

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 8.6 GROSS ACRES ON A PORTION GENERALLY BOUNDED BY BROOKTREE WAY, BRET HART DRIVE, QUEENSWOOD WAY, AND HAMPSWOOD WAY; A PORTION SOUTH OF HAMPSWOOD WAY, APPROXIMATELY 260 FEET EASTERLY OF HAMPSWOOD COURT; A PORTION NORTHERLY OF PORTSWOOD DRIVE, APPROXIMATELY 380 FEET EASTERLY OF BELDER DRIVE; A PORTION GENERALLY BOUNDED BY THE SOUTH OF PORTSWOOD DRIVE AND ALONG THE NORTH SIDE OF RAICH DRIVE INTO THE NORTH TERMINUS OF CAHEN DRIVE; A PORTION GENERALLY BOUNDED BY THE SOUTH OF RAICH DRIVE, WEST OF CAHEN DRIVE AND NORTH OF MCKEAN ROAD (790 PORTSWOOD DRIVE AND 0 BRET HART DRIVE) (APNS: 701-48-057;701-58-048) FROM THE A AGRICULTURE ZONING DISTRICT AND UNZONED PROPERTIES TO THE R-1-5 SINGLE FAMILY RESIDENCE 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**, an Initial Study/Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the R-1-5 Single-Family Residence Zoning District under File Numbers C20-007 (the "IS/ND"); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-1-5 Single Family Residence Zoning District; and

**WHEREAS**, this Council of the City of San Jose has considered, approved and adopted said IS/ND under separate Council resolution prior to taking any approval actions on this project; and

**WHEREAS**, the proposed rezoning is consistent with the designation of the site in the applicable General Plan.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned to the R-1-5 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 3.** The district map of the City is hereby amended accordingly.

**SECTION 4.** Any land development approval that is the subject of City File No. C20-007 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

## LEGAL DESCRIPTION

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

A PORTION OF THE LAND DESCRIBED IN THAT CERTAIN DEED FROM GEORGE CAHEN TO PACIFIC GAS AND ELECTRIC COMPANY DATED OCTOBER 22, 1962 AND RECORDED IN [BOOK 5762 OF OFFICIAL RECORDS, PAGE 174](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA\COUNTY, DESCRIBED AS FOLLOWS:

### PARCEL A

THAT PORTION OF PARCEL 3 AS SAID PARCEL IS DESCRIBED AND SO DESIGNATED IN SAID DEED, AND AS SAID PARCEL IS SHOWN AND DESIGNATED "PARCEL 1" ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY OF PORTIONS OF RANCHO LOS CAPITANCILLOS AND RANCHO SAN VICENTE (BERREYESA) FOR PACIFIC GAS AND ELECTRIC COMPANY" FILED FOR RECORD FEBRUARY 20, 1963 IN [BOOK 157 OF MAPS AT PAGE 25](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, LYING SOUTHERLY OF THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED AND SO DESIGNATED AS PARCEL ONE IN THAT CERTAIN GRANT DEED FROM PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION TO BROOKTREE ASSOCIATES, A JOINT VENTURE COMPOSED OF RICHARD A. GARDNER, MARIA E. GARDNER, PETER RABOLI, DIANE RABOLI, ROBERT N. SAXON AND ANNE-LEE SAXON DATED MARCH 26, 1981 AND RECORDED IN [BOOK G199 OF OFFICIAL RECORDS, PAGE 744](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY.

EXCEPTING THEREFROM THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED FROM PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION TO THE COUNTY OF SANTA CLARA, A PUBLIC BODY OF THE STATE OF CALIFORNIA DATED APRIL 16, 1982 FILED IN [BOOK G827 OF OFFICIAL RECORDS, PAGE 27](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, SAID PARCEL SHOWN AND DESIGNATED PARCEL B ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY\*" FILED FOR RECORD JANUARY 28, 1981 IN [BOOK 479 OF MAPS PAGE 6](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, COMMONLY KNOWN AS ALMADEN EXPRESSWAY.

APN: 701-58-048 (NOTE: PARCEL A DESCRIBED HEREIN AFFECTS A PORTION OF SAID APN)

APN: 701-48-057 (NOTE: PARCEL A DESCRIBED HEREIN AFFECTS A PORTION OF SAID APN)

### PARCEL B

ALL OF PARCEL 2 AS SAID PARCEL IS DESCRIBED AND SO DESIGNATED IN SAID DEED DATED OCTOBER 22, 1962, AND AS SAID PARCEL IS SHOWN AND DESIGNATED "PARCEL 2" ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY OF PORTIONS OF RANCHO LOS CAPITANCILLOS AND RANCHO SAN VICENTE (BERREYESA) FOR PACIFIC GAS AND ELECTRIC COMPANY" FILED FOR RECORD FEBRUARY 20, 1963 IN [BOOK 157 OF MAPS, PAGE 25](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY.

APN: 701-58-048 (NOTE: PARCEL B DESCRIBED HEREIN AFFECTS A PORTION OF SAID APN)

### PARCEL C

ALL OF PARCEL 1 AS SAID PARCEL IS DESCRIBED AND SO DESIGNATED IN SAID DEED DATED OCTOBER 22, 1962, AND AS SAID PARCEL IS SHOWN AND DESIGNATED "PARCEL 3" ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY OF PORTIONS OF RANCHO LOS CAPITANCILLOS AND RANCHO SAN VICENTE (BERREYESA) FOR PACIFIC GAS AND ELECTRIC COMPANY" FILED FOR RECORD FEBRUARY 20, 1963 IN [BOOK 157 OF MAPS, PAGE 25](#), IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY.

APN: 701-58-048 (NOTE: PARCEL C DESCRIBED HEREIN AFFECTS A PORTION OF SAID APN)

NOTE: THIS LEGAL DESCRIPTION IS BEING USED TO FACILITATE THE ISSUANCE OF A PRELIMINARY REPORT AND SHOULD NOT BE USED TO CONVEY OR ENCUMBER SAID LAND.