



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. 28758**", the original copy of which is attached hereto, was passed for publication of title on the **15th day of June, 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 **22nd day of June, 2010**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

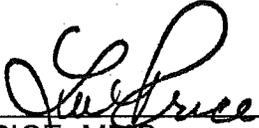
DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **23rd day of July, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **28th day of June, 2010**.

(SEAL)



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

/rmk

ORDINANCE NO. 28758

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED IN THE AREA BOUNDED BY THE VILLAGE SQUARE, CORTONA DRIVE, CLASSICO AVENUE AND RUBY AVENUE (4035 EVERGREEN VILLAGE SQUARE), FROM A(PD) PLANNED DEVELOPMENT 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 an addendum to the Evergreen-East Hills Vision Strategy Environmental Impact Report, Resolution No. 73570, and to the Evergreen Specific Plan Environmental Impact Report, Resolution No. 63179, prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on May 26, 2010, under File No. PDC09-020, 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 and approves the use of said EIRs, together with the Addendum, 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. The base zoning district of the subject property shall be the A - Agriculture Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for Evergreen Village Square A Residential Development By Shapell Homes," **last revised April 6, 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. PDC09-020 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 June, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor



May 17, 2010
 HMH 2662.07.135
 Page 1 of 1

FOR PD ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 2 as shown on that certain Parcel Map filed for record on May 20, 2002, in Book 748 of Maps, pages 41 through 45, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said Parcel 2;

Thence along the southerly and northwesterly lines of said Parcel 2, the following four courses:

1. Thence westerly, along a curve to the right, having a radius of 532.00 feet, whose center bears North 23°48'12" West, through a central angle of 73°35'23" for an arc length of 683.29 feet;
2. Thence North 41°48'52" East, 24.35 feet;
3. Thence North 34°20'01" East, 18.69 feet;
4. Thence North 55°30'19" East, 75.03 feet;

Thence South 41°01'05" East, 13.37 feet;

Thence along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of 23°05'35" for an arc length of 8.06 feet;

Thence along a compound curve to the left, having a radius of 1,124.00 feet, through a central angle of 02°09'25" for an arc length of 42.32 feet;

Thence North 23°43'54" East, 7.00 feet;

Thence easterly, along a non-tangent curve to the left, having a radius of 1,117.00 feet, whose center bears North 23°43'54" East, through a central angle of 17°40'50" for an arc length of 344.69 feet;

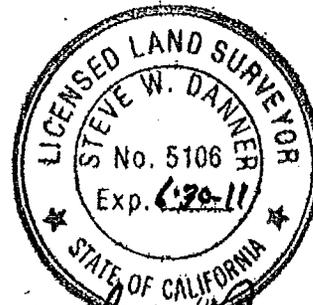
Thence South 06°03'05" West, 7.00 feet;

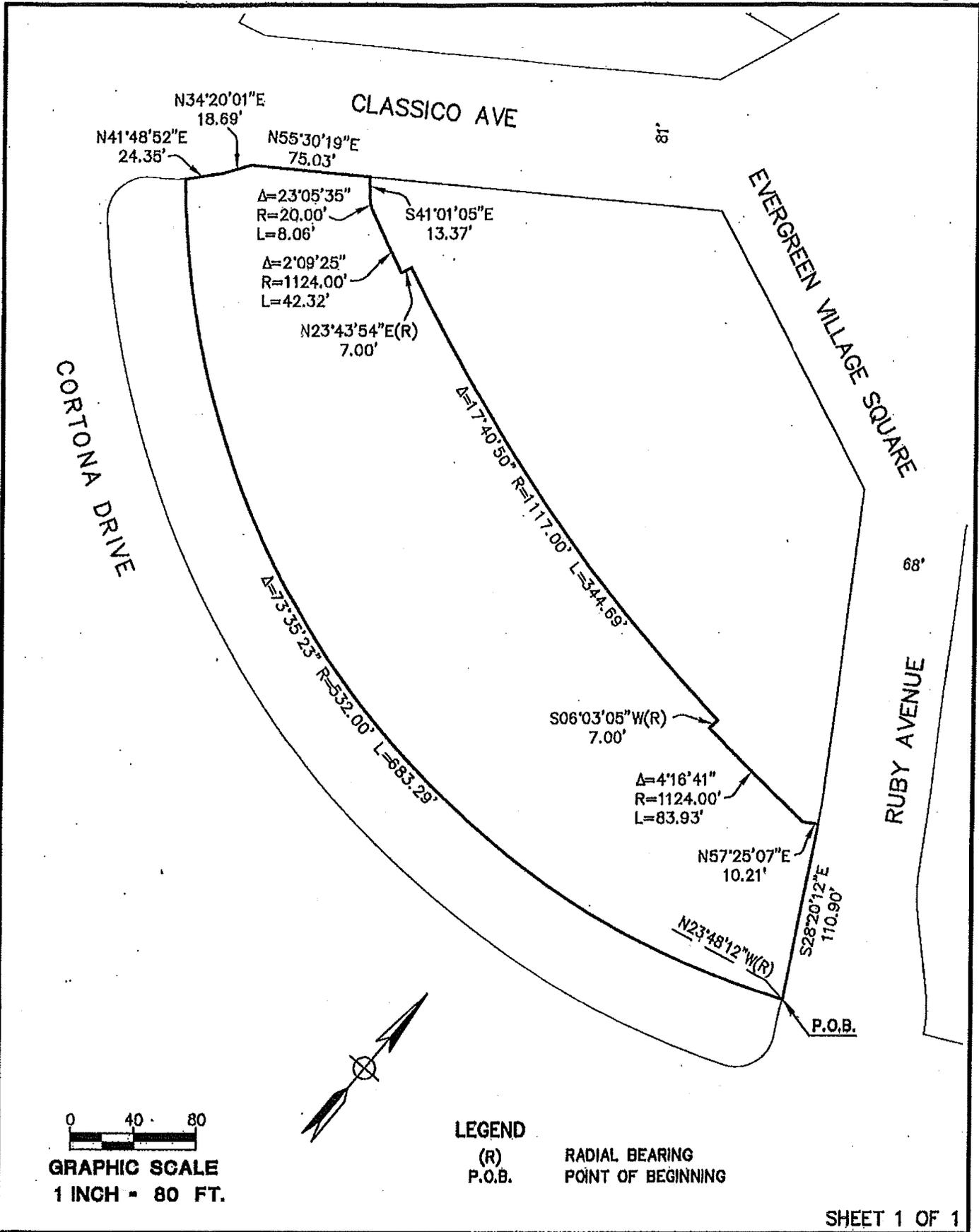
Thence easterly, along a non-tangent curve to the left, having a radius of 1,124.00 feet, whose center bears North 06°03'05" East, through a central angle of 04°16'41" for an arc length of 83.93 feet;

Thence North 57°25'07" East, 10.21 feet, to the northeasterly line of said Parcel 2;

Thence along said northeasterly line, South 28°20'12" East, 110.90 feet, to the POINT OF BEGINNING.

Containing 1.99 acres, more or less.





SHEET 1 OF 1

Date:	05-17-09
Scale:	1" = 80'
Designed:	-
Drawn:	TG
Checked:	SD
Proj. Engr.:	-
266207PLO3	

HMH

1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMHca.com

Plat to accompany description:
 FOR PD ZONING PURPOSES

SAN JOSE CALIFORNIA

Evergreen
Project: 2662SV
Parcel Map Check

Mon May 17 16:44:47 2010

Parcel name: 266207PL03

Arc 683.29	Rad 532.00	Cen 73-35-23	Tan 397.91	Ch: 637.28	4148.6043, 6610.3919
N 23-48-12 W	IN	S 49-47-11 W	OUT	Radius Point	N 77-00-30 W
					4635.3504, 6395.6775
					4291.8704, 5989.4196
N 41-48-52 E	24.35				4310.0186, 6005.6542
N 34-20-01 E	18.69				4325.4522, 6016.1956
N 55-30-19 E	75.03				4367.9440, 6078.0337
S 41-01-05 E	13.37				4357.8563, 6086.8083
Arc 8.06	Rad 20.00	Cen 23-05-35	Tan 4.09	Ch: 8.01	S 52-33-52 E
N 48-58-55 E	IN	S 25-53-20 W	OUT	Radius Point	4370.9822, 6101.8984
					4352.9894, 6093.1659
Arc 42.31	Rad 1124.00	Cen 2-09-25	Tan 21.16	Ch: 42.31	S 65-11-22 E
N 25-53-20 E	IN	S 23-43-55 W	OUT	Radius Point	5364.1875, 6583.9350
					4335.2348, 6131.5719
N 23-43-54 E	7.00				4341.6429, 6134.3891
Arc 344.69	Rad 1117.00	Cen 17-40-50	Tan 173.72	Ch: 343.32	S 75-06-31 E
N 23-43-54 E	IN	S 06-03-04 W	OUT	Radius Point	5364.1897, 6583.9300
					4253.4133, 6466.1808
S 06-03-05 W	7.00				4246.4524, 6465.4428
Arc 83.92	Rad 1124.00	Cen 4-16-41	Tan 41.98	Ch: 83.91	S 86-05-16 E
N 06-03-05 E	IN	S 01-46-24 W	OUT	Radius Point	5364.1891, 6583.9354
					4240.7275, 6549.1526
N 57-25-07 E	10.21				4246.2255, 6557.7558
S 28-20-12 E	110.90				4148.6142, 6610.3946
S 15-38-57 W	0.01				4148.6046, 6610.3919
Perimeter: 1428.84		Area: 86,852 Sq Ft	1.99 Ac.		

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Total: 0.0003 N 15-39-15 E

Precision 1:4,762,766.67

Error (N, E) 0.00026, 0.00007