

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY GENERALLY BOUNDED BY CENTRAL PARK DRIVE TO THE NORTH, STATE HIGHWAY 17 TO THE WEST, CAMDEN AVENUE TO THE SOUTH, AND UNION AVENUE ON THE EAST FROM COUNTY OF SANTA CLARA TO R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT AND PREZONING CERTAIN REAL PROPERTY ON THE NORTHERLY SIDE OF CAMDEN AVENUE, BETWEEN CURTNER AVENUE AND OLYMPIA AVENUE, AND ON THE NORTHWESTERLY CORNER OF UNION AVENUE AND SOUTH BASCOM AVENUE FROM COUNTY OF SANTA CLARA TO CN – COMMERCIAL NEIGHBORHOOD ZONING DISTRICT

WHEREAS, all prezoning 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 all of the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; 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, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to R-1-5 Single Family Residence Zoning District and prezoning certain real property hereinafter described to CN-Commercial Neighborhood Zoning District; and

WHEREAS, the City Council of the City of San José has, on August 16, 1994, adopted Resolution No. 65459 in connection with the EIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the subject prezonings from unincorporated County to R-1-5 Single Family Residence Zoning District and from unincorporated County to CN-Commercial Neighborhood 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. 65459 prior to acting upon or approving such prezoning project.

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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 "residential subject property," is hereby rezoned as R-1-5 Single Family Residence.

The residential subject property referred to in this section is all that certain real property situated in the County of Santa Clara, State of California, described in Exhibit "A," entitled "Residential Real Properties," attached hereto and incorporated herein by this reference.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "commercial subject property," is hereby rezoned as CN – Commercial Neighborhood.

The commercial subject property referred to in this section is all that certain real property situated in the County of Santa Clara, State of California, described in Exhibit "B," entitled "Commercial Real Properties," attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. The land development approval that is the subject of City File No. C10-010 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

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