

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.69 GROSS ACRE SITUATED ON THE EAST SIDE OF SOUTH WINCHESTER BOULEVARD APPROXIMATELY 270 FEET SOUTH OF FIRESIDE DRIVE (1212-1224 SOUTH WINCHESTER BOULEVARD) (APN: 279-17-020 & 279-17-021) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE 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 File Number C19-031 (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; and

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

**WHEREAS**, pursuant to Senate Bill 330, the proposed rezoning (File No. C19-031) does not reduce the intensity of residential uses because the proposed rezoning to the CP Commercial Pedestrian Zoning District allows greater residential density than the existing R-1-8 Zoning District; the rezoning would result in no net loss of residential capacity, the rezoning would up-zone the project site and result in a net increase of residential capacity of 71 residential units, and this project would reserve the capacity for future City-initiated rezoning;

**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 to the 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.** Any land development approval that is the subject of City File No. C19-031 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 \_\_\_\_\_, 2021 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

## EXHIBIT A

### 1212 S. WINCHESTER BLVD. LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF SANTA CLARA AND LOS GATOS ROAD, DISTANT THEREON S. 0° 10' E. 100 FEET FROM THE INTERSECTION OF SAID CENTER LINE WITH THE NORTHERLY LINE OF THE 13.869 ACRE TRACT OF LAND CONVEYED BY ANGELINA SANFILIPPO, A WIDOW TO VICTOR J. COLOMBINI, ET UX BY DEED DATED JULY 25, 1945 AND RECORDED OCTOBER 22, 1945, COUNTY RECORDER'S FILE NO. 365278; THENCE ALONG THE CENTER LINE OF SAID ROAD S. 0° 10' E. 100 FEET; THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID 13.869 ACRE TRACT S. 89° 44' E. 225 FEET; THENCE PARALLEL WITH THE CENTER LINE OF SANTA CLARA AND LOS GATOS ROAD N. 0° 10' W. 100 FEET; THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID 13.869 ACRE TRACT, N. 89° 44' W. 225 FEET TO THE POINT OF BEGINNING BEING A PART OF SECTION 23, T. 7 S., 1 W. M.D.M.

EXCEPTING THEREFROM, THAT PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED FROM VICTOR J. COLOMBINI, ET UX, TO CARL FERRANTI, ET UX, DATED JANUARY 23, 1946, RECORDED JANUARY 24, 1946 IN BOOK 1312 OF OFFICIAL RECORDS, AT PAGE 503, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING SOUTH 0° 10' EAST ALONG THE EASTERLY LINE OF LAND SO DESCRIBED IN THE DEED TO CARL FERRANTI, ET UX, FOR A DISTANCE OF 100 FEET; THENCE NORTH 89° 44' WEST ALONG THE SOUTHERLY LINE OF SAID LAND SO DESCRIBED IN THE DEED TO CARL FERRANTI, ET UX, FOR A DISTANCE OF 44 FEET; THENCE NORTH 0° 10' WEST AND PARALLEL WITH THE SAID EASTERLY LINE OF LAND SO DESCRIBED IN THE SAID DEED TO CARL FERRANTI, ET UX, FOR A DISTANCE OF 100 FEET TO A POINT IN THE NORTHERLY LINE OF LAND SO DESCRIBED IN THE SAID DEED TO CARL FERRANTI, ET UX; THENCE SOUTH 89° 44' EAST ALONG THE SAID LAST MENTIONED LINE 44 FEET TO THE POINT OF BEGINNING.

APN: 279-17-021

### 1224 S. WINCHESTER BLVD. LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF THE SANTA CLARA AND LOS GATOS ROAD, DISTANT THEREON S. 0° 10' E. 200 FEET FROM THE INTERSECTION OF SAID CENTER LINE WITH THE NORTHERLY LINE OF THE 13.867 ACRE TRACT OF LAND CONVEYED BY ANGELINA SANFILIPPO, WIDOW, TO VICTOR J. COLUMBINI, ET UX BY DEED DATED JULY 25, 1945 AND RECORDED OCTOBER 22, 1945, COUNTY RECORDERS FILE NO. 365278 AS AMENDED, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS CONTAINED IN THE DEED FROM VICTOR J. COLUMBINI, ET UX, TO CARL FERRANTI, ET UX, BY INSTRUMENT DATED JANUARY 23, 1946, AND RECORDED JANUARY 24, 1946, IN BOOK 1312 OF OFFICIAL RECORDS, PAGE 503, THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID 13.869 ACRE TRACT SOUTH 89° 44' EAST 181 FEET; THENCE PARALLEL WITH THE CENTER LINE OF SANTA CLARA AND LOS GATOS ROAD SOUTH 0° 10' EAST 106 FEET; THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID 13.869 ACRE NORTH 89° 44' WEST 181 FEET TO THE CENTER LINE OF SANTA CLARA AND LOS GATOS ROAD NORTH 0° 10' WEST 106 FEET TO THE POINT OF BEGINNING AND BEING A PART OF SECTION 23, T.7S.R.1W. MDB&M.

APN: 279-17-020

PREPARED BY:



Civil Engineering, Land Planning, Surveying

ONE VENTURE, SUITE 130, IRVINE, CA 92618  
(949) 339-5330- MFKESSLER.COM

### EXHIBIT A LEGAL DESCRIPTION

DATE  
7/30/19

SCALE  
N/A

BY  
A.M.

**1212 & 1224 WINCHESTER  
BOULEVARD SAN JOSE, CA**

JOB NO.  
228-002

SHEET  
1 OF 1



T&M SURVEYING  
08/25/2019  
JOB NO. 537

**Overall Boundary**

Course: S89° 44' 00"E Length: 181.00'

Course: S00° 10' 00"E Length: 206.00'

Course: N89° 44' 00"W Length: 181.00'

Course: N00° 10' 00"W Length: 206.00'

Perimeter: 703.99' Area: 37284.42 Sq. Ft.  
Error Closure: 0.0000 Course: N00° 00' 00"E  
Error North: 0.00000 East: 0.00000

Precision 1: 704000000.00

**1212 S WINCHESTER BLVD**

Course: S89° 44' 00"E Length: 181.00'

Course: S00° 10' 00"E Length: 100.00'

Course: N89° 44' 00"W Length: 181.00'

Course: N00° 10' 00"W Length: 100.00'

Perimeter: 492.00' Area: 18100.00 Sq. Ft.  
Error Closure: 0.0100 Course: N00° 10' 00"W  
Error North: 0.01000 East: -0.00003

Precision 1: 49201.00

**1224 S WINCHESTER BLVD**

Course: S89° 44' 00"E Length: 181.00'

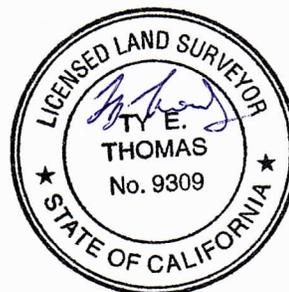
Course: S00° 10' 00"E Length: 106.00'

Course: N89° 44' 00"W Length: 181.00'

Course: N00° 10' 00"W Length: 106.00'

Perimeter: 492.00' Area: 19184.42 Sq. Ft.  
Error Closure: 0.0100 Course: N00° 10' 00"W  
Error North: 0.01000 East: -0.00003

Precision 1: 49201.00



8-19-2021