



# 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. 28716”**, the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> 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 **29<sup>th</sup> 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 **30<sup>th</sup> day of September, 2009**.

(SEAL)

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

/rmk

**ORDINANCE NO. 28716**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED WEST OF EAST CAPITOL EXPRESSWAY, EAST OF MONTEREY ROAD, SOUTH OF SOUTHSIDE DRIVE AND NORTH OF RANCHO DRIVE FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE-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-1-8 Single-Family Residence Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459 in connection with said EIR and CEQA; 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-1-8 Single-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 proposed prezoning 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-1-8 Single-Family Residence.

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. C09-014 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 15<sup>th</sup> day of September, 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. 55

R-1-8 Zoning District

Date: \_\_\_\_\_

All that certain real property situated in the County of Santa Clara, State of California, being all of the property shown on:

- the Map of Tract No. 817 "Monterey Manor Unit No. 1" recorded on April 16, 1951 in Book 33 of Maps at Pages 18-19, Santa Clara County Records
- the Map of Tract No. 875 "Monterey Manor Unit No. 2" recorded on June 12, 1951 in Book 33 of Maps at Page 44-45, Santa Clara County Records

and a portion of East Capitol Expressway; said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Franklin No. 21, Franklin No. 49, Franklin No. 48, Franklin No. 53, Franklin No. 23, Franklin No. 46, Franklin No. 45, Franklin No. 13-C, Tully No. 9-A, Franklin No. 15, Franklin No. 16, Monterey Park No. 30, Franklin No. 11, and Franklin No. 7-A, said property being more particularly described as follows:

Beginning at the most southerly corner of said Tract No. 817, said point also being at the intersection of the northeasterly line of said Franklin No. 49 with the northwesterly line of said Franklin No. 21; thence along the southwesterly line of said Tract No. 817 and the northeasterly lines of said Franklin No. 49, Franklin No. 48, Franklin No. 53, Franklin No. 23, and Franklin No. 46, N 28°47'30" W 1494.86 feet to the most westerly corner of said Tract No. 817, said point also being at the intersection of the northeasterly line of said Franklin No. 46 with the southeasterly line of said Franklin No. 45; thence along the northwesterly lines of said Tract Nos. 817 and 875 and the southeasterly lines of said Franklin No. 45 and Franklin No. 13-C, N 61°13'05" E 2360.76 feet to the most northerly corner of said Tract No. 875; thence along the general easterly line of said Franklin No. 13-C, N 01°19'35" W 189.42 feet to its intersection with the southwesterly line of said Tully No. 9-A; thence along said southwesterly line of Tully No. 9-A,

## EXHIBIT ' \_\_\_\_\_ '

S 40°04'25" E 214.09 feet to its intersection with the westerly line of said Franklin No. 15, said point being on the easterly line of said East Capitol Expressway as described in said Franklin No. 15; thence along the westerly line of said Franklin No. 15 and the easterly line of said East Capitol Expressway, S 01°19'35" E 1069.29 feet to its intersection with the northwesterly line of said Franklin No. 16; thence along said northwesterly line of Franklin No. 16, S 47°57'25" W 185.04 feet to the easterly line of said Tract No. 875, said point also being the northwesterly corner of said Franklin No. 16; thence along said easterly line of Tract No. 875, the westerly line of said Franklin No. 16, and the general westerly line of said Monterey Park No. 30, S 00°35'00" E 754.88 feet to the southeasterly corner of said Tract No. 875, said point also being the northeasterly corner of said Franklin No. 7-A; thence along the southerly line of said Tract No. 875 and the northerly line of said Franklin No. 7-A, S 89°28'48" W 256.84 feet to the most southerly corner of Lot 4 as shown on said Tract No. 875, said point also being the southeasterly corner of said Franklin No. 11; thence along the southwestery line of said Lot 4 and the northeasterly line of said Franklin No. 11, N 28°47'30" W 122.11 feet to the most easterly corner of Lot 2 as shown on said Tract No. 875; thence along the southeasterly line of said Lot 2 and the northwesterly line of said Franklin No. 11, S 61°12'30" W 113.80 feet to the most southerly corner of said Lot 2, said point being on the easterly line of Rancho Drive as shown on said Tract No. 875, said point also being the beginning of a non-tangent curve to the right, concave westerly, having a radius of 105.00 feet, a radial line to said point bears N 58°45'28" E; thence along said easterly line of Rancho Drive, along the westerly line of said Franklin No. 11, and along said curve, through a central angle of 30°43'20", for an arc length of 56.30 feet to said northerly line of Franklin No. 7-A and said southerly line of Tract No. 875; thence along said southerly line of Tract No. 875 and said northerly line of Franklin No. 7-A, S 89°28'48" W 30.00 feet to the centerline of said Rancho Drive; thence along said southerly line of Tract 875 and the southerly line of said Tract No. 817 and along said northerly line of Franklin No. 7-A and the northerly line of said Franklin No. 21, S 61°12'50" W 1081.06 feet to the Point of Beginning.

## EXHIBIT ' \_\_\_\_\_ '

The described property contains approximately 72.19 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* 8/19/09  
Patricia A. Cannon, PLS 8186