



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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San José, California 95113
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28532**", the original copy of which is attached hereto, was passed for publication of title on the **21st day of April, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **5th day of May, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **June 5, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the corporate seal of the City of San Jose, this **7th day of May, 2009**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28532

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST CORNER OF STOCKTON AVENUE AND WEST JULIAN STREET (715 WEST JULIAN STREET) TO CP COMMERCIAL PEDESTRIAN 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. GP00-06-08, and said MND is adopted as of July 26, 2001, which adoption has not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CP Commercial Pedestrian 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.

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 CP Commercial Pedestrian.

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. C09-005 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 21st day of April, 2009 by the following vote:

AYES: CAMPOS, CONSTANT, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

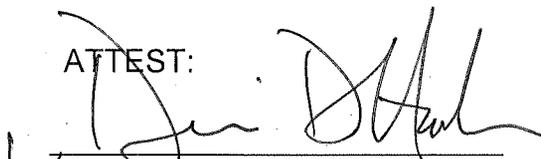
ABSENT: CHIRCO, CHU.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

Beginning at the point of intersection of the northerly line of Julian Street with the southwesterly line of Stockton Avenue; thence westerly along the northerly line of Julian Street 111 feet; thence at right angles northerly and parallel with the dividing line between lots 1 and 2 of the Rhodes Tract, as hereinafter referred to, 82.75 feet; thence at right angles easterly and parallel with the northerly line of Julian Street, 46.77 feet to the southwesterly line of Stockton Avenue; thence southeasterly and along said line of Stockton Avenue to the point of intersection, and being a part of Lot 1 of the Rhodes Tract according to a map entitled, "Map of the Subdivision of the Rhodes Tract", which said map is of record in the Office of The County Recorder of the County of Santa Clara, State of California in Book "B" of Maps, Page 87, Santa Clara County Records.

A.P.N.: 261-01-030