

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY ON THE NORTHEAST CORNER OF SAMARITAN DRIVE AND SOUTH BASCOM AVENUE (2581 SAMARITAN DRIVE) TO A(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, a Mitigated Negative Declaration (MND) was prepared for a rezoning project under File No. PDC08-014, and said MND was adopted on November 5, 2008, which adoption has not been protested, challenged or appealed; and

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

WHEREAS, this Council of the City of San José has considered and approves said MND prior to taking any approval actions on this proposed project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A (PD) Planned Development Zoning District.

The base district zoning of the subject property shall be A Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Samaritan Medical Center," **last revised June 23, 2008.**

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.

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

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 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC08-014 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 December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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

EXHIBIT A

LEGAL DESCRIPTION

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

PARCEL 1:

BEING A PORTION OF PARCEL B AS SHOWN UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 551 OF PARCEL MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS AND ALL OF THE LANDS AS DESCRIBED IN BOOK N701 AT PAGE 795, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK N701 AT PAGE 795, ALSO LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85 AND THE EASTERLY RIGHT-OF-WAY OF BASCOM AVENUE;
THENCE, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85, N 88° 13' 19" E, 211.29 FEET TO A CURVE TO THE RIGHT;
THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,000.10 FEET, THROUGH A CENTRAL ANGLE OF 07° 27' 10", AN ARC LENGTH OF 260.16 FEET ;
THENCE, ALONG THE EASTERLY OF PARCEL B AS DESCRIBE IN THE LOT LINE ADJUSTMENT, RECORDED IN BOOK J817 AT PAGE 1144, OFFICIAL RECORDS OF SANTA CLARA COUNTY, S 28° 43' 47" W, 227.14 FEET AND S 46° 00' 49" W, 27.52 FEET TO THE NORTHERLY LINE OF THE PARCEL DESCRIBE IN BOOK N701 AT PAGE 795; THENCE, ALONG A NON TANGENT CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS S 43° 33' 58" W, 445.00 FEET, THROUGH A CENTRAL ANGLE OF 13° 26' 35", A DISTANCE OF 104.41 FEET TO THE POINT OF CUSP ON THE NORTHERLY RIGHT-OF-WAY OF SAMARITAN DRIVE;
THENCE, ALONG A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS S 57° 00' 33" W, 265.00 FEET, THROUGH A CENTRAL ANGLE OF 82° 03' 47", AN ARC DISTANCE OF 379.55 FEET TO A POINT OF REVERSE CURVATURE;
THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 205.00 FEET, THROUGH A CENTRAL ANGLE OF 52° 23' 04", AN ARC DISTANCE OF 187.43 FEET TO A POINT OF COMPOUND CURVATURE; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 96° 12' 13", AN ARC DISTANCE OF 33.58 FEET TO THE EASTERLY RIGHT-OF-WAY OF BASCOM AVENUE; THENCE, ALONG SAID RIGHT-OF-WAY LINE, N 33° 32' 03" E, 206.97 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT, THE FOLLOWING:

BEING A PORTION OF PARCEL B AS SHOWN UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 551 OF PARCEL MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS AND A PORTION OF THE LANDS AS DESCRIBED IN BOOK N701 AT PAGE 795, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK N701 AT PAGE 795, ALSO LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85 AND THE EASTERLY RIGHT-OF-WAY OF BASCOM AVENUE;
THENCE, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85, N 88° 13' 19" E, 147.42 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N 88° 13' 19" E, 63.87 FEET TO A CURVE TO THE RIGHT;
THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,000.10 FEET, THROUGH A CENTRAL ANGLE OF 07° 27' 10", AN ARC LENGTH OF 260.16 FEET ;
THENCE, ALONG THE EASTERLY OF PARCEL B AS DESCRIBE IN THE LOT LINE ADJUSTMENT, RECORDED IN BOOK J817 AT PAGE 1144, OFFICIAL RECORDS OF SANTA CLARA COUNTY, S 28° 43' 47" W, 227.14 FEET AND S 46° 00' 49" W, 27.52 FEET TO THE NORTHERLY LINE OF THE PARCEL DESCRIBE IN BOOK N701 AT PAGE 795; THENCE, ALONG A NON TANGENT CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS S 43° 33' 58" W, 445.00 FEET, THROUGH A CENTRAL ANGLE OF 13° 26' 35", A DISTANCE OF 104.41 FEET TO THE POINT OF CUSP ON THE NORTHERLY RIGHT-OF-WAY OF SAMARITAN DRIVE;
THENCE, ALONG A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS S 57° 00' 33" W, 265.00 FEET, THROUGH A CENTRAL ANGLE OF 64° 12' 09", AN ARC DISTANCE OF 296.94 FEET;
THENCE, ACROSS SAID PARCELS, N 01° 46' 41" W, 186.74 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

BEING A PORTION OF PARCEL A AS SHOWN UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 551 OF PARCEL MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS AND A PORTION OF THOSE LANDS AS DESCRIBED IN BOOK K291 AT PAGE 668, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL A AND LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85;
THENCE, ALONG THE EASTERLY LINE OF SAID PARCEL A, S 09° 57' 51" W, 101.17 FEET AND S 15° 12' 05" E, 105.17 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL A;
THENCE, ALONG A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS, S 27° 11' 19" E, 70.00 FEET, THROUGH A CENTRAL ANGLE OF 67° 43' 34", AN ARC DISTANCE OF 82.74 FEET;
THENCE, ALONG THE SOUTHERLY LINE OF SAID PARCEL A, S 74° 47' 55" W, 316.05 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAMARITAN DRIVE;
THENCE, ALONG A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS, S 71° 56' 31" W, 445.00 FEET, THROUGH A CENTRAL ANGLE OF 28° 22' 32", AN ARC DISTANCE OF 220.39 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL;
THENCE, ALONG THE WESTERLY LINE OF SAID PARCEL, N 46° 00' 49" E, 27.52 FEET AND N 28° 44' 03" E, 227.15 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85;
THENCE, ALONG A NON TANGENT CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS, S 05° 40' 29" W, 2,000.10 FEET, THROUGH A CENTRAL ANGLE OF 04° 17' 26", AN ARC DISTANCE OF 149.78 FEET;
THENCE, S 80° 02' 05" E, 174.35 FEET TO THE POINT OF BEGINNING.

IN ADDITION THE FOLLOWING DESCRIBED AREAS;

BEING A PORTION OF PARCEL B AS SHOWN UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 551 OF PARCEL MAPS AT PAGES 1 AND 2, SANTA CLARA COUNTY RECORDS AND A PORTION OF THE LANDS AS DESCRIBED IN BOOK N701 AT PAGE 795, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK N701 AT

PAGE 795, ALSO LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85 AND THE EASTERLY RIGHT-OF-WAY OF BASCOM AVENUE;

THENCE, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 85, N 88° 13' 19" E, 147.42 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N 88° 13' 19" E, 63.87 FEET TO A CURVE TO THE RIGHT; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,000.10 FEET, THROUGH A CENTRAL ANGLE OF 07° 27' 10", AN ARC LENGTH OF 260.16 FEET; THENCE, ALONG THE EASTERLY OF PARCEL B AS DESCRIBE IN THE LOT LINE ADJUSTMENT, RECORDED IN BOOK J817 AT PAGE 1144, OFFICIAL RECORDS OF SANTA CLARA COUNTY, S 28° 43' 47" W, 227.14 FEET AND S 46° 00' 49" W, 27.52 FEET TO THE NORTHERLY LINE OF THE PARCEL DESCRIBE IN BOOK N701 AT PAGE 795;

THENCE, ALONG A NON TANGENT CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS S 43° 33' 58" W, 445.00 FEET, THROUGH A CENTRAL ANGLE OF 13° 26' 35", A DISTANCE OF 104.41 FEET TO THE POINT OF CUSP ON THE NORTHERLY RIGHT-OF-WAY OF SAMARITAN DRIVE;

THENCE, ALONG A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS S 57° 00' 33" W, 265.00 FEET, THROUGH A CENTRAL ANGLE OF 64° 12' 09", AN ARC DISTANCE OF 296.94 FEET;

THENCE, ACROSS SAID PARCELS, N 01° 46' 41" W, 186.74 FEET TO THE POINT OF BEGINNING.

AND;

BEING A PART OF PARCEL A AND PARCEL B AS DESIGNATED UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 551 OF PARCEL MAPS ON PAGES 1 AND 2 AND THOSE LANDS AS CONVEYED IN BOOK N701 ON PAGES 795 AND 796 FROM SANTA CLARA COUNTY TRAFFIC AUTHORITY TO SAMARITAN MEDICAL CENTER AND PARCEL 1 AS DESIGNATED UPON THAT CERTAIN PARCEL MAP AS RECORDED IN BOOK 348 OF PARCEL MAPS ON PAGE 27, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID PARCEL A, ALSO LYING ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 85;

THENCE, ALONG THE EASTERLY LINE OF SAID PARCEL A, S. 9° 57' 51" W., 76.00 FEET TO THE POINT OF BEGINNING;

THENCE, S. 15° 03' 10" E., 156.00 FEET TO A NON-TANGENT CURVE TO THE LEFT; THENCE, FROM A RADIAL LINE WHICH BEARS S. 21° 46' 40" E., ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 40.39 FEET, THROUGH AN ANGLE OF 65° 48' 03", AN ARC LENGTH OF 46.39 FEET TO THE SOUTHERLY LINE OF SAID PARCEL A EXTENDED WESTERLY;

THENCE, ALONG SAID SOUTHERLY LINE, S. 74° 47' 55" W. 30.76 FEET;

THENCE, ALONG A NON TANGENT CURVE TO THE RIGHT, WHOSE RADIUS BEARS N. 85° 05' 07" E, 70.00 FEET, THROUGH AN ANGLE OF 67° 43' 34", AN ARC LENGTH OF 82.74 FEET;

THENCE, N. 15° 12' 05" W, 105.17 FEET AND N. 09° 37' 51" E, 25.17 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A RECIPROCAL INGRESS/EGRESS EASEMENT AS SET FORTH IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REGARDING INGRESS/EGRESS EASEMENT, RECORDED MARCH 9, 2005 AS INSTRUMENT NO. 18267035, OFFICIAL RECORDS OF SANTA CLARA COUNTY, CALIFORNIA.

APN: 421-37-016 (Affects : Parcel 1) and 421-37-017 (Affects : Parcel 2)