



# CITY OF SAN JOSÉ, CALIFORNIA

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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. 28707**", the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> day of September, 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 **29<sup>th</sup> day of September, 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 **October 30, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30<sup>th</sup> day of September, 2009**.

(SEAL)

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

/rmk

**ORDINANCE NO. 28707**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHEAST CORNER OF EAST SAINT JOHN STREET AND NORTH FOURTH STREET (156 EAST SAINT JOHN STREET) FROM CG COMMERCIAL GENERAL TO DC DOWNTOWN COMMERCIAL 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**, the area encompassed by the proposed subject rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on June 21, 2005; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to the DC Downtown Commercial Zoning District; and

**WHEREAS**, the City Council has, on June 21, 2005, adopted Resolution No. 72767; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning from the CG Commercial General Zoning District to the DC Downtown Commercial Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered, approves and adopts the information contained in such EIR and Resolution No. 72767 prior to acting upon or approving such 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 DC Downtown Commercial Zoning District.

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. C09-009 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 15<sup>th</sup> day of September, 2009 by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

28707

ORDER NO. : 0616003301-SR

**EXHIBIT A**

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Lot 2, Block 2, Range 5 North, as delineated upon that certain Map entitled "City of San Jose, copied from the original map drawn by Serman Day, Civil Engineer", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on In Book A of Maps, at Pages 72 and 73.

APN: 467-20-018

CO9-009