

DRAFT - ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTH SIDE OF STORY ROAD, APPROXIMATELY 80 FEET EASTERLY OF DOMINICK WAY (14671 STORY ROAD) 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, a statement of exemption was prepared for a rezoning project under File No. PDC05-068, and said exemption was approved by the Director of Planning on April 16, 2007, which approval has not been protested, challenged 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 the Statement of Exemption prepared for this proposed rezoning prior to taking any approval actions on this proposed project.

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

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 Zoning District.

The base district zoning of the subject property shall be A(PD) Planned Development Zoning District. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Wat Lao Buddhaxinaram Temple," **last revised September 27, 2008.**

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.

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

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. PDC07-009 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 , 2008 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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LEGAL DESCRIPTION

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

BEGINNING AT THE POINT OF THE NORTHWESTERLY LINE OF STORY ROAD, FORMERLY KNOWN AS FLEMING AVENUE 40 FEET IN WIDTH WITH THE SOUTHWESTERLY LINE OF THE PARCEL OF LAND CONVEYED BY SELMER R. THOMPSON TO G. G. PETERSEN AND V. L. PETERSEN, HIS WIFE, AS JOINT TENANTS, BY DEED DATED AUGUST 29, 1947 AND RECORDED SEPTEMBER 12, 1947 IN BOOK 1503 OF OFFICIAL RECORDS, PAGE 505, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA THENCE FROM SAID POINT OF BEGINNING SOUTH 58° 19' WEST ALONG SAID LINE OF STORY ROAD, FORMERLY KNOWN AS FLEMING AVENUE 74.61 FEET; THENCE SOUTH 43° 34' WEST ALONG SAID LINE OF STORY ROAD, FORMERLY KNOWN AS FLEMING AVENUE 48.39 FEET TO THE MOST EASTERLY CORNER OF LANDS NOW OR FORMERLY OF ANTHONY F. DAVIS; THENCE LEAVING SAID NORTHERLY LINE OF STORY ROAD, FORMERLY KNOWN AS FLEMING AVENUE, NORTH 36° 40' WEST ALONG THE NORTHEASTERLY LINE OF THE SAID LANDS NOW OR FORMERLY OF DAVIS, 361.22 FEET TO A SOUTHWESTERLY CORNER OF THE HEREINABOVE REFERRED TO PETERSEN PARCEL; THENCE NORTH 53° 20' EAST ALONG A SOUTHEASTERLY LINE THEREOF, 122.00 FEET TO A CORNER THEREOF; THENCE SOUTH 36° 40' EAST ALONG A SOUTHWESTERLY LINE THEREOF 359.50 FEET TO THE POINT OF BEGINNING.

BEING THE PARCEL OF LAND SHOWN UPON THE MAP OF THE RECORD OF SURVEY ON FILE IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 16, OF MAPS, AT PAGE 15.

EXCEPTING THEREFROM THAT PORTION OF SAID PREMISES GRANTED TO THE COUNTY OF SANTA CLARA BY DEED RECORDED MAY 7, 1980, BOOK F313, PAGE 364, OFFICIAL RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SAID POINT BEING A 3/4" IRON PIPE ON THE MOST SOUTHWESTERLY CORNER OF THAT CERTAIN 1.00 ACRE PARCEL AS SHOWN UPON THE RECORD OF SURVEY FILED ON DECEMBER 8, 1947 AND RECORDED IN BOOK 16 OF MAPS PAGE 15, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 43° 34' EAST 48.39 FEET TO A 3/4" IRON PIPE; THENCE SOUTH 49° 34' 04" WEST 47.79 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID 1.00 ACRE PARCEL; THENCE SOUTH 36° 40' EAST 5.07 FEET TO THE POINT OF BEGINNING.

APN: 601-31-046