



## 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. 28865**", the original copy of which is attached hereto, was passed for publication of title on the **7<sup>th</sup> day of December, 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 **14<sup>th</sup> day of December, 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 **14<sup>th</sup> day of January, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **16<sup>th</sup> day of December, 2010**.

(SEAL)

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

/rmk

**ORDINANCE NO. 28865**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE WEST SIDE OF SOUTH MONROE STREET, APPROXIMATELY 400 FEET NORTH OF TISCH WAY AND APPROXIMATELY 270 FEET NORTH OF TISCH WAY BETWEEN SOUTH BAYWOOD AND DUDLEY AVENUES, FROM THE CG COMMERCIAL GENERAL AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS TO THE 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 Mitigated Negative Declaration (MND) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on December 1, 2010, under File No. PDC10-018, 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 as reflecting the independent judgment and analysis of the City 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, "485 S. Monroe Street," **last revised September 10, 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. PDC10-018 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 7<sup>th</sup> day of December, 2010, by the following vote:

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

NOES: OLIVERIO.

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:**

ALL OF THAT CERTAIN TRACT OF LAND DESIGNATED AS "PARCEL A", AS THE SAME IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF A PORTION OF LOT 4 OF THE LAEDERICH PARTITION BEING A PORTION OF THE PROPERTY SHOWN ON RECORD OF SURVEY MAP RECORDED IN BOOK 72 OF MAPS, AT PAGE 53, CITY OF SAN JOSE CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 14, 1958 IN BOOK 90 OF MAPS, AT PAGE 46.

EXCEPTING THEREFROM THE UNDERGROUND WATER AS GRANTED IN THE DEED FROM PHILIP SONDEÑO AND ESTHER MAE SONDEÑO, TO SAN JOSE WATER WORKS, A CALIFORNIA CORPORATION, DATED SEPTEMBER 12, 1956 AND RECORDED SEPTEMBER 13, 1956 IN BOOK 3604 OF OFFICIAL RECORDS, PAGE 147.

ALSO EXCEPTING THEREFROM THOSE PORTIONS CONVEYED TO THE CITY OF SAN JOSE, BY DEED RECORDED ON NOVEMBER 15, 1968 IN BOOK 8336 OF OFFICIAL RECORDS, PAGE 370, AND BEING DESCRIBED AS FOLLOWS:

**PARCEL A:**

BEGINNING AT A POINT IN THE EASTERLY LINE OF DUDLEY AVENUE, SAID POINT BEING NORTH 0° 06' 00" WEST 97.68 FEET DISTANT FROM THE SOUTHWESTERLY CORNER OF PARCEL "A" AS SAID PARCEL "A" IS SHOWN ON THE RECORD OF SURVEY OF A PORTION OF LOT 4 OF LEADERICH PARTITION, RECORDED FEBRUARY 14, 1958 IN BOOK 90 OF MAPS, AT PAGE 46, SANTA CLARA COUNTY RECORDS; THENCE FROM THE SAID POINT OF BEGINNING ALONG THE SAID EASTERLY LINE NORTH 0° 06' 00" WEST 30.92 FEET TO A CURVE AT THE NORTHWESTERLY CORNER OF SAID PARCEL "A"; THENCE ALONG THE SAID CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 06' 42" AN ARC DISTANCE OF 31.45 FEET TO THE SOUTHERLY LINE OF NADEAU AVENUE; THENCE ALONG THE SAID SOUTHERLY LINE SOUTH 89° 59' 18" EAST 3.92 FEET; THENCE ALONG A CURVE TO THE RIGHT FROM A TANGENT BEARING SOUTH 2° 43' 02" EAST WITH A RADIUS OF 42.00 FEET THROUGH A CENTRAL ANGLE OF 54° 49' 03" AN ARC DISTANCE OF 40.18 FEET; THENCE ALONG A REVERSE CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 52° 12' 01" AN ARC DISTANCE OF 18.22 FEET TO THE POINT OF BEGINNING.

**PARCEL B:**

BEGINNING AT THE POINT ON THE WESTERLY LINE OF BAYWOOD AVENUE, SAID POINT BEING NORTH 0° 06' 00" WEST 193.69 FEET DISTANT FROM THE SOUTHEASTERLY CORNER OF SAID PARCEL "A"; THENCE FROM THE SAID POINT OF BEGINNING ALONG A CURVE TO THE LEFT, TANGENT TO THE PRECEDING BEARING WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 36° 14' 58" AN ARC DISTANCE OF 12.65 FEET; THENCE ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 42.00 FEET THROUGH A CENTRAL ANGLE OF 36° 50' 24" AN ARC DISTANCE OF 27.00 FEET TO ITS INTERSECTION WITH A 20 FOOT RADIUS CURVE AT THE NORTHEASTERLY CORNER OF SAID PARCEL "A"; THENCE ALONG SAID 20 FOOT

RADIUS CURVE TO THE RIGHT FROM A TANGENT BEARING SOUTH 66° 37' 02" EAST THROUGH A CENTRAL ANGLE OF 66° 31' 02" AN ARC DISTANCE OF 23.22 FEET TO SAID WESTERLY LINE OF BAYWOOD AVENUE; THENCE ALONG THE SAID WESTERLY LINE SOUTH 0° 06' 00" EAST 18.74 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

ALL OF PARCELS B AND C AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF A PORTION OF LOT 4 OF THE LAEDERICH PARTITION", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 14, 1958 IN BOOK 90 OF MAPS, AT PAGE 46.

EXCEPTING THEREFROM THE UNDERGROUND WATER AS GRANTED IN THE DEED FROM PHILIP SONDEÑO AND ESTHER MAE SONDEÑO, TO SAN JOSE WATER WORKS, A CALIFORNIA CORPORATION, DATED SEPTEMBER 12, 1956 AND RECORDED SEPTEMBER 13, 1956 IN BOOK 3604 OF OFFICIAL RECORDS, PAGE 147.

ALSO EXCEPTING THEREFROM ALL THAT PORTION AS GRANTED IN THE DEED FROM LORRAINE E. LEWIS, AN UNMARRIED WOMAN, TO THE STATE OF CALIFORNIA DATED JULY 15, 1960 AND RECORDED AUGUST 12, 1960 IN BOOK 4884 OF OFFICIAL RECORDS. PAGE 597, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF PARCEL D; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL D, NORTH 89° 25' 19" WEST 169.69 FEET TO THE WESTERLY LINE OF SAID PARCEL D; THENCE ALONG LAST SAID LINE NORTH 0° 40' 07" EAST 135.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL D; THENCE NORTH 82° 11' 32" EAST 154.09 FEET TO A POINT DISTANT 145.56 FEET NORTHERLY AT RIGHT ANGLES FROM ENGINEER'S STATION 46+30.10 OF THE "B" LINE OF THE DEPARTMENT OF PUBLIC WORKS SURVEY FOR THE STATE FREEWAY IN SANTA CLARA COUNTY ROAD IV- SCI -239 -SJs; THENCE FROM A TANGENT THAT BEARS NORTH 82° 52' 56" EAST ALONG A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET, THROUGH AN ANGLE OF 82° 12' 49" AN ARC LENGTH OF 28.70 FEET TO THE EASTERLY LINE OF SAID PARCEL C; THENCE ALONG LAST SAID LINE AND ALONG THE EASTERLY LINE OF SAID PARCEL D, SOUTH 0° 40' 07" WEST 177.26 FEET TO THE POINT OF COMMENCEMENT, AND BEING ALL OF PARCEL D AND PORTION OF PARCEL C, AS SAID PARCELS ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF PORTION OF LOT 4 OF THE LAEDERICH PARTITION", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 14, 1958 IN BOOK 90 OF MAPS, AT PAGE 46.

TEE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, MULTIPLY THE ABOVE DISTANCES BY 1.0000495 TO OBTAIN GROUND LEVEL DISTANCES.

PARCEL THREE:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF NADEAU AVENUE SAID POINT OF BEGINNING BEING SOUTH 89° 59' 18" EAST 22.08 FEET DISTANT FROM THE INTERSECTION OF THE SAID NORTHERLY LINE WITH THE WESTERLY LINE OF DUDLEY AVENUE AS SHOWN ON A RECORD OF SURVEY ENTITLED PORTION OF LOT 4 OF THE LAEDERICH PARTITION RECORDED FEBRUARY 14, 1958 IN BOOK 90 OF MAPS, AT PAGE 46, SANTA CLARA COUNTY RECORDS; THENCE FROM THE SAID POINT OF BEGINNING ALONG A CURVE TO THE RIGHT TANGENT TO THE PRECEDING BEARING WITH A RADIUS OF 42.00 FEET THROUGH A

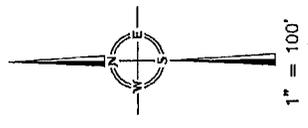
THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 11, 1892 IN BOOK G OF MAPS, AT PAGE 23, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF MRS. LOUISA LAEDERICH SUBDIVISION ABOVE REFERRED TO, WITH THE WESTERLY LINE OF MONROE STREET, AS SAID LINE WAS ESTABLISHED BY DEED FROM PALO ALTO TOWN AND COUNTRY VILLAGE, INC., A CORPORATION, ET AL, TO THE CITY OF SAN JOSE, A MUNICIPAL CORPORATION, DATED MARCH 30, 1961 RECORDED APRIL 24, 1961 IN BOOK 5145 OF OFFICIAL RECORDS, PAGE 507, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTHERLY ALONG THE SAID WESTERLY LINE OF MONROE STREET FOR THE FOLLOWING COURSES AND DISTANCES: (1) NORTH 0° 04' WEST 0.17 FEET; (2) NORTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT TANGENT TO THE PRECEEDING COURSE, WITH A RADIUS OF 6146.00 FEET, THROUGH A CENTRAL ANGLE OF 1° 58' 55" FOR AN ARC DISTANCE OF 212.58 FEET TO AN IRON PIPE AND (3) NORTHERLY ON A REVERSE CURVE TO THE LEFT, WITH A RADIUS OF 5974.00 FEET, FOR AN ARC DISTANCE OF 67.25 FEET AND THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTHERLY ALONG THE SAID WESTERLY LINE OF MONROE STREET ALONG THE COURSES HEREINABOVE DESCRIBED AS (3), (2) AND (1) FOR A DISTANCE OF 280.00 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE SAID SOUTHERLY LINE OF THE MRS. LOUISA LAEDERICH SUBDIVISION; THENCE NORTH 89° 45' 56" WEST ALONG SAID LAST MENTIONED LINE FOR A DISTANCE OF 784.88 FEET TO AN IRON PIPE; THENCE LEAVING SAID LAST MENTIONED LINE AND RUNNING NORTH 0° 08' EAST 280 FEET, MORE OR LESS, TO A POINT WHICH BEARS NORTH 89° 45' 56" WEST (ALONG A LINE DRAWN PARALLEL WITH THE SAID SOUTHERLY LINE OF MRS. LOUISA LAEDERICH SUBDIVISION) FROM THE SAID TRUE POINT OF BEGINNING; THENCE SOUTH 89° 45' 56" EAST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 787 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

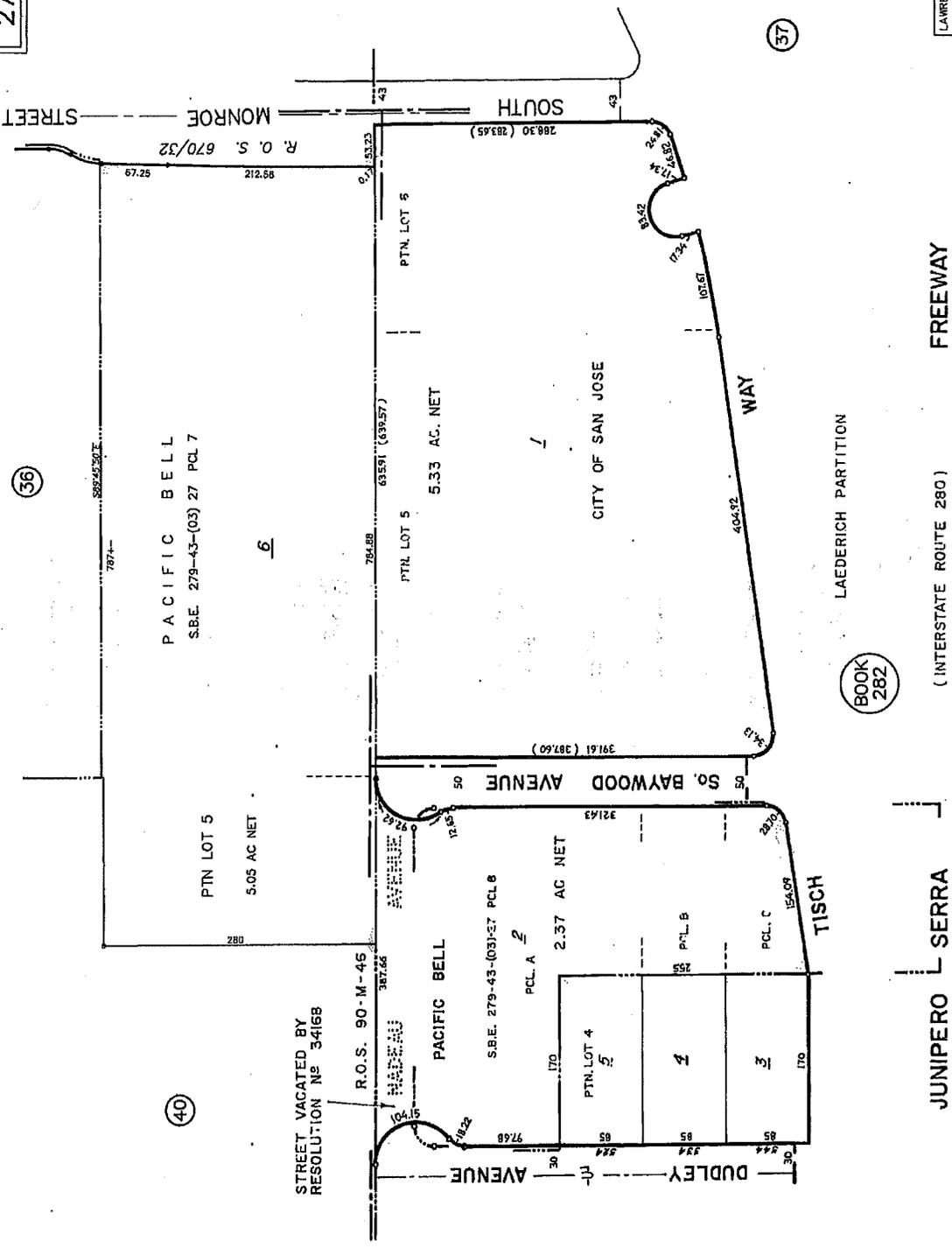
APN: 277-38-006 and 277-38-002

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 277 PAGE 38



LAWRENCE E. STONE — ASSESSOR  
Cadastral map for assessment purposes only.  
Compiled under R. & T. Code, Sec. 377.  
Effective Roll Year: 2004-2005



36

40

39

37

BOOK 282

FREEWAY

(INTERSTATE ROUTE 280)

JUNIPERO L SERRA

LAEDERICH PARTITION

STREET VACATED BY  
RESOLUTION No 34168

R.O.S. 90-M-45

PACIFIC BELL

S.B.E. 279-43-(03)-27 PCL 8

PCL A 2

2.37 AC NET

PTN. LOT 4

5

1

3

PCL B

PCL C

TISCH

SO. BAYWOOD AVENUE

WAY

SOUTH MONROE STREET

PACIFIC BELL  
S.B.E. 279-43-(03) 27 PCL 7

PTN LOT 5  
5.05 AC NET

PTN LOT 5  
5.33 AC NET

CITY OF SAN JOSE