



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. 28815", the original copy of which is attached hereto, was passed for publication of title on the **21st day of September, 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 **5th day of October, 2010**, by the following vote:

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

NOES:

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **5th day of November, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **7th day of October, 2010**.

(SEAL)

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

/rmk

ORDINANCE NO. 28815

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE EAST SIDE OF SENTER ROAD, APPROXIMATELY 610 FEET SOUTHERLY OF TULLY ROAD (2500 SENTER 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 Mitigated Negative Declaration (MND) was prepared for a rezoning project under File No. PDC09-033, and said MND has been circulated and approved as of September 21, 2010 and is hereby adopted; 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, approves and adopts 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.

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. PDC09-033 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 21st day of September, 2010 by the following vote:

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

NOES: OLIVERIO.

ABSENT: CAMPOS.

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:

BEGINNING AT A 2" X 3" STAKE MARKED "R.C.2.A", STANDING IN THE NORTHEASTERLY LINE OF SENTER ROAD, AND DISTANT THEREON NORTH 37° 59' 00" WEST 192.35 FEET FROM THE COMMON CORNER FOR LOTS 3 AND 4, AS SHOWN UPON THE MAP OF THE SUBDIVISION OF THE MARY A. LEAHY TRACT, WHICH MAP IS RECORDED IN BOOK "1" OF MAPS, AT PAGE 121, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SENTER ROAD, NORTH 37° 59' 00" WEST, 382.76 FEET; THENCE NORTH 50° 02' 00" EAST AND PARALLEL WITH THE SOUTHERLY LINE OF TULLY ROAD, 454.43 FEET TO A POINT ON THE COMMON LINE BETWEEN LOTS 2 AND 3 OF SAID SUBDIVISION; THENCE ALONG SAID COMMON LINE BETWEEN LOTS 2 AND 3 OF SAID SUBDIVISION, SOUTH 38° 18' 00" EAST 382.69 FEET; THENCE SOUTH 50° 02' 00" WEST 456.55 FEET TO THE POINT OF BEGINNING, AND BEING A PART OF LOT 3 OF THE SUBDIVISION OF THE MARY A. LEAHY TRACT HEREINABOVE REFERRED TO.

ALSO DESCRIBED AS PARCEL 2 OF PARCEL MAP RECORDED JULY 12, 1976 IN BOOK 374 OF MAPS, PAGE 39 OF OFFICIAL RECORDS OF SANTA CLARA COUNTY.

APN: 497-41-098