

ORDINANCE NO. 28049

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY GENERALLY BOUNDED BY LINCOLN AVENUE AND NORTHRUP STREET TO THE EAST, BY INDUSTRIAL BUILDINGS ON THE SOUTH SIDE OF AUZERAIS AVENUE TO THE NORTH, BY RACE STREET TO THE WEST, AND BY THE VTA LIGHT RAIL TRACKS TO THE SOUTH 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, that certain Environmental Impact Report entitled "Race Street General Plan Amendments and Planned Development Rezoning (GP05-06-01, GP05-06-02, PDC06-024, and PDC06-025)", with State Clearinghouse Number 2005062160 (the "EIR"), was prepared in conformance with the California Environmental Quality Act of 1970, as amended ("CEQA"), and the Final EIR was certified by the Planning Commission at their March 28, 2007 public hearing, which certification action was not challenged or appealed; and

WHEREAS, on May 15, 2007 the City Council of the City of San José adopted Resolution No. 73766 in connection with the use of the Final EIR as the environmental analysis related to this proposed rezoning action; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning from IP - Industrial Park Zoning District to A(PD) Planned Development Zoning District; and

WHEREAS, the City Council has reviewed and considered the Final EIR and adopted Resolution No. 73766, prior to taking any approval actions on the proposed project.

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, "General Development Plan, Exhibit C - Planned Development Zoning, PDC06-025 (North)," **last revised March 12, 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. PDC06-025 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 15th day of May, 2007 by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

