



# 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. 28746**", the original copy of which is attached hereto, was passed for publication of title on the **18<sup>th</sup> day of May, 2010**, 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 **8<sup>th</sup> day of June, 2010**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **9<sup>th</sup> day of July, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **9<sup>th</sup> day of June, 2010**.

(SEAL)

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

/rmk

**ORDINANCE NO. 28746**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTHEAST CORNER OF AIRPORT PARKWAY AND OLD BAYSHORE HIGHWAY (APN: 230-29-065) TO IP(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**, an Addendum to the Final Environmental Impact Report for the North San José Area Development Policies Update (the "EIR"), which EIR was certified by the City Council on June 21, 2005 in conformance with the California Environmental Quality Act of 1970 (CEQA), was prepared for the rezoning project under File No. PDC10-003, said Addendum was prepared and approved by the Planning Director on April 27, 2010, and reviewed and considered by the Planning Commission on May 5, 2010, none of which actions were challenged, appealed or protested; and

**WHEREAS**, the City Council is the decision-making body for the subject rezoning from the A(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District; and

**WHEREAS**, the City Council has reviewed and considered the EIR, together with the Addenda thereto, prior to taking any approval action on the proposed rezoning 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 IP(PD) Planned Development.

The base district zoning of the subject property shall be IP-Industrial Park. The PD zoning of the subject property shall be that general development plan for the subject property entitled, "Relocated Cardroom and New Hotel," **last revised May 18, 2010.**

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. PDC10-003 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 May, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST:



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LEE PRICE, MMC  
City Clerk

**LEGAL DESCRIPTION**

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL 4, AS SHOWN ON THAT CERTAIN MAP, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 29, 1977 IN BOOK 410 OF MAPS, AT PAGE 17.

APN: 230-29-065-00