

ORDINANCE NO. 28846

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHERLY CORNER OF CLAYTON ROAD AND HICKERSON DRIVE (10160 CLAYTON ROAD) FROM THE R-1-5 RESIDENTIAL ZONING DISTRICT 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 a Mitigated Negative Declaration (MND) under File No. PDC09-027 prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on October 27, 2010, under File No. PDC09-027, which determination has not been challenged, protested or appealed; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said MND, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to A(PD) Planned Development Zoning District; 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 does hereby certify that, as the decision-making body, it has considered, approved the information contained in, and adopted such MND prior to acting upon or approving such rezoning 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 PD zoning of the subject property shall be that development plan for the subject property entitled, " Chinmaya Mission, 10160 Clayton Road, San Jose, CA," last revised on March 25, 2010 ("General Development Plan").

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.

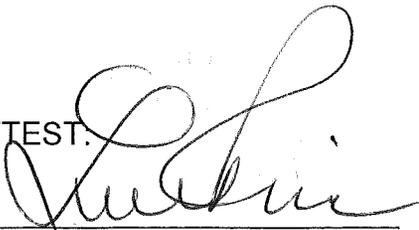
SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC09-027 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 2nd day of November, 2010 by the following vote:

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| AYES: | CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED. |
| NOES: | NONE. |
| ABSENT: | NONE. |
| DISQUALIFIED: | NONE. |

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

LEGAL DESCRIPTION

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

BEGINNING AT A ¾ INCH PIPE SET ON THE NORTHEASTERLY LINE OF STORY ROAD, WHICH BEARS SOUTH 41° 15' EAST 198.63 FEET FROM A ¾ INCH PIPE ON SAID LINE OF STORY ROAD AT THE MOST WESTERLY CORNER OF THAT CERTAIN TREAT OF LAND CONVEYED BY THE HIND BUILDING COMPANY A. EARNEST JOHNSON, AS RECORDED JUNE 16, 1926 IN BOOK 246 OF OFFICIAL RECORDS, PAGE 377, SAID POINT OF BEGINNING, ALSO BEING WESTERLY CORNER OF THAT CERTAIN 11.61 ACRE TRACT OF LAND CONVEYED BY A. ERNEST JOHNSON, ET UX, TO THOMAS NEWTON FOSTER, ET UX, BY DEED DATED MAY 15, 1945 AND RECORDED MAY 19, 1945 IN BOOK 1257 OF OFFICIAL RECORDS, PAGE 381; THENCE ALONG A NORTHWESTERLY LINE OF SAID 11.60 ACRE TRACT, NORTH 43° 55' EAST 435.28 FEET TO A ¾ INCH PIPE SET AT AN ANGLE POINT THEREIN; THENCE SOUTH 41° 35' EAST 207 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE, SOUTH 44° 34' WEST 436 FEET MORE OR LESS, TO A 2" X 3" POST SET MOST SOUTHERLY CORNER OF SAID 11.61 ACRE TRACT ON THE NORTHEASTERLY LINE OF STORY ROAD; THENCE ALONG SAID LINE OF STORY ROAD, NORTH 41° 16' W. 201.37 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF THE AFOREMENTIONED 11.61 ACRE TRACT IN PUEBLO TRACT NO. 1, SAN JOSE CITY LANDS.

APN: 612-53-046