



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: LEE PRICE
CITY CLERK

**SUBJECT: ORDINANCE NO. 28423
REZONING PROPERTY
SITUATED AT THE EAST
SIDE OF ENTRADA CEDROS**

DATE: October 30, 2008

RECOMMENDATION

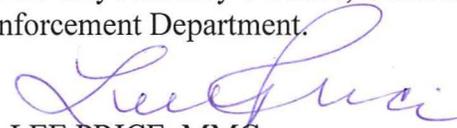
Re-adopt Ordinance 28423 – Rezoning certain real property situated at the east side of Entrada Cedros, approximately 200 feet south of Giuffrida Avenue to A(PD) Planned Development Zoning District. (PDC07-012)

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. 28423 (to publish in the Post Record on October 31, 2008)



RD:RG

File No. PDC07-012

ORDINANCE NO. 28423

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE EAST SIDE OF ENTRADA CEDROS, APPROXIMATELY 200 FEET SOUTH OF GIUFFRIDA AVENUE (5550 ENTRADA CEDROS), 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. PDC07-012, said MND was adopted on August 29, 2008 and considered by the Planning Commission at a public hearing, and said MND 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, the City Council has reviewed and considered the MND prior to taking any action on the proposed 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 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, "Entrada Cedros Townhouses," **last revised May 30, 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.

