

ORDINANCE NO. 28336

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHERLY TERMINUS OF INDUSTRIAL AVENUE (1605 INDUSTRIAL AVENUE) TO HI(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. PDC08-002, and said MND is adopted as of June 17, 2008, which adoption has not been protested nor appealed; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to HI(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;

WHEREAS, this proposed rezoning was applied for to facilitate the relocation of a billboard structure located at 1000 South Bascom Avenue pursuant to the provisions of Part 5 of Chapter 23.04 of Title 23 (the Sign Code) of the San José Municipal Code (the "Billboard Relocation Regulations"); and

WHEREAS, the Director of Planning has confirmed that the billboard relocation proposal that is the subject of this proposed rezoning to HI(PD) Planning Development Zoning District conforms to the provisions of the Billboard Relocation Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as HI(PD) Planned Development.

The base district zoning of the subject property shall be HI Heavy Industrial. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Bulletin Replacement," **last revised February 12, 2004.**

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. PDC08-002 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 17th day of June, 2008 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS,
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk