

ORDINANCE NO. 27777

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING
CERTAIN REAL PROPERTY SITUATED NORTHWESTERLY
OF THE INTERSECTION OF HIGHWAY 237 AND THE UNION
PACIFIC RAIL LINE 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 (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on February 8, 2000; 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 property hereinafter described to A(PD) Planned Development Zoning District; and

WHEREAS, this Council has, on February 15, 2000, adopted Resolution No. 69392 in connection with said EIR; and

WHEREAS, a Statement of Addendum to said EIR was prepared for a rezoning project under File No. PDC03-024 and issued on May 17, 2006 because revisions were proposed for the project that did not raise any new significant environmental impacts nor increase the severity of any previously identified environmental impacts; and

WHEREAS, the Council is the decision-making body for subject rezoning to A (PD) Planned Development 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, Resolution No. 69392, and Statement of Addendum thereto prior to acting upon or approving this proposed rezoning project; and

WHEREAS, the proposed project 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 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, "Legacy Terrace Development," dated July 16, 2001, **last revised March 20, 2003.**

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 which is the subject of City File No. **PDC03-024** 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

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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 13th day of June 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