

ORDINANCE NO. 28226

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY GENERALLY BOUNDED BY EAST VIRGINIA STREET TO THE NORTH, SOUTH 6TH STREET TO THE EAST, MARTHA STREET TO THE SOUTH, AND SOUTH 5TH STREET TO THE WEST 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 Mitigated Negative Declaration (MND) was prepared for a rezoning project under File No. PDC03-022, and said MND has been adopted as of September 24, 2003; and

WHEREAS, the Director of Planning Building and Code Enforcement prepared an Addendum to said MND on November 19, 2007 in connection with the proposed rezoning after reviewing the proposal and determining that the proposed rezoning raised no new significant environmental impacts nor created any significant increase in previously identified impacts and required only minor, technical changes to the analyses performed under the MND, and the Director's determination has not been protested nor appealed; and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the proposed subject rezoning to A(PD) Planned Development; and

WHEREAS, this Council of the City of San José has considered and approves said MND and Addendum thereto prior to taking any approval actions on this 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, "Planned Development Rezoning, Virginia Terrace," **last revised November 14, 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. PDC07-035 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 18th day of December, 2007 by the following vote:

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

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk