

ORDINANCE NO. 28825

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY GENERALLY BOUNDED BY GAY, NORTH CAPITOL AND ALUM ROCK AVENUES, AND A LINE APPROXIMATELY 950 FEET SOUTHWESTERLY OF NORTH WHITE ROAD 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 R-1-8 Single Family Residence Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the Council is the decision-making body for 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 and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such 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 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. C10-014 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 5th day of October, 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

EXHIBIT ' A '

DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: McKEE NO. 135

R-1-8 Zoning District

Date: 10/05/10

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

- all of Lots 1-180 and a portion of Lot 181, all of Cedar Lane, Pleasant Ridge Avenue, Birch Lane, Meadow Lane, a Portion of San Carlos Avenue (presently Gay Avenue), and a portion of Alum Rock Avenue, as shown on the Map of Tract No. 303 "Pleasant Ridge Manor", recorded on May 21, 1946 in Book 10 of Maps at Pages 30-31, Records of Santa Clara County;
- a portion of Lots 7 and 11 as shown on the Map of the Chas. E. White Subdivision, recorded on March 20, 1899 in Book I of Maps at Page 129, Records of Santa Clara County;
- portions of Blocks 1-5, all of Blocks 6-7, a portion of Block 8, portions of Pala Avenue, Avenue "A", Avenue "B", Avenue "C", and San Carlos Avenue (presently Gay Avenue), as shown on the Map of the "American City Subdivision" recorded on December 9, 1925 in Book U of Maps at Pages 32-33, Records of Santa Clara County;
- all of the Lands labeled as "Lands of N. Zoria Et. Al" and "Lands of J. Zoria" adjacent easterly of the "7.892 Ac. Gross" parcel as shown on the Record of Survey recorded on April 15, 1969 in Book 251 of Maps at Page 47, Records of Santa Clara County;

said property being bounded by the City Limits Line of the City of San Jose as established by the City Annexations of McKee No.39, McKee No.50, Alum Rock No.13, Alum Rock No.3A, Alum Rock No. 14, McKee No. 79, McKee No. 123, McKee No. 100, McKee No. 111, McKee No.118, and McKee No. 68; said property being more particularly described as follows:

Beginning at the most easterly corner of Lot 180 as shown on said Tract No. 303, said point being on the northeasterly line of said Tract No. 303 and the most northerly point of that certain parcel of land as described in that certain Grant Deed recorded on May 31, 1979 in Book E531 at Page 351, Official Records of Santa Clara County, said point also being an angle point on the general southwesterly line of said Alum Rock No. 13;

Thence along the general southwesterly line of Alum Rock No. 13 the following eight courses:

- along the southeasterly line of said Lot 180, S 59°24'32" W 60.00 feet to the most westerly corner of said Grant Deed;
- along the southwesterly line of said Grant Deed, S 30°35'28" E 108.74 feet to the northwesterly line of Alum Rock Avenue as shown on said Tract No. 303;
- along said northwesterly line of Alum Rock Avenue, S 59°24'32" W 55.00 feet to the beginning of a tangent curve to the right concave northerly, having a radius of 20.00 feet;
- along said curve, through a central angle 90°00'00" for an arc distance of 31.42 feet to a point on the northeasterly line of Cedar Lane as shown on said Tract No. 303;
- along said northeasterly line of Cedar Lane, N 30°35'28" W 18.00 feet;

- leaving said northeasterly line of Cedar Lane, S 59°24'32" W 60.00 feet to a point on the southwesterly line of said Cedar Lane, said point also being the beginning of a non-tangent curve to the right, concave westerly, having a radius of 20.00 feet, a radial to said point bears N 59°24'32" E ;
- along said curve, through a central angle of 90°00'00" for an arc length of 31.42 feet to a point on said northwesterly line of Alum Rock Avenue;
- leaving said northwesterly line of Alum Rock Avenue (Tract No. 303), S 30°35'28 E 50.00 feet to a point on the northwesterly line of Alum Rock Avenue (100 feet wide) as shown on said Chas, E. White Subdivision, said point being the most southerly point of said Alum Rock No. 13, also being on the general northwesterly line of said Alum Rock No. 3-A;

Thence leaving said general southwesterly line of Alum Rock No. 13, along said general northwesterly line of Alum Rock No. 3-A and said northwesterly line of said Alum Rock Avenue (100 feet wide), S 59°24'32" W 774.57 feet to the northeasterly line of said Alum Rock No. 14, also being the southeasterly projection of the southwesterly lines of Lots 1 and 2 as shown on said Tract No.303;

Thence along the northeasterly and northwesterly lines of said Alum Rock No. 14, the following two courses:

- along said southwesterly lines of Lots 1 and 2 (Tract No. 303), N 30°36'00" W 155.92 feet to a point, said point being the intersection of the northeasterly extension of the southeasterly line of Lot 3, Block 8 as shown on said "American City Subdivision" with the southwesterly line of Lot 2 as shown on said Tract No. 303, also being the most northerly corner of said Alum Rock No. 14;
- along said southeasterly line of said Lot 3, Block 8 ("American City Subdivision"), S 59°24'32" W 205.00 feet to a point on the centerline of Pala Avenue as shown on said "American City Subdivision", said point being an angle point on said general northwesterly line of Alum Rock No. 3-A;

Thence along the southwesterly extension of said southeasterly line of Lot 3, Block 8 ("American City Subdivision") and along the southeasterly line of Lot 2, Block 1 as shown on said "American City Subdivision", and along said general northwesterly line of Alum Rock No. 3-A, S 59°24'24" W 150.81 feet to a point, said point being the intersection of said northwesterly line with a line parallel to and 90.00 feet northeasterly of the monument line of Capital Avenue as shown on that Record of Survey recorded on January 30, 2003 in Book 758 of Maps, at Pages 1-32, Records of Santa Clara County, said point also being an angle point in the general northeasterly line of said McKee No. 79;

Thence along said general northeasterly line of McKee No. 79, parallel with said monument line of Capital Avenue, N 37°49'00" W 469.03 feet to the beginning of a tangent curve to the right, concave easterly, having a radius of 20.00 feet;

Thence continuing along said general northeasterly line of McKee No. 79, along the northeasterly line of Parcel "F" as shown on the Amended Record of Survey recorded on April

18, 1974 in Book 338 of Maps at Page 35, Records of Santa Clara County the following three courses;

- along said curve, through a central angle of $100^{\circ}24'27''$ for an arc distance of 35.05 feet to the beginning of a reverse curve to the left, concave westerly, having a radius of 42.00 feet;
- along said curve, through a central angle of $39^{\circ}26'09''$ for an arc distance of 28.91 feet to the beginning of a reverse curve to the right, concave easterly, having a radius of 20.00 feet;
- along said curve, through a central angle of $36^{\circ}14'58''$ for an arc distance of 12.65 feet to a point on the southeasterly line of Avenue "A" as shown on said Amended Record of Survey (338 M 35);

Thence continuing along said general northeasterly line of McKee No. 79 the following two courses:

- along said southeasterly line of Avenue "A", N $59^{\circ}24'16''$ E 4.75 feet;
- leaving said southeasterly line of Avenue "A", N $30^{\circ}35'44''$ W 60.00 feet to a point on the northwesterly line of said Avenue "A", said point being the most easterly corner of said McKee No. 100;

Thence leaving said McKee No. 79 and said northwesterly line of said Avenue "A", along the general northeasterly line of said McKee No. 100, also being the northeasterly line of Parcel "GG" as shown on said Amended Record of Survey (338 M 35), N $30^{\circ}36'00''$ W 50.00 feet to the most southerly point of McKee No. 123, said point also being the most southerly point of Lot 8, Block 2 as shown on said Amended Record of Survey (338 M 35);

Thence leaving said general northeasterly line of McKee No. 100, along the southeasterly, northeasterly and northwesterly lines of said Lot 8, Block 2, also being the southeasterly, northeasterly and northwesterly lines of said McKee No. 123 the following three courses:

- N $59^{\circ}24'16''$ E 120.04 feet;
- N $30^{\circ}36'00''$ W 50.01 feet;
- S $59^{\circ}24'16''$ W 120.04 feet to said general northeasterly line of McKee No. 100;

Thence along said general northeasterly line of McKee No. 100 the following four courses:

- along the northeasterly line of Parcels "HH", "II", and "JJ" as shown on said Amended Record of Survey (338 M 35), N $30^{\circ}36'00''$ W 100.02 feet to the northerly corner of said Parcel JJ;
- along the northwesterly line of said Parcel "JJ", S $59^{\circ}24'35''$ W 65.00 feet to the most easterly corner of Parcel "LL" as shown on said Amended Record of Survey (338 M 35);
- N $30^{\circ}36'00''$ W 110.02 feet to the southeasterly line of Avenue "B" as shown on said Amended Record of Survey (338 M 35);
- along said southeasterly line of Avenue "B", S $59^{\circ}24'35''$ W 28.23 feet to said general northeasterly line of McKee No. 79;

Thence leaving said McKee No. 100, along said general northeasterly line of McKee No. 79 the following four courses:

EXHIBIT ' A '

- N 30°35'25" W 60.00 feet to the northwesterly line of Avenue "B" as shown on the Record of Survey recorded on November 21, 1973 in Book 333 of Maps, at Page 12, Records of Santa Clara County;
- along the northwesterly line of said Avenue "B" (333 M 12), S 59°24'35" W 12.67 feet to the beginning of a tangent curve to the right, concave northerly, having a radius of 20.00 feet, said point being the most easterly corner of Parcel "A" as shown on said Record of Survey (333 M 12);
- along the northeasterly line of said Parcel "A" (333 M 12), along said curve, through a central angle of 82°46'25" for an arc length of 28.89 feet;
- continuing along said northeasterly line of Parcel "A" (333 M 12) and along the northeasterly line of Parcel B as shown on said Record of Survey (333 M 12), N 37°49'00" W 93.28 feet to the most southerly corner of said McKee No.111, also being the most southerly corner of Parcel "CC" as shown on said Record of Survey (333 M 12);

Thence leaving said general northeasterly line of McKee No. 79, along the southeasterly, northeasterly and northwesterly lines of said McKee No. 111, also being the southeasterly, northeasterly and northwesterly lines of said Parcel "CC" the following three courses:

- N 59°24'35" E 107.46;
- N 30°35'48" W 50.01 feet;
- S 59°24'35" W 113.80 feet to a point on said general northeasterly line of McKee No. 79, said point being the most southerly corner of Parcel "DD" as shown on said Record of Survey (333 M 12);

Thence along said general northeasterly line of said McKee No. 79 the following fourteen courses:

- along the southwesterly lines of Parcels "DD", "EE" and "FF" as shown on said Record of Survey (333 M 12), N 37°49'00" W 112.27 feet to the beginning of a tangent curve to the right, concave easterly, having a radius of 20.00 feet;
- along the general northwesterly line of said Parcel "FF" the following three courses:
 - along said curve, through a central angle of 110°46'59" for an arc distance of 38.67 feet to the beginning of a reverse curve to the left, concave northwesterly, having a radius of 42.00 feet;
 - along said curve, through a central angle of 58°08'09" for an arc distance of 42.62 feet to the beginning of a reverse curve to the right, concave southeasterly, having a radius of 20.00 feet;
 - along said curve, through a central angle of 44°34'44" for an arc distance of 15.56 feet to the most northerly corner of Parcel "FF" also being on the southeasterly line of Avenue "C" as shown on said Record of Survey (333 M 12);
- N 30°35'25" W 60.00 feet to a point on the northwesterly line of said Avenue "C", said point also being on the general southeasterly line of Parcel "GG" as shown on said Record of Survey (333 M 12);
- along said general southeasterly line of said Parcel "GG" the following four courses:
 - S 59°24'35" W 16.56 feet to the beginning of a tangent curve to the right, concave northwesterly, having a radius of 20.00 feet;

- along said curve, through a central angle of $25^{\circ}45'37''$ for an arc distance 8.99 feet to the beginning of a reverse curve to the left, concave southeasterly, having a radius of 42.00 feet;
- along said curve, through a central angle of $57^{\circ}11'18''$ for an arc distance of 41.92 feet to a point on said northwesterly line of said Avenue "C";
- along said northwesterly line, S $59^{\circ}24'35''$ W 7.35 feet to the beginning of a tangent curve to the right, concave northerly, having a radius of 20.00 feet;
- leaving said northwesterly line of Avenue "C", along the general southwesterly line of said Parcel "GG", along said curve through a central angle of $82^{\circ}46'25''$ for an arc distance of 28.89 feet;
- continuing along said general southwesterly line of Parcel "GG" and along the southwesterly lines of Parcels "HH" and "II" as shown on said Record of Survey (333 M 12), N $37^{\circ}49'00''$ W 95.34 feet to the beginning of a tangent curve to the left, concave southwesterly, having a radius of 2120.00 feet
- continuing along said southwesterly line of Parcel "II" and along the southwesterly line of Parcels "JJ" and "KK" as shown on said Record of Survey (333 M 12), along said curve through a central angle of $3^{\circ}25'58''$ for an arc distance of 127.02 feet;
- continuing along said southwesterly line of Parcel "KK" and along the southwesterly lines of Parcels "LL", "MM", "NN", "OO", "PP" and "QQ" as shown on said Record of Survey (333 M 12), N $41^{\circ}14'58''$ W 248.38 feet to the beginning of a tangent curve to the right, concave easterly, having a radius of 20.00 feet;
- continuing along said southwesterly line of Parcel "QQ", along said curve, through a central angle of $100^{\circ}40'09''$ for an arc distance of 35.14 feet to a point on the southeasterly line of Gay Avenue (formerly San Carlos Avenue) as shown on said Record of Survey (333 M 12), said point being the most southerly corner of said McKee No. 118;

Thence leaving said general northeasterly line of McKee No. 79, along the general southeasterly line of said McKee No. 118 the following three courses:

- along said southeasterly line of Gay Avenue, N $59^{\circ}25'11''$ E 350.55 feet to the southwest line of Pala Avenue as shown on said Record of Survey (333 M 12);
- along said southwesterly line of said Pala Avenue, S $30^{\circ}36'00''$ E 20.02 feet;
- N $59^{\circ}24'00''$ E 50.00 feet to the northeasterly line of said Pala Avenue and the beginning of a non-tangent curve to the right, concave easterly, having a radius of 20.00 feet, a radial line to said point bears S $59^{\circ}24'00''$ W;
- along said curve, through a central angle of $90^{\circ}01'11''$ for an arc distance of 31.42 feet to the southeasterly line of Gay Avenue (formerly San Carlos Avenue) as shown on said "American City Subdivision";

Thence along the general northeasterly line of said McKee No. 118, N $30^{\circ}34'49''$ W 50.00 feet to a point on the general southeasterly line of said McKee No. 68, said point also being on the northwesterly line of Gay Avenue (formerly San Carlos Avenue) as shown on said "Chas. E. White Subdivision";

Thence along said general southeasterly line of McKee No. 68, along said northwesterly line of Gay Avenue (formerly San Carlos Avenue), N $59^{\circ}25'11''$ E 229.70 feet;

Thence continuing along said general southeasterly line of McKee No. 68, along the general southeasterly line of said Record of Survey (251 M 47), the following two courses:

- N37°48'49" W 115.00 feet,
- N 52°11'11" E 274.20 feet to the most easterly corner of said Record of Survey (251 M 47) and of said McKee No. 68, said point also being on the general southerly line of said McKee No. 39;

Thence along said general southerly line of McKee No. 39 the following two courses:

- along the southeasterly projection of the northeasterly line of said McKee No. 68, S 37°48'49" E 175.00 feet to the centerline of said Gay Avenue (formerly San Carlos Avenue) (Chas. E. White Subdivision);
- along said centerline of Gay Avenue (formerly San Carlos Avenue) (Chas. E. White Subdivision), N 59°25'11" E 640.59 feet to the northwesterly projection of the northeasterly boundary line of said Tract No. 303 "Pleasant Ridge Manor";

Thence continuing along said general southerly line of McKee No. 39 and along the southwesterly line of said McKee No. 50 and the general southwesterly line of said Alum Rock No. 13, along said northwesterly projection and said northeasterly boundary line of said Tract No. 303, S 30°35'28"E 1845.02 feet to the Point of Beginning.

The described property contains approximately 64.40 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.



Patricia A. Cannon 8/10/2010
Patricia A. Cannon, PLS 8186