

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 20.08-GROSS ACRES SITUATED ON THE EAST SIDE OF SARATOGA AVENUE BETWEEN BLACKFORD AVENUE AND MANZANITA DRIVE (700 SARATOGA AVENUE) FROM THE R-M MULTIPLE RESIDENCE AND R-M(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 20.08 gross-acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for the Avalon West Valley Expansion Project (File No. PDC17-056) ("FEIR"), which evaluated the impact of demolishing the existing sports courts, parking garage, pool and amenity building on the site and developing approximately 307 additional residential units, 17,800 square feet of commercial/retail space, residential amenities including two pools, and 1,110 new parking spaces all within the existing Eaves West Valley by Avalon residential development on 20.08 gross acres located on the east side of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue), which FEIR was certified and for which findings were adopted by the City Council on [REDACTED], 2019; 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 adopted said FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] 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 R-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Avalon West Valley" last revised on April 3, 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. PDC17-056 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

ALL OF LOT 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE CROSSMAN SUBDIVISION, "WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JULY 17, 1903 IN BOOK F-3 OF MAPS, AT PAGE 17.

EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING WITHIN THAT CERTAIN 7.765 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM BOTILDA J. HANSON AND IRENE L. HANSON TO MORELAND SCHOOL DISTRICT OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, DATED OCTOBER 13, 1960, RECORDED OCTOBER 14, 1960 IN BOOK 4950 OFFICIAL RECORDS, PAGE 91, SANTA CLARA COUNTY RECORDS, AS FOLLOWS:

BEGINNING AT AN IRON PIPE SET IN THE NORTHERLY LINE OF LOT 6 OF THE CROSSMAN SUBDIVISION, FORMERLY THE VALENTINE TRACT, THE MAP FOR WHICH IS FILED IN BOOK F-3 OF MAPS AT PAGE 17, SANTA CLARA COUNTY RECORDS, SAID IRON PIPE ALSO BEING IN THE SOUTHERLY LINE OF TRACT NO. 176, ENTITLED "FIRST NATIONAL BANK OF SAN JOSE- SUBDIVISION "B", THE MAP FOR WHICH IS FILED IN BOOK 5 OF MAPS, AT PAGES 42 AND 43, SANTA CLARA COUNTY RECORDS, SAID IRON PIPE BEING SOUTH 89 DEGREES 20' 12" WEST 421.01 FEET ALONG THE NORTHERLY LINE OF SAID LOT NO. 6 AND THE SOUTHERLY LINE OF SAID TRACT NO. 176 FROM THE NORTHEAST CORNER OF SAID LOT NO. 6 OF THE CROSSMAN SUBDIVISION; THENCE LEAVING SAID NORTHERLY AND SOUTHERLY LINES AND RUNNING PARALLEL AND DISTANT 421.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF LOT NO. 6 OF SAID CROSSMAN SUBDIVISION SOUTH 0 DEGREES 18' 40" EAST 411.73 FEET TO A POINT IN THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESIGNATED AS PARCEL 2, CONVEYED BY ANNIE J. VAN ARSDELL TO MARTIN MORGIN AND MARIE MORGIN, HIS WIFE, BY DEED RECORDED IN BOOK 2073 AT PAGE 550, SANTA CLARA COUNTY OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID MORGIN NORTH 89 DEGREES 46' 20" WEST 74.61 FEET TO A 4 X 4 POST AT THE COMMON CORNER FOR LOTS 8 AND 9 IN THE WESTERLY LINE OF LOT NO. 6 OF SAID CROSSMAN SUBDIVISION AND THE NORTHWEST CORNER OF SAID PARCEL CONVEYED TO MORGIN; THENCE ALONG THE LINE DIVIDING LOTS 8 AND 9 IN SAID CROSSMAN SUBDIVISION SOUTH 88 DEGREES 24' 40" WEST 738.48 FEET; THENCE LEAVING SAID DIVIDING LINE AND RUNNING PARALLEL WITH THE EASTERLY LINE OF LOT NO. 6 IN SAID CROSSMAN SUBDIVISION NORTH 0 DEGREES 18' 40" WEST 422.50 FEET TO AN 1" IRON PIPE SET IN THE NORTHERLY LINE OF LOT NO. 9 IN SAID SUBDIVISION; SAID IRON PIPE ALSO BEING IN THE SOUTHERLY LINE OF TRACT NO. 176 ABOVE REFERRED TO; THENCE ALONG THE NORTHERLY LINE OF LOTS 9 AND 6 IN SAID CROSSMAN SUBDIVISION AND THE SOUTHERLY LINE OF SAID TRACT NO. 176, NORTH 89 DEGREES 20' 12" EAST 812.92 FEET TO THE IRON PIPE AT THE POINT OF BEGINNING AND BEING A PORTION OF LOTS 6 AND 9 OF THE CROSSMAN SUBDIVISION ABOVE REFERRED TO IN THE QUITO RANCHO.

AND, EXCEPTING THEREFROM THE FOLLOWING AREA 1:

BEGINNING AT THE NORTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM MORELAND SCHOOL DISTRICT OF SANTA CLARA COUNTY TO SAN JOSE COUNTRY CLUB APARTMENTS RECORDED DECEMBER 6, 2000 IN DOCUMENT NO. 15486398, OFFICIAL RECORDS, SAID CORNER BEING ON THE EASTERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED FROM WILSHIRE WEST DEVELOPMENT COMPANY TO SAN JOSE COUNTRY CLUB APARTMENTS RECORDED JUNE 17, 1969 IN BOOK 8570, PAGE 667, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

THENCE ALONG THE COMMON BOUNDARY LINE BETWEEN SAID PARCEL RECORDED IN DOCUMENT NO. 15486398 AND SAID PARCEL RECORDED IN BOOK 8570, PAGE 667, SOUTH 0° 19' 10" EAST, 392.50 FEET;

THENCE LEAVING SAID COMMON LINE ALONG THE SOUTHERLY LINE OF SAID PARCEL RECORDED IN BOOK 8570 AT PAGE 667, SOUTH 88° 24' 10" WEST, 9.39 FEET;

THENCE ALONG A LINE PARALLEL WITH AND DISTANT 9.39 FEET WESTERLY FROM SAID COMMON BOUNDARY LINE NORTH 0° 19' 10" WEST, 392.65 FEET;

DISTANCE OF 304 FEET MORE OR LESS, TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 8 AS SAID LOT IS SHOWN UPON THE MAP HEREINABOVE REFERRED TO.

AND ALSO EXCEPTING THEREFROM THE FOLLOWING AREA 2:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM MORELAND SCHOOL DISTRICT OF SANTA CLARA COUNTY TO SAN JOSE COUNTRY CLUB APARTMENTS RECORDED DECEMBER 6, 2000 IN DOCUMENT NO. 15486398, OFFICIAL RECORDS, SAID CORNER BEING ON THE EASTERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED FROM WILSHIRE WEST DEVELOPMENT COMPANY TO SAN JOSE COUNTRY CLUB APARTMENTS RECORDED JUNE 17, 1969 IN BOOK 8570 AT PAGE 665, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID PARCEL RECORDED IN DOCUMENT NO. 15486398, OFFICIAL RECORDS SOUTH 88° 24' 10" WEST, 9.39 FEET;

THENCE ALONG A LINE PARALLEL WITH AND DISTANT 9.39 FEET WESTERLY FROM THE COMMON BOUNDARY LINE BETWEEN SAID PARCEL RECORDED IN DOCUMENT NO. 15486398 AND SAID PARCEL RECORDED IN BOOK 8570 AT PAGE 665, NORTH 0° 19' 10" WEST, 203.82 FEET TO THE NORTHERLY LINE OF LAST SAID PARCEL;

THENCE ALONG SAID NORTHERLY LINE NORTH 88° 24' 10" EAST, 9.39 FEET;

THENCE ALONG LAST SAID COMMON BOUNDARY LINE SOUTH 0° 19' 10" EAST, 203.82 FEET TO THE POINT OF BEGINNING OF AREA 2.

PARCEL FOUR:

PARCEL C AS SHOWN IN THAT CERTAIN LOT LINE ADJUSTMENT PERMIT RECORDED JANUARY 28, 2002 AS INSTRUMENT NO. 16076204, OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED RECORDED OCTOBER 11, 1960 IN BOOK 4946 AT PAGE 392 AND A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN THE DEED RECORDED OCTOBER 14, 1960 IN BOOK 4950 AT PAGE 91, OFFICIAL RECORDS OF SANTA CLARA COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL DESCRIBED IN THE DEED RECORDED IN BOOK 4946 AT PAGE 392, OFFICIAL RECORDS;

THENCE ALONG THE SOUTHERLY LINE THEREOF NORTH 88 DEGREES 24' 40" EAST 120.03 FEET;

THENCE ALONG A LINE PARALLEL WITH AND DISTANT 120.00 FEET EASTERLY FROM THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN SAID DEED RECORDED IN BOOK 4946 AT PAGE 392 AND ALONG THE NORTHERLY PROLONGATION THEREOF NORTH 0 DEGREES 18' 40" WEST 594.38 FEET TO THE SOUTHERLY LINE OF THAT 30 FEET WIDE PARCEL CONVEYED TO R & B DEVELOPMENT COMPANY, A PARTNERSHIP, IN THE DEED RECORDED SEPTEMBER 11, 1970 IN BOOK 9049, PAGE 541, OFFICIAL RECORDS, SANTA CLARA COUNTY;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 20' 12" WEST 120.00 FEET;

THENCE ALONG THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN THE DEED RECORDED IN BOOK 4950 AT PAGE 91 AND CONTINUING ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN THE DEED RECORDED IN BOOK 4946 AT PAGE 392, OFFICIAL RECORDS, SOUTH 0 DEGREES 18' 40" EAST 596.32 FEET TO THE POINT OF BEGINNING.

FIRST NATIONAL BANK OF SAN JOSE SUBDIVISION "B" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MARCH 3, 1941 IN BOOK 5 OF MAPS, AT PAGES 42 AND 43.

PARCEL SEVEN:

ALL THAT CERTAIN PORTION OF TANBARK STREET LYING WITHIN THE CITY OF SAN JOSE AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY TERMINUS OF THE NORTHERLY LINE OF TANBARK STREET (30 FEET WIDE) AS SHOWN UPON THAT CERTAIN RECORD OF SURVEY MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, SANTA CLARA COUNTY, CALIFORNIA, ON JUNE 4, 1969, IN BOOK 254 OF MAPS, AT PAGE 40, SAID POINT OF BEGINNING BEING ALSO THE NORTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED FROM MORELAND SCHOOL DISTRICT OF SANTA CLARA COUNTY TO THE CITY OF SAN JOSE BY DEED DATED JANUARY 14, 1964 AND FILED FOR RECORD ON JANUARY 30, 1964 IN BOOK 6365 OF OFFICIAL RECORDS, AT PAGE 271, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE ALONG SAID NORTHERLY LINE OF SAID TANBARK STREET NORTH 89 DEGREES 19' 20" EAST 496.68 FEET TO THE SOUTHWESTERLY CORNER OF LOT 39, AS SAID LOT 39 IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "TRACT NO. 176 THE FIRST NATIONAL BANK OF SAN JOSE - SUBDIVISION B," WHICH MAP WAS FILED FOR RECORD IN BOOK 5 OF MAPS, AT PAGES 42 AND 43, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE AT RIGHT ANGLES TO SAID NORTHERLY LINE OF TANBARK STREET SOUTH 0 DEGREES 40' 40" EAST 30.00 FEET TO A POINT IN THE SOUTHERLY LINE OF TANBARK STREET; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89 DEGREES 19' 20" WEST 496.68 FEET TO THE WESTERLY TERMINUS OF SAID SOUTHERLY LINE AT THE SOUTHWESTERLY CORNER OF SAID LANDS CONVEYED TO THE CITY OF SAN JOSE; THENCE ALONG THE WESTERLY TERMINUS OF TANBARK STREET AND THE WESTERLY LINE OF SAID LANDS CONVEYED TO THE CITY OF SAN JOSE NORTH 0 DEGREES 19' 10" WEST 30.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EASTERLY 1 FOOT OF THE ABOVE DESCRIBED PROPERTY.

APN: 299-37-024-00(Affects Parcels Five and Six)
299-37-026-00(Affects Parcel Seven)
299-37-030-00(Affects Parcel Two)
299-37-031-00(Affects Parcel Four)
299-37-032-00(Affects Parcel One)
299-37-033-00(Affects Parcel Three)