

ORDINANCE NO. 28796

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHWEST CORNER OF FOXWORTHY AVENUE AND ALMADEN EXPRESSWAY (1175 HILLSDALE AVENUE; APN: 451-06-066 & -068), 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, a Mitigated Negative Declaration (MND) was prepared for a rezoning project under File No. PDC08-015, and said MND was issued on June 23, 2010 and considered by the Planning Commission together with the proposed rezoning action and recommended for approval; and

WHEREAS, the City Council 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, approves and adopts said MND prior to approval of this rezoning 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.

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. PDC08-015 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 17th day of August, 2010 by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

**SCHEDULE C
LEGAL DESCRIPTION**

All that certain real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

Beginning at the most Easterly corner of Lot 135, as said lot is shown upon that certain Map of Tract No. 1613 Willo-Mar Unit No. 2, which was recorded May 16, 1956 in Book 68 of Maps, at Pages 36 and 37, Santa Clara County Records, in the Northwesterly line of Hillsdale Avenue as established by that certain Deed from Sam Rubino, et al to City of San Jose, a Municipal corporation, which Deed was recorded October 23, 1959 in Book 4585 of Official Records, Page 525, Santa Clara County Records; thence from said point of beginning along the Northwesterly line of Hillsdale Avenue North $71^{\circ} 30' 05''$ East 360.00 feet; thence leaving said Hillsdale Avenue and running parallel with the Northeasterly line of said Tract No. 1613, North $18^{\circ} 15' 25''$ West 615.00 feet to the intersection thereof with the Northeasterly prolongation of the Northwesterly line of said Tract; thence parallel with said Hillsdale Avenue, and along said Northeasterly prolongation South $71^{\circ} 30' 05''$ West 360.00 feet to the most Northeasterly corner of said Tract No. 1613; thence along the Northeasterly line thereof, South $18^{\circ} 15' 15''$ East 615.00 feet, more or less to the point of beginning.

Excepting therefrom that portion conveyed to the County of Santa Clara, by Deed recorded August 16, 1971 in Book 9463, Page 664, Official Records, described as follows:

All that certain real property situate in the County of Santa Clara, State of California, designated as Parcel D of Sheet 2 on that certain Map entitled, "Recorded Survey of Portions of the Lands of Joseph S. Lodato and Others", and filed for record on May 31, 1968 in Book 238 of Maps, Pages 27 and 28, Santa Clara County Records, containing approximately 0.046 acres.

PARCEL TWO:

Beginning at the Northwesterly corner of the land conveyed to Joseph S. Lodato, by Deed recorded March 15, 1971 in Book 9253 page 605, Official Records of said County, said Northwesterly corner being a point in the Southeasterly line of Foxworthy Avenue and the most Northerly corner of Lot 7, as said avenue and lot are shown on that certain Record of Survey recorded July 17, 1970 in Book 270 of Maps, page 38, Records of Santa Clara County, California; thence from said point of beginning, leaving said Southeasterly line of Foxworthy Avenue, South $18^{\circ} 15' 25''$ East 417.25 feet to a point in the Easterly line of land owned by Calvary Community Church as said land is shown on aforementioned Record of Survey, and to the beginning of a tangent curve concave to the Southeast having a radius of 120.000 feet; thence Northwesterly along the arc of last mentioned curve through a central angle of $89^{\circ} 45' 30''$ for an arc distance of 187.99 feet to a point in the Northerly line of Hillsdale Avenue; thence along the aforementioned Northerly line of Hillsdale Avenue, North $71^{\circ} 30' 05''$ East 46.77 feet; thence leaving said Northerly line of Hillsdale Avenue North $20^{\circ} 31' 06''$ West

297.94 feet to a point in the Southerly line of Foxworthy Avenue; thence along said Southerly line of Foxworthy Avenue, South $71^{\circ} 30' 05''$ West 154.51 feet to the point of beginning.

PARCEL THREE:

Beginning at the Northwesterly corner of the land conveyed to Joseph S. Ladato by Deed recorded March 15, 1971 in Book 9253 page 605 of Official Records, of said County, said Northwesterly corner being a point in the Southeasterly line of Foxworthy Avenue and the Northwesterly corner of Parcel A-1 as said Avenue and Parcel are shown on that certain Record of Survey recorded July 17, 1970 in Book 270 at page 38 of Maps, Records of Santa Clara County, California; thence from said point of beginning South $71^{\circ} 30' 05''$ West 46.26 feet; thence leaving said Southeasterly line Foxworthy Avenue South $20^{\circ} 31' 06''$ East 297.94 feet to a point in the Northerly line of Parcel A-2 as said Parcel is shown on a aforementioned Record of Survey said Northerly line being also the Northerly line of Hillsdale Avenue; thence along the aforementioned Northerly line of Hillsdale Avenue North $71^{\circ} 30' 05''$ East 108.56 feet to the beginning of a tangent curve concave to the Northwest having a radius of 40.00 feet; thence Northeasterly along the arc of last mentioned curve through a central angle of $92^{\circ} 01' 11''$ an arc distance of 64.24 feet to the Westerly line of Almaden Expressway as said Expressway is shown on the aforementioned Record of Survey thence North $20^{\circ} 31' 06''$ West 217.69 feet along aforementioned Westerly line of Almaden Expressway to the beginning of a tangent curve concave to the Southwest having a radius of 40.00 feet; thence Northwesterly along the arc of last mentioned curve through a central angle of $87^{\circ} 58' 49''$ for an arc distance of 61.42 feet to the Southeasterly line of Foxworthy Avenue; thence along said Southeasterly line of Foxworthy South $71^{\circ} 30' 05''$, West 65.12 feet to the point of beginning.

ARB No: 451-06-057, 057.01, 060

APN No: 451-06-066