

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 0.14-GROSS ACRE SITE SITUATED APPROXIMATELY 50 FEET FROM THE SOUTHEAST CORNER OF THE ALAMEDA AND SUNOL STREET (840 THE ALAMEDA; APN: 261-33-021 AND 10 SUNOL STREET; APN: 261-33-019), FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE 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**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CP Commercial Pedestrian Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the

SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning;

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

**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 as CP Commercial Pedestrian 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" 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.** The land development approval that is the subject of City File No. C18-007 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 \_\_\_\_ day of \_\_\_\_\_, 2018 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

Charles W. Davidson Co.  
Job No. 1971  
March 28, 2018

LEGAL DESCRIPTION  
PARCEL ONE  
Lands of Mundy

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a point in the easterly line of Sunol Street, distant thereon southerly 66.67 feet from the intersection of said line of Sunol Street with the southerly line of The Alameda; thence from said POINT OF BEGINNING along said line of Sunol Street south 40.00 feet; thence easterly and parallel with The Alameda 74.00 feet; thence northerly and parallel with Sunol Street 40.00; thence westerly and parallel with said line of The Alameda 74.00 feet to the POINT OF BEGINNING.

Containing 2,921 square feet, more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Charles W. Davidson Co.



Charles W. Davidson  
License Expires 3/31/19



3-29-18

Charles W. Davidson Co.  
Job No. 1971  
March 28, 2018

LEGAL DESCRIPTION  
PARCEL TWO  
Lands of Mundy

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a point in the southerly line of The Alameda, distant thereon Easterly 30.18 feet from the point of intersection of said southerly line of The Alameda with the easterly line of Sunol Street; said point being the northeasterly corner of that certain parcel of land described in the Deed from Mary Martino to Albert Schurra, et ux, dated August 17, 1938 and recorded August 18, 1938 in Book 886 of Official Records at page 349, Santa Clara County Records; thence running from said point of beginning easterly along the said southerly line of The Alameda 43.82 feet; thence southerly at right angles thereto and parallel with said easterly line of Sunol Street 66.67 feet; thence westerly at right angles to the last named course and parallel with the southerly line of The Alameda 43.82 feet to the southeasterly corner of said parcel of land described in the Deed to Schurra, et ux; thence northerly along the easterly line of said land described in the Deed to Schurra, et ux, 66.67 feet to the POINT OF BEGINNING.

Containing 2,960 square feet, more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Charles W. Davidson Co.

Charles W. Davidson  
License Expires 3/31/19



3-29-18



THE ALAMEDA

POB-PARCEL TWO

PARCEL TWO  
2921+- SF

WEST

POB-PARCEL ONE

PARCEL ONE  
2960+- SF

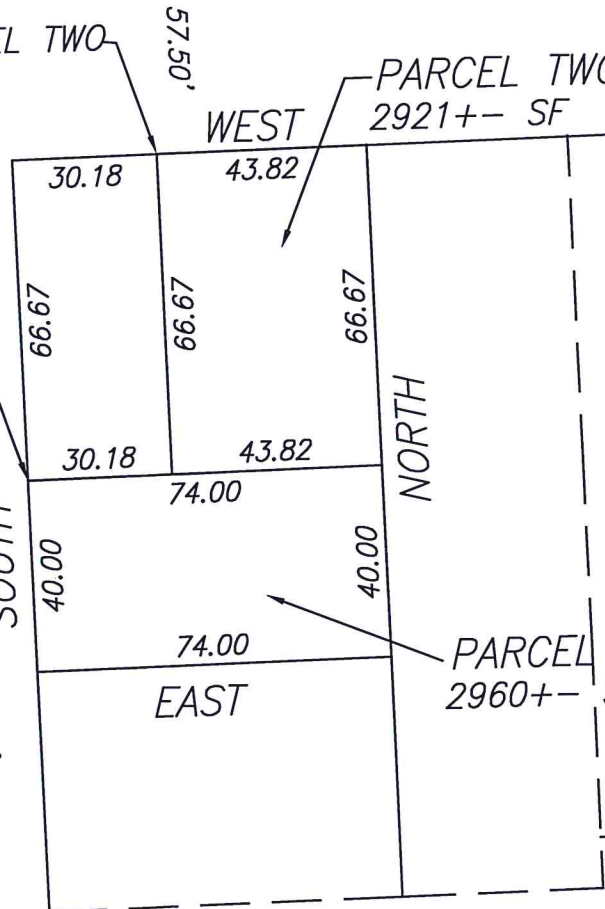
EAST

SUNOL STREET

SOUTH

NORTH

25'



8-29-18



PLOTTED: SUE DILLON 3/29/2018 11:01 AM  
F:\1971\DRAWINGS\THE ALAMEDA & SUNOL AVE

REZONE PLAT  
LANDS OF MUNDY

840 THE ALAMEDA & 10 SUNOL STREET

DATE: 3-28-18  
SCALE: 1"=40'  
DRAWN BY: SKD

Charles W. Davidson Co.  
A CALIFORNIA CORPORATION  
CONSULTING CIVIL ENGINEERS  
255 W. JULIAN ST. #200, SAN JOSE, CA.  
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DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.