

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 10.6 GROSS ACRES SITUATED ON THE WEST SIDE OF PIERCY ROAD, APPROXIMATELY 2,070 FEET NORTHERLY OF TENNANT AVENUE (500 PIERCY ROAD) (APN: 678-08-061) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

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

**WHEREAS**, the subject rezoning has proceeded in accordance with Chapter 20.120 of the San José Municipal Code; and

**WHEREAS**, adoption of this ordinance is exempt under the California Environmental Quality Act, and a Statement of Exemption and Notice of Exemption were prepared for the subject rezoning under File No. PDC21-017; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption for this proposed project prior to acting upon or approving the subject rezoning; and

**WHEREAS**, the proposed rezoning is consistent with the designation of the site in the applicable General Plan;

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

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned IP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the IP Industrial Park Zoning District. The Planned Development rezoning of the subject property shall be that rezoning plan set for the subject property entitled, "Golden Brands Fleet Shop," dated September 1, 2021 ("General Development Plan").

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" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

**SECTION 3.** The district map of the City is hereby amended accordingly.

**SECTION 4.** Any land development approval that is the subject of City File No. PDC21-017 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.

**SECTION 5.** Adoption of this ordinance is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15303(c) and (d), New Construction or Conversion of Small Structures, because it is reasonably foreseeable that the subject rezoning will proceed in concert with construction of an

accessory, prefabricated garage structure for fleet maintenance appurtenant to an existing approximately 151,000-square foot industrial building.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk