

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 15.7-GROSS ACRES SITUATED ON THE SOUTHWEST CORNER OF PRUNE WAY AND MAPLEWOOD AVENUE (555 SOUTH WINCHESTER BOULEVARD) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT 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, the approximately 15.7 gross-acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for Winchester Ranch Project (File No. PDC18-037) (“FEIR”), which evaluated the impact of converting a mobile home park to another use, demolishing the existing 111 mobilehomes, a recreation building approximately 3,600 square feet, a pool approximately 820 square feet, 36 sheds (ranging from 120 to 400 square feet) and the construction of up to 687 residential units located at the southwest corner of Prune Way and Maplewood Avenue (555 South Winchester Boulevard), which FEIR was certified and for which findings were adopted by the City Council on January 14, 2020; and

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

WHEREAS, this Council of the City of San José has considered, approved, and certified said FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. _____ 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.

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 R-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be RM Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Rezoning Winchester Site Development" last revised on November 18, 2019 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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" 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. PDC18-037 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit "A"

Legal Description

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF WINCHESTER BOULEVARD, FORMERLY SANTA CLARA - LOS GATOS ROAD, AS SAID LINE WAS ESTABLISHED BY PARCEL 1-A IN THAT CERTAIN FINAL ORDER OF CONDEMNATION ENTERED ON APRIL 4, 1963 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA, IN THAT CERTAIN ACTION ENTITLED, "THE PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF PUBLIC WORKS, PLAINTIFF, VS. CHARLES J. CALI, ET AL, DEFENDANTS", CASE NO. 134825, A CERTIFIED COPY OF WHICH ORDER WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON APRIL 4, 1963 IN BOOK 5969 OFFICIAL RECORDS, PAGE 661, WITH A NORTHERLY LINE OF THAT CERTAIN 30.40 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM CHARLES J. CALI TO CHARLES J. CALI ET UX, DATED MARCH 19, 1953, RECORDED MARCH 24, 1953 IN BOOK 2605 OFFICIAL RECORDS, PAGE 204, SANTA CLARA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING SOUTH 0° 40' 07" WEST ALONG SAID WESTERLY LINE OF WINCHESTER BOULEVARD FOR A DISTANCE OF 110.42 FEET; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 84° 25' 44", FOR AN ARC DISTANCE OF 73.68 FEET TO A POINT IN THE NORTHERLY LINE OF JUNIPERO SERRA FREEWAY (STATE HIGHWAY), AS SAID LINE WAS ESTABLISHED BY THE FINAL ORDER OF CONDEMNATION ABOVE REFERRED TO; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF JUNIPERO SERRA FREEWAY FOR THE FOLLOWING COURSES AND DISTANCES: SOUTH 85° 05' 51" WEST 335.98 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT, TANGENT TO THE PRECEDING COURSE, WITH A RADIUS OF 4053.00 FEET, THROUGH A CENTRAL ANGLE OF 2° 19' 06", FOR AN ARC DISTANCE OF 164.00 FEET; THENCE SOUTH 84° 46' 26" WEST 710.02 FEET; THENCE SOUTH 84° 41' 23" WEST 299.89 FEET; THENCE SOUTH 84° 03' 45" WEST 50.63 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE WESTERLY LINE OF SAID 30.40 ACRE TRACT ABOVE REFERRED TO; THENCE NORTH 0° 05' WEST ALONG SAID WESTERLY LINE OF THE 30.40 ACRE TRACT FOR A DISTANCE OF 695.61 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE NORTH 89° 59' EAST ALONG A NORTHERLY LINE OF SAID 30.40 ACRE TRACT FOR A DISTANCE OF 820.05 FEET TO AN ANGLE CORNER THEREIN; THENCE SOUTH 0° 07' EAST ALONG AN EASTERLY LINE OF SAID 30.40 ACRE TRACT FOR A DISTANCE OF 348.18 FEET TO AN ANGLE CORNER THEREIN; THENCE NORTH 89° 56' EAST ALONG A NORTHERLY LINE OF SAID 30.40 ACRE TRACT FOR A DISTANCE OF 772.12 FEET TO THE POINT OF BEGINNING.

APN: 303-38-001