

ORDINANCE NO. 27778

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING
CERTAIN REAL PROPERTY SITUATED AT THE
NORTHEAST CORNER OF SOUTHWEST EXPRESSWAY AND
FRUITDALE AVENUE (1451 FRUITDALE AVENUE) 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 Negative Declaration (ND) was prepared for a rezoning project under File PDC099-026, and said ND is adopted on January 26, 2000; and

WHEREAS, a Statement of Addendum to said ND was prepared for a rezoning project under File No. PDC03-024 and issued on June 13, 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 City Council of the City of San José is the decision-making body for this proposed rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said ND and Statement of Addendum prior to taking any approval actions on this 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, "91 Condominiums at 1451 Fruitdale Avenue," dated May, 9, 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 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. PDC06-049 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 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