



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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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. 28578**", the original copy of which is attached hereto, was passed for publication of title on the **19th day of May, 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 **2nd day of June, 2009**, by the following vote:

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

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **July 3, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **4th day of June, 2009**.

(SEAL)

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

/rmk

ORDINANCE NO. 28578

AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN REAL PROPERTY SITUATED AT THE WEST SIDE OF LINCOLN AVE EXTENDING FROM WEST SAN CARLOS ST. TO PACIFIC AVENUE ON THE NORTH, EXCLUDING THE NORTHWEST CORNER OF WEST SAN CARLOS ST. AND LINCOLN AVE, TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all Prezoning 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 prezoning project under File No. PDC07-017, and said MND has been adopted as of March 26, 2008, 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 prezoning to 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 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 prezoned 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, "Lincoln Avenue Condominiums," **last revised May 19, 2009.**

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. PDC07-017 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 19th day of May, 2009 by the following vote:

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

NOES: NONE.

ABSENT: CAMPOS, CHIRCO, HERRERA.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lots Number Four (4) and Five (5) of the Gilt Edge Tract according to a Map of the same of record in the Office of the County Recorder of Santa Clara County, State of California, in Book D of Maps pages 157 and 173.

APN: 261-41-082

All of Lot 6, as shown upon that certain Map entitled, "Map of the Gilt Edge Tract", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on February 10, 1890 in Book D of Maps, at Page 173.

APN: 261-41-081

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All of Lot 23, as shown upon that certain Map entitled, "Map of the Gilt Edge Tract", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on December 18, 1889 in Book D of Maps, at Page 157.