 as Document No. 14568005, the Grant Deed recorded on February 28, 2000 as Document No. 15164926, all Official Records of Santa Clara County, and a portion of Southside Drive as shown on Tract No. 355 "Southside Tract" recorded on September 3, 1946 in Book 11 of Maps at Pages 44-45; said property being partially bounded by the City Limits Line of the City of San Jose as established by Franklin No. 45 and Monterey Park No. 99, said property being more particularly described as follows:

Beginning at the most westerly corner of Lot 26 as shown on said Tract No. 355, said point also being on the southeasterly line of said Monterey Park No. 99; thence leaving said southeasterly line of Monterey Park No. 99, along the southwesterly line of said Lot 26 and southwesterly line of Lots 25 thru 20 and their southeasterly prolongation, S 38°30'00" E 437.01 feet to the southeasterly line of said Southside Drive, said point also being on the general northwesterly line of said Franklin No. 45; thence along said southeasterly line of Southside Drive and said general northwesterly line of Franklin No. 45, S 50°04'00" W 234.26 feet to its intersection with the southeasterly projection of the northeasterly line of Lot 33 as shown on said Tract No. 355; thence along said northeasterly line of Lot 33 and its southeasterly projection and the northeasterly line of Lots 32 thru 27 as shown on said Tract No. 355, N 38°30'00" W 437.01 feet to the most northerly corner of said Lot 27, said point also being on said southeasterly line of Monterey Park No. 99; thence along said southeasterly line of Monterey Park No. 99, N 50°04'00" E 234.26 feet to the Point of Beginning.

The described property contains approximately 2.35 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