

**ORDINANCE NO. 27934**  
**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING  
CERTAIN REAL PROPERTY SITUATED ON THE  
SOUTHEAST CORNER OF STEVENS CREEK AND SOUTH  
WINCHESTER BOULEVARDS (3055 OLIN AVENUE) 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, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report ("EIR") prepared in conformance with the California Environmental Quality Act of 1970 ("CEQA"), as amended, and found complete by the City Council on June 16, 1998; and

WHEREAS, the Director of Planning prepared and approved on November 21, 2006 an Addendum to the EIR ("Addendum") under CEQA, having found that no substantive revisions to the EIR were required because no new significant impacts or impacts of substantially greater severity would result from the proposed rezoning project; 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 EIR and Addendum, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to A(PD) Planned Development; and

WHEREAS, this Council has on June 16, 1998, adopted Resolution No 68210, and

WHEREAS, the City Council of the City of San José is the decision-making body for the subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such EIR, Resolution No. 68210 and Addendum prior to acting upon or approving such project; and

WHEREAS, the proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

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 base district zoning of the subject property shall be A-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Federal Realty Investment Trust, Santana Row," **last revised December 5, 2006.**

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. PDC05-030 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 5<sup>th</sup> day of December, 2006, by the following vote:

- AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS, YEAGER; GONZALES
- NOES: NONE
- ABSENT: NONE
- DISQUALIFIED: NONE

ATTEST:

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RON GONZALES  
Mayor

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LEE PRICE, MMC  
City Clerk

