



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: LEE PRICE
CITY CLERK

**SUBJECT: ORDINANCE NO. 28421
REZONING PROPERTY
ON PIEDMONT ROAD**

DATE: October 30, 2008

RECOMMENDATION

Re-adopt Ordinance 28421 – Rezoning certain real property situated on the west side of Piedmont Road approximately 220 feet north of Suncrest Avenue to A(PD) Planned Development Zoning District. (PDC07-021)

BACKGROUND

This ordinance was passed for publication on October 7, 2008 and put on the Council agenda for final adoption on October 21, 2008. Pursuant to City Charter Section 604, the title of an ordinance shall be published in the newspaper no later than the *third day immediately preceding* the date of the final adoption. Due to a technical issue with the required legal publication, the title for this ordinance will publish on October 31, 2008. Staff is, therefore, recommending that the Council re-adopt the ordinance to comply with the Charter. The effective date of the ordinance will be December 4, 2008.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office, General Services Department and the Planning, Building and Code Enforcement Department.

LEE PRICE, MMC
City Clerk

Attachment: Ordinance No. 28421 (to publish in the Post Record on October 31, 2008)



ORDINANCE NO. 28421**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE WEST SIDE OF PIEDMONT ROAD APPROXIMATELY 220 FEET NORTH OF SUNCREST AVENUE (1199 PIEDMONT 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. PDC07-021, and said Exemption was approved by the Director of Planning, 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; and

WHEREAS, this Council has considered the Statement of Exemption prepared for this proposed rezoning prior to taking any action 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. 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, "3 Single-Family Detached Residential Development," **last revised October 5, 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.

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. PDC07-021 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 7th day of October, 2008 by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, REED.

NOES:

ABSENT: CAMPOS, WILLIAMS.

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk