

ORDINANCE NO. 27661

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY, BOUNDED BY THE STEAMBOAT SLOUGH AND ELIZABETH STREET TO THE NORTH, THE GUADALUPE RIVER CORRIDOR TO THE SOUTH, LIBERTY AND NORTH FIRST STREET TO THE EAST, AND EL DORADO STREET/ SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY TO THE WEST, TO CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT WITH REGARD TO CERTAIN PORTIONS OF SAID AREA AND TO OS OPEN SPACE ZONING DISTRICT WITH REGARD TO CERTAIN OTHER PORTIONS OF SAID AREA, ALL AS MORE PARTICULARLY DESCRIBED HEREINBELOW

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 rezonings was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and has been certified on December 7, 1998 by the City Council of the City of San José through its Resolution No. 68577; 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 rezoning certain real properties hereinafter described to CP(PD) Planned Development Zoning District and rezoning certain real properties hereinafter described to OS Open Space Zoning District; and

WHEREAS, this Council has, on December 7, 1998, adopted Resolution No. 68577; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to CP(PD) Planned Development Zoning District and the proposed subject rezoning to OS Open Space 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 and Resolution No. 68577 prior to acting upon or approving such proposed rezoning projects; and

WHEREAS, the proposed project(s) 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 JOSÉ:

SECTION 1. All that certain real property hereinafter described in this section, hereinafter referred to as "commercial subject property," is hereby rezoned as CP(PD) Planned Development, and all that certain real property hereinafter described in this section, hereinafter referred to as "open space subject property," is hereby rezoned as OS Open Space.

The base district zoning of the commercial subject property shall be CP Pedestrian Commercial. The PD zoning of the commercial subject property shall be that development plan for the commercial subject property entitled, "Alviso Planned Development Zoning PDC05-039," dated February 7, 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 commercial subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference. The open space 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" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

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SECTION 3. The land development approval that is the subject of City File No. PDC05-039 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 February 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

PS:207-02