



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
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San José, California 95113  
Telephone (408) 535-1260  
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City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Dennis Hawkins, 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. 28898**", the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> day of March, 2011**, 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 **29<sup>th</sup> day of March, 2011**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **29<sup>th</sup> day of April, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30<sup>th</sup> day of March, 2011**.

(SEAL)

DENNIS HAWKINS, CMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28898**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF SOUTH BASCOM AVENUE, APPROXIMATELY 450 FEET NORTHERLY OF FRUITDALE AVENUE, TO THE CN COMMERCIAL NEIGHBORHOOD 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**, pursuant to the provisions of the California Environmental Quality Act, including related state and local guidelines promulgated thereunder, the City of San Jose has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report for the San Jose 2020 General Plan, for which findings were adopted by City Council under Resolution No. 65459 on August 16, 1994; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CN Commercial Neighborhood zoning district; and

**WHEREAS**, this Council of the City of San José has considered and approves said use of the San Jose 2020 General Plan Final Environmental Impact Report and related Resolution No. 65459 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 CN Commercial Neighborhood.

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. C10-024 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 15<sup>th</sup> day of March, 2011 by the following vote:

AYES: CAMPOS, CHU, HERRERA, NGUYEN, OLIVERIO, PYLE,  
ROCHA; REED.

NOES: LICCARDO.

ABSENT: CONSTANT, KALRA.

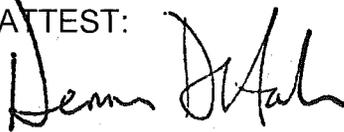
DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST:



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DENNIS HAWKINS, CMC  
City Clerk

C10-024

METES AND BOUNDS LEGAL DESCRIPTION:

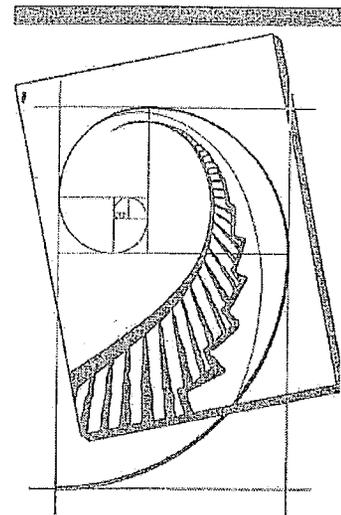
ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF THE NORTHWEST 1/4 OF SECTION 24, T.7S.--R.1W., M.D.B.&M. AND SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL OF PARCEL "A", AS SHOWN UPON THAT CERTAIN MAP ENTITLED "PARCEL MAP" RECORDED ON DECEMBER 27, 1984 IN BOOK 537 OF MAPS, AT PAGE 33, SANTA CLARA COUNTY RECORDS,, SANTA CLARA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", SAID NORTHEAST CORNER ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BASCOM AVENUE, AND ALSO BEING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED BY DEED TO FRANK TRAMPANI AND JOSEPHINE TRAMPANI, HIS WIFE, DATED DECEMBER 9, 1953 AND RECORDED IN BOOK 2773 AT PAGE 210, SANTA CLARA COUNTY RECORDS; THENCE NORTH 89°11'11" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF 143.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED BY DEED; THENCE SOUTH 00°36'49" EAST, ALONG THE EASTERLY LINE OF SAID PARCEL "A" A DISTANCE OF 46.75 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED BY DEED; THENCE NORTH 89°41'30" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL "A" A DISTANCE OF 163.62 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DEL MAR AVENUE AS SHOWN AND DELINEATED ON THE CERTAIN MAP ENTITLED "TRACT NO. 1408, MILTON RANCH", RECORDED MARCH 22, 1955 IN BOOK 55 OF MAPS AT PAGE 11, SANTA CLARA COUNTY RECORDS, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF PARCEL 3 OF THAT PARCEL OF LAND DESCRIBED BY DEED TO BASCOM INVESTMENT GROUP, A CALIFORNIA LIMITED PARTNERSHIP, DATED AUGUST 14, 1987 AND RECORDED AS INSTRUMENT NO. 9395735 IN BOOK K260 AT PAGE 588, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 154.38 FEET, A CENTRAL ANGLE OF 16°49'07" FOR AN ARC LENGTH OF 45.32 FEET TO A POINT OF TANGENCY; THENCE SOUTH 0°18'30" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 59.92 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID SOUTHWEST CORNER ALSO BEING THE NORTHWEST CORNER OF OF PARCEL THREE AS SHOWN AND DELINEATED ON THE CERTAIN PARCEL MAP, RECORDED SEPTEMBER 5, 1972 IN BOOK 308 OF MAPS AT PAGE 8, SANTA CLARA COUNTY RECORDS; THENCE SOUTH 89°41'30" WEST, ALONG THE NORTHERLY LINE OF SAID PARCEL THREE, A DISTANCE OF 169.65 FEET TO THE WESTERLY LINE OF SAID PARCEL OF LAND DESCRIBED BY DEED TO FRANK TRAMPANI AND JOSEPHINE TRAMPANI; THENCE NORTH 00°36'49" WEST, ALONG LAST SAID WESTERLY LINE A DISTANCE OF 35.75 FEET; THENCE SOUTH 89°11'11" WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL "A", A DISTANCE OF 143.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BASCOM AVENUE; THENCE NORTH 00°36'49" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 115.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.785 ACRES (34,205 SQ. FT.), MORE OR LESS.

APN: 282-42-038



**VMI architecture**  
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637 5th Avenue San Rafael, CA 94901  
415-451-2500 415-451-2595 fax  
www.vmarch.com

**VMI JOB NUMBER**  
**Y1022**

**CLIENT**  
**TACO BELL CORP**  
1 GLEN BELL WAY, MD# 534  
IRVINE, CA 92618  
STEVE PULCHEON  
949-863-3864

**PROJECT**  
**TACO BELL #5259**  
840 S. Bascom Avenue  
San Jose, CA 95128-2605  
APN #282-42-038



**TY07\_AUG09J**

**EXHIBIT**

**A**