

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF COLEMAN AVENUE AND NEWHALL DRIVE, 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 entitled, "Airport West Stadium and Great Oaks Place Project" (the "EIR") prepared in conformance with the California Environmental Quality Act of 1970, together with related state and local guidelines, all as amended ("CEQA"); and

**WHEREAS**, the EIR was certified by the Planning Commission on February 10, 2010, which certification action of the Commission was not challenged or appealed to the City Council pursuant to the provisions of Title 21 of the San José Municipal Code; and

**WHEREAS**, the Planning Commission has, on February 10, 2010, adopted its Resolution No. 10-002; and

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

**WHEREAS**, this Council of the City of San José, acting as lead agency under the provisions of CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to A(PD) Planned Development Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 10-002 prior to acting upon or approving such project; and

**WHEREAS**, concurrent with any approval action of the proposed rezoning, this Council intends to adopt a resolution under the provisions of CEQA setting forth certain findings as described in Sections 15091 and 15093 of the state Guidelines for implementation of CEQA in connection with the proposed rezoning.

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or [cityclerk@sanjoseca.gov](mailto:cityclerk@sanjoseca.gov) for final document.

**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, "Airport West Master Plan Stadium Project," **last revised February 10, 2010.**

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. PDC09-004 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

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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            day of            , 2010 by  
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk