



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. 28715**", 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. 28715

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED EAST OF MONTEREY ROAD, APPROXIMATELY 930 FEET SOUTH OF LEWIS ROAD, AND ON BOTH SIDES OF SOUTHSIDE DRIVE FROM COUNTY OF SANTA CLARA TO CG COMMERCIAL GENERAL 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 CG Commercial General 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 CG Commercial General Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such proposed 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 CG Commercial General 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

CG Zoning District

Date: _____

All that certain real property situated in the County of Santa Clara, State of California, being a portion of the Lands of Guy S. Curtis, a portion of the Lands of William Parmer, 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, Records of Santa Clara County, and said Lands of William Parmer being northeasterly of Monterey Road and northwesterly of Southside Drive as shown on said Tract No. 355, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexation Franklin No. 45, and Reorganization – Monterey Highway, said property being more particularly described as follows:

Beginning at the most westerly corner of Tract No. 7705 recorded on May 6, 1985 in Book 542 of Maps at Pages 40-43, Records of Santa Clara County, said point being on the general northeasterly line of Monterey Road – Route 82 as shown on the Record of Survey recorded on February 16, 1994 in Book 653 if Maps at Pages 46-57, Records of Santa Clara County, said point also being at the intersection of the northeasterly line of said Reorganization – Monterey Highway with the general northwesterly line of said Franklin No. 45; thence along said general northeasterly line of Monterey Road – Route 82 and said northeasterly line of Reorganization – Monterey Highway the following courses:

- N 38°34'37" W 60.00 feet to the southeasterly line of said Southside Drive
- along said southeasterly line of Southside Drive, N 50°04'00" E 31.45 feet
- N 39°56'00" W 60.00 feet to the northwesterly line of said Southside Drive
- along said northwesterly line of Southside Drive, S 50°04'00" W 30.00 feet
- N 38°34'30" W 376.99 feet to the northwesterly line of said Lands of William Parmer

EXHIBIT ' _____ '

Thence leaving said northeasterly line of Reorganization – Monterey Highway, along said northerly line of Lands of William Parmer, N 50°04'00" E 277.00 feet to the most northerly corner of said Lands of William Parmer; thence along the northeasterly line of said Lands of William Parmer, S 38°30'00" E 437.01 feet to its intersection with said southeasterly line of Southside Drive, said point also being on the said general northwesterly line of 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 110.00 feet; thence continuing along said general northwesterly line of Franklin No. 45, S 38°30'00" E 60.00 feet to said general northwesterly line of Tract No. 7705; thence along said general northwesterly line of Tract No. 7705 and said general northwesterly line of Franklin No. 45, S 50°04'00" W 166.42 feet to the Point of Beginning.

The described property contains approximately 2.96 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