

ORDINANCE NO. 27953

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHERLY SIDE OF SHENADO PLACE, APPROXIMATELY 500 FEET EASTERLY OF GERINE BLOSSOM DRIVE FROM THE R-1-1 SINGLE-FAMILY RESIDENCE DISTRICT TO THE 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 Mitigated Negative Declaration ("MND") was prepared for a rezoning project under File No. PDC 06-026, and said MND was adopted as of December 5, 2006; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning from the R-1-1 Single-Family Residence District to the A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said MND 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, "Land Use Plan Shenado Lane LLC," last revised on **January 8, 2007**.

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. PDC 06-026 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 12th day of December, 2006 by the following vote:

AYES:	CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS; GONZALES
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT	DISTRICT 6

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

cc: Greg Mussallem, P.O. Box 8305, San Jose, CA 95155
Rick and Holly Hartman, Hometec Architecture, 619 North First Street, San Jose, CA 95112
Mission Engineers, 355 Reed Street, Santa Clara, CA 95050
Richard Mindigo, Richard Mindigo and Associates, 1984 The Alameda, San Jose, CA 95126

Erik Schoennauer, The Schoennauer Company, 2066 Clarmar Way, San Jose, CA 95128
Linda Pagaling, 23 Shenado Place, San Jose, CA 95136
Paul and Judy Amos, 5378 Pecan Blossom Drive, San Jose, CA 95123
Mike and Judy Barnett, 5366 Pecan Blossom Drive, San Jose, CA 95123