

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.61-GROSS ACRE SITUATED AT THE NORTHEAST CORNER OF SOUTH DE ANZA BOULEVARD AND VIA VICO (1090 SOUTH DE ANZA BOULEVARD) FROM THE CP(PD) PLANNED DEVELOPMENT 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**, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, for the subject rezoning to the CP Commercial Pedestrian Zoning District under Planning File Nos. C16-041 and H16-032 (the “MND”); 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 IS/MND and Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

**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 as 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. C16-041 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.

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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

**ORDER NO. : 0616011729-SL**

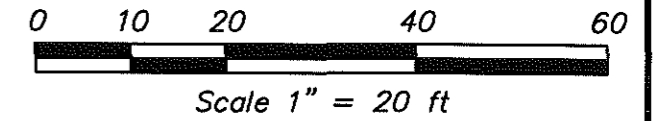
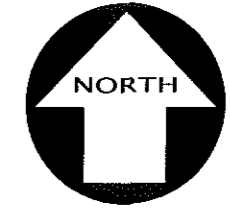
**Legal Description**

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

Parcel 1, as shown on the Parcel Map, Map filed on August 22, 1973, Map Book 329, at page(s) 6, Santa Clara County Records.

APN: 372-25-015

Property address: 1090 S. De Anza Blvd. San Jose, CA 95129



**PROJECT DATA**

**OWNER/DEVELOPER:**

CUPERTINO DE ANZA HOSPITALITY, LLC.  
ATTN: JERRY KWOK  
P.O. BOX 466  
CUPERTINO, CA, 95015  
408-507-3291

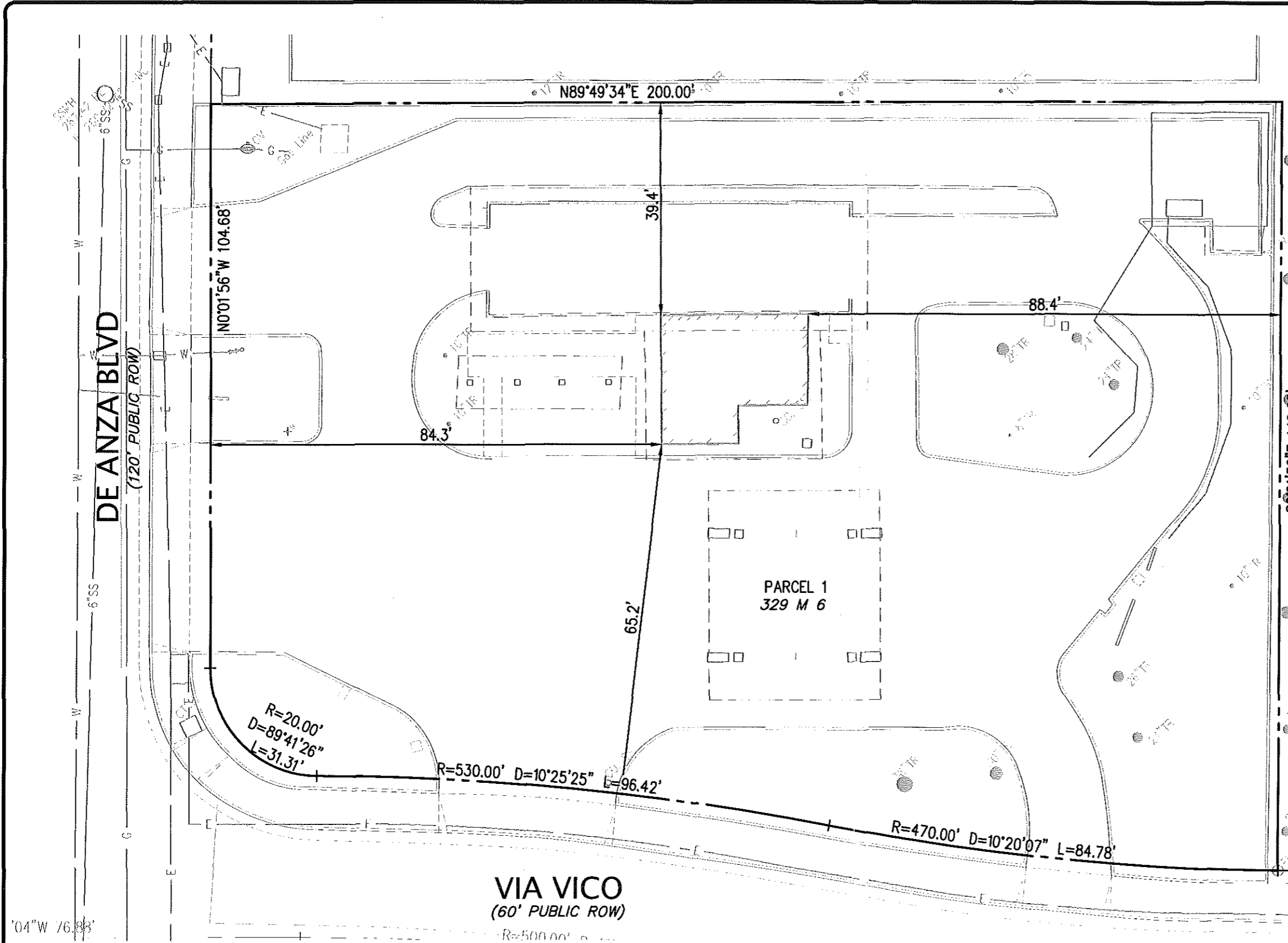
**CIVIL ENGINEER:**

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC  
ATTN: PETER M. BERNARD  
R.C.E. 69625 EXP. 06-30-2018  
2850 COLLIER CANYON ROAD  
LIVERMORE, CA. 94551  
PH: (925) 245-8788



*Peter M. Bernard*

C 16-041



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**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8796

**PLAT EXHIBIT B**  
**1090 S. DE ANZA BLVD.**

SAN JOSE, CALIFORNIA

|         |                 |
|---------|-----------------|
| DATE    | AUGUST 17, 2016 |
| SCALE   | 1"=20'          |
| BY      | P. BERNARD      |
| JOB NO. | A15714          |
| SHEET   | 1 OF 1          |

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.