



CITY OF SAN JOSÉ, CALIFORNIA

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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. 28850**", the original copy of which is attached hereto, was passed for publication of title on the **9th day of November, 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 **30th day of November, 2010**, by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT, NGUYEN; REED.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **31st day of December, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **1st day of December, 2010**.

(SEAL)

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

/rmk

ORDINANCE NO. 28850

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF ALMADEN EXPRESSWAY, APPROXIMATELY 250 FEET NORTH OF REDMOND AVENUE (16440 ALMADEN EXPRESSWAY), FROM R-1-1 SINGLE-FAMILY RESIDENCE 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 a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on October 27, 2010, under File No. PDC07-064, 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, approved and adopted said MND 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, "Fleetwood Almaden Estates, 16440 Almaden Expressway, San Jose, California 95120," **last revised March 8, 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. PDC07-064 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 9th day of November, 2010, by the following vote:

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

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

Title No. 07-98202567-MC
Locate No. CACT17743-7743-2982-0098202567

LEGAL DESCRIPTION

EXHIBIT "A"

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

Beginning at an iron pipe on the Northeasterly line of Almaden Road, distant thereon South 19° East 254.25 feet from the Northern most corner of that certain parcel of land described in the Deed from A.C. Melanson, as executor of the Last Will and Testament of Celestine P. Pfeiffer, also known as C.P. Pfeiffer and C.F. Pfeiffer, deceased to Frank Borghi, dated January 28, 1946 recorded February 1, 1946 in Book 1320 of Official Records, page 430, Santa Clara County Records; running thence South 19° East along the said Northeasterly line of Almaden Road 105.30 feet to an iron pipe; running thence North 89° 45' East 511.82 feet to an iron pipe on the Northeasterly line of the lands so described in the Deed to said Borghi; running thence North 61° 45' 45" West along said last named line 209.06 feet to an iron pipe; running thence South 89° 45' West 361.92 feet to the Point of Beginning.

Excepting therefrom all that certain real property designated as Parcel "A" on that certain map entitled, "Record of Survey, Almaden Expressway Unit 5-A, etc." and filed for record on April 11, 1966 in Book 208 of Maps, at pages 3 and 4, Santa Clara County Records; as granted to the County of Santa Clara by Deed Recorded October 26, 1966 in Book 7545 at page 447 of Official Records

APN: 696-24-001