

ORDINANCE NO. 28797

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHERN TERMINUS OF GRAND OAK WAY, APPROXIMATELY 250 FEET NORTHWEST OF HEMATITE COURT (6776 SAN FELIPE ROAD), FROM THE A-AGRICULTURAL 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 is exempt under the provisions of the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (CEQA), pursuant to the provisions of Section 15303(a), New Construction or Conversion of Small Structures (the "Exemption"), and the provisions of Title 21 of the San José Municipal Code implementing CEQA, in that the rezoning project will not have a significant adverse effect on the environment; 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 and application of this CEQA exemption for this rezoning project prior to taking any action on 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. 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, "Exhibit 'C' - General Development Plan, Lands of Sidhu," **last revised February 2, 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. PDC08-065 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

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

BEGINNING AT A 4" X 4" POST MARKED 23A STANDING AT THE WESTERNMOST CORNER OF THE 18.65 ACRE TRACT OF LAND CONVEYED BY W.G. KNOWLES, ET AL TO CHARLES MCNUTTY BY DEED DATED APRIL 26, 1900 AND RECORDED IN BOOK 231 OF DEEDS, AT PAGE 255, SANTA CLARA COUNTY RECORDS AND FROM WHICH STAKE THE EASTERNMOST CORNER OF THE 21.295 ACRE TRACT IN THE SOUTHERLY LINE OF THE ORIGINAL FOUCHER AND STEVENS TRACT DEEDED BY F.J. KNOWLES, ET AL TO CHARLES N. MCNUTTY BY DEED DATED NOVEMBER 9, 1901 AND RECORDED IN BOOK 249 OF DEEDS, PAGE 38, BEARS SOUTH 44° 24' EAST 290.644 LINKS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID 21.295 ACRE TRACT, NORTH 44°24' WEST 481.32 FEET TO A 4" X 4" POST MARKED 1 STANDING AT THE NORTHERNMOST CORNER OF SAID 21.295 ACRE PARCEL; THENCE NORTH 44° 42' EAST 30.004 FEET TO A POINT; THENCE SOUTH 44°24' EAST 190.255 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE WESTERLY PROLONGATION OF THE LINE REFERRED TO IN THE PARCEL DEEDED BY JOHN DUTRA ET AL TO MANUEL E. DUTRA BY DEED DATED JULY 10, 1943, AND RECORDED IN BOOK 1144 OF OFFICIAL RECORDS AT PAGE 546, AS "SOUTH 75°04' EAST 583.672 FEET TO A 3" X 4" PAINTED POST MARKED BT BP; THENCE SOUTH 45°09'26" WEST 538.04 FEET TO THE POINT OF BEGINNING, CONTAINING 2.030 ACRES MORE OR LESS AND BEING A PORTION OF THE ORIGINAL POUCHER AND STEVENS TRACT IN THE RANCHO YERBA BUENA Y SOCAYRE.

PARCEL TWO:

RIGHT OF WAY OVER THE PRESENT LANE LEADING FROM THE DRY CREEK AND SAN FELIPE ROAD ALONG THE NORTHERLY LINE OF THE ABOVE MENTIONED 21.295 ACRE TRACT DEEDED BY F.J. KNOWLES TO CHARLES MCNUTTY BY DEED DATED NOVEMBER 9, 1901 TO THE LANDS HEREINABOVE DESCRIBED AS PARCEL NO. 1.

APN: 660-03-002