

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.71-GROSS ACRE LOCATED ON THE WEST SIDE OF SOUTH WINCHESTER BOULEVARD, APPROXIMATELY 200 FEET SOUTHERLY OF STEVENS CREEK BOULEVARD (335 SOUTH WINCHESTER BOULEVARD) FROM THE CN COMMERCIAL NEIGHBORHOOD 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 a CP Commercial Pedestrian Zoning District under File Numbers C18-043 and SP18-049 (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, approved and adopted said MND and related 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 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. C18-043 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 \_\_\_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

November 21, 2018  
Project No. A17179-1  
Page 1 of 1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: PLANNING PURPOSES**

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being Parcels One, Two and Three as described in that certain Grant Deed recorded on October 06, 2016 as Document No. 23454220, Official Records of Santa Clara County, described as follows:

Beginning at the northeast corner of Lot 3, as shown on that certain Parcel Map filed for record on May 10, 1995 in Book 543 of Maps, at Pages 2 and 3, Santa Clara County Records, said point also being on the westerly right-of-way line of South Winchester Boulevard;

Thence leaving said westerly right-of-way line and along the exterior boundary of said Parcels One, Two and Three the following five (5) courses and distances:

1. South 89°49'00" West, 153.00 feet;
2. North 00°00'00" East, 200.00 feet;
3. North 89°49'00" East, 155.00 feet to said westerly right-of-way line;
4. South 00°00'00" East, 114.38 feet;
5. Along the arc of a curve to the right having a radius of 1880.00 feet, through a central angle of 02°36'38", an arc distance of 85.66 feet to the Point of Beginning.

Containing 30,942 ± square feet.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This legal description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

**Legal Description prepared by Kier & Wright Civil Engineers and Surveyor's, Inc.**

11-21-18  
Date

Jimmy R. Vigil  
Jimmy R Vigil, LS 6256



STEVENS CREEK BOULEVARD

LANDS OF  
MARK G & SHERYL A  
MAHAFFEY  
(APN: 303-39-049)

LOT 4  
(41 M 30)  
(APN: 303-39-022)

LANDS OF  
MOSKOVITZ PROPERTIES  
(APN: 303-39-060)

N89°49'00"E 155.00'

PARCEL ONE  
(DOC. NO. 23454220)  
(APN: 303-39-051)

N89°49'00"E 155.00'

PARCEL TWO  
(DOC. NO. 23454220)  
(APN: 303-39-047)

N89°49'00"E 154.89'

PARCEL THREE  
(DOC. NO. 3454220)  
(APN: 303-39-047)

POINT OF  
BEGINNING

S89°49'00"W 153.00'  
LOT 3  
(543 M 2&3)  
(APN: 303-39-063)

285.72'

52.0'

55.0'

52.00'

52.00'

S0°00'00"E 114.38'

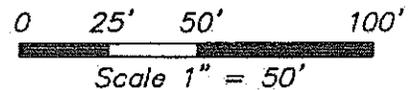
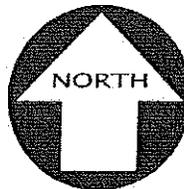
N0°00'00"E 485.72'

133.34'

R=1880.00' D=2°36'38" L=85.66'

54.00'

SOUTH WINCHESTER BOULEVARD



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
3350 Scott Boulevard, Building 22 Phone (408) 727-6665  
Santa Clara, California 95054 Fax (408) 727-5641  
www.kierwright.com

**EXHIBIT "B"**  
PLAT FOR  
PLANNING PURPOSES ONLY  
SAN JOSE, CALIFORNIA

DATE	NOV. 2018
SCALE	1" = 50'
BY	TWL
JOB NO.	A17179-1
SHEET	1 OF 1