DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 21-GROSS ACRES SITUATED ON THE EAST SIDE OF DOVE HILL ROAD, APPROXIMATELY 500 FEET NORTH OF HASSLER PARKWAY (4200 DOVE HILL ROAD) FROM THE A AGRICULTURAL ZONING DISTRICT TO THE PQP(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 was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to **PQP(PD)** Planned Development Zoning District under File No. PDC14-051 (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 PQP(PD) Planned Development 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.

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

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as PQP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be PQP Public/Quasi-Public Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "PQP(PD) Planned Development Zoning Dove Hill Medical Care Facility" last revised on July 10, 2018.

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. PDC14-051 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.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
SAM LICCARDO
Mayor

ATTEST:

_____
TONI J. TABER, CMC
City Clerk

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ORDER NO. : 0616011318-SL

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

PARCEL ONE:

Beginning at a one inch iron pipe at the Northwesterly corner of that certain parcel of land conveyed by John Tripoli, et ux, to Viola M. Woodall, et al, by Deed recorded October 3, 1947, and under Recorder's Serial No. 482499, Santa Clara County Records, said one inch iron pipe also being at the point of intersection of the Westerly prolongation of the Southerly line of that certain 76.05 acre Tract, conveyed by Mary Aubrey to Tony R. Thomas, recorded in Book 153, Official Records, Page 557, Santa Clara County Records, with the Easterly line of that certain 10.152 acre Tract conveyed by Max S. Abbott to the State of California, recorded February 2, 1946, Book 1337, Official Records, Page 9, Santa Clara County Records; thence along the said Easterly line of said 10.152 acre Tract, North 8° 03' 20" West, 24.70 feet to a concrete monument and North 2° 40' West, 200.79 feet to a one inch iron pipe; thence parallel to the Northerly line of property conveyed by John Tripoli, et ux, to Viola M. Woodall, et al, North 80° 46' 30" East, 246.00 feet to a one inch iron pipe; thence parallel to the center line of the Department of Public Works Survey of the State Highway, between Santa Clara Street in San Jose, and Ford Road, IV-SCL-2SJSE, South 2° 40' East, 225.65 feet to a one inch iron pipe in the said Northerly line of Viola M. Woodall property; thence along the said Northerly line of said Viola M. Woodall property, South 80° 46' 30" West, 243.67 feet to the point of beginning.

EXCEPTING THEREFROM all that portion thereof lying within the bounds of the following described parcel of land:

Commencing at the Northwesterly corner of the 1.265 acre parcel of land conveyed to Johnnie Woodall by Deed recorded January 2, 1957, in Book 3697, Page 294, Official Records of Santa Clara County; thence along the Northerly line of said Parcel North 81° 40' 00" East, 17.09 feet; thence South 8° 29' 16" West, 27.91 feet; thence South 1° 50' 00" East, 302.37 feet to the Easterly line of the existing State Freeway in Santa Clara County, Road IV-SC1-68-C; thence along last said line North 7° 13' 24" West, 127.53 feet and North 1° 50' 00" West, 200.93 feet to the point of commencement.

APN: 679-09-001

PARCEL TWO:

Beginning at a stake marked M.4 standing in the fence line of the Easterly line of the 95.48 acre tract of land conveyed by Thomas Aubrey, et al, to Susan Aubrey, by Deed dated August 20, 1903, recorded August 20, 1903, Book 263 of Deeds, Page 298, said stake being in the Southwesterly corner of the 76.05 acre tract of land conveyed by Mary Aubrey, a widow, to Tony R. Thomas, by Deed dated May 19, 1925, recorded May 20, 1925, Book 153 of Official Records, Page 557, records of Santa Clara County, California; thence from said point of beginning, North 81° 19' East, along the Southerly line of said 76.05 acre Tract, 868 feet, more or less, to a point in said line that is distant thereon, and along its Westerly prolongation, North

81° 19' East, 1000 feet from the Easterly line of that certain 10.152 acre tract of land conveyed by Max S. Abbott, et ux, to the State of California, by Deed dated December 19, 1945, recorded February 23, 1946, Book 1337 of Official Records, Page 9, records of said County; thence at a right angle South 8° 41' East, 462 feet; thence parallel with the Southerly line of said 76.05 acre Tract, South 81° 19' West, 1000 feet, more or less, to a point on the Easterly line of the aforementioned 10.152 acre State of California Tract; thence along said line, North 8° 03' 20" West, 462 feet, more or less, to the point of intersection thereof with the Westerly prolongation of the hereinabove referred to Southerly line of the 76.05 acre Thomas Tract; thence North 81° 19' East, along said Westerly prolongation, 132 feet to the point of beginning.

Being a portion of the Rancho yerba Buena Y Socayre.

EXCEPTING THEREFROM all that portion thereof lying within the bounds of the following described parcel of land:

Commencing at the Northwesterly corner of the 1.265 acre parcel of land conveyed to Johnnie Woodall by Deed recorded January 2, 1957, in Book 3697, Page 294, Official Records of Santa Clara County; thence along the Northerly line of said Parcel North 81° 40' 00" East, 17.09 feet; thence South 8° 29' 16" West, 27.91 feet; thence South 1° 50' 00" East, 302.37 feet to the Easterly line of the existing State Freeway in Santa Clara County, Road IV-SC1-68-C; thence along last said line North 7° 13' 24" West, 127.53 feet and North 1° 50' 00" West, 200.93 feet to the point of commencement.

ALSO EXCEPTING THEREFROM all that portion thereof described as follows:

Beginning at a ¾ inch iron pipe from which the Southeasterly corner of that certain 1.265 acre tract of land conveyed to Johnnie Woodall, by Deed recorded January 2, 1957, Book 3697 of Official Records, Page 294, Santa Clara County Records, bears North 48° 39' East, 115.83 feet distant; thence South 45° 25' 40" West, 150.00 feet; thence South 46° 10' 33" East, 151.68 feet to a ¾ inch iron pipe, North 45° 25' 40" East, 150.00 feet to a ¾ inch iron pipe and North 46° 10' 33" West, 151.68 feet to the point of beginning, and being a portion of the Yerba Buena Rancho and being that certain 0.522 acre Tract, more or less, shown upon a Record of Survey, filed for record in the Office of the Recorder of the County of Santa Clara, Sacramento, on July 30, 1964, in Book 183 of Maps, Page 7.

APN: 679-08-002 (portion)

PARCEL THREE:

Beginning at a ¾ inch iron pipe from which the Southeasterly corner of that certain 1.265 acre tract of land conveyed to Johnnie Woodall by Deed recorded January 2, 1957, in Book 3697 of Official Records, at Page 294, Santa Clara County Records, bears North 48° 39' East, 115.83 feet distant; thence South 45° 25' 40" West, 150.00 feet; thence South 46° 10' 33" East, 151.68 feet to a ¾ inch iron pipe, North 45° 25' 40" East, 150.00 feet to a ¾ inch iron pipe and North 46° 10' 33" West, 151.68 feet to the point of beginning, and being a portion of the Yerba Buena Rancho, and being that certain 0.522 acre Tract, more or less, shown upon a Record of Survey filed for record in the Office of the County Recorder of the County of Santa Clara, State of California, on July 30, 1964, in Book 183 of Maps, at Page 7.

APN: 679-08-003

PARCEL FOUR:

Beginning at the point of intersection of the Westerly line of that certain 24.938 acre parcel of land conveyed by John Tripoli, et ux, to Y. Archibald by Deed dated October 8, 1951, and recorded May 12, 1952, in Book 2417 of Official Records, Page 645, with the Southerly line of that certain parcel of land described in the Deed from Julia H. Lorentz to William M. Hughins, et ux, dated December 6, 1963, recorded December 9, 1963, in Book 6301 Official Records, Page 150; thence along said last named line and along the Southerly line of that certain parcel of land described in the Deed from Margaret M. Weaver, et al, to Marvin Morales dated November 2, 1943, and recorded November 9, 1943, in Book 1161 of Official Records, Page 465, South 75° 28' West, 585.34 feet, more or less, to a point in the Easterly line of Bayshore Highway as established by Deed to the State of California dated November 26, 1962, recorded April 18, 1963, in Book 5988 of Official Records, Page 371; thence along said last named line South 3° 52' 39" West, 74.36 feet and South 1° 50' 00" East, 397.55 feet to a point in the Northerly line of that certain 1.265 acre parcel of land conveyed by John Tripoli to Viola M. Woodall by Deed dated May 27, 1949, and recorded May 31, 1949, in Book 1795 of Official Records, at Page 357; thence along the Northerly line of said 1.265 acre parcel of land North 80° 30' East, 228.68 feet to an iron pipe set at the Northeasterly corner thereof; thence along the Easterly line of said 1.265 acre parcel of land, South 3° 02' East, 225.65 feet to an iron pipe set at the Southerly corner thereof on the Southerly line of the 76.05 acre tract of land described in the Deed from Margaret M. Weaver to Margaret Weaver, et al, dated December 10, 1942, and recorded December 10, 1942, in Book 1120 of Official Records, Page 317; thence along the Southerly line of said 76.05 acre parcel of land, North 80° 28' East, 443.42 feet to an iron pipe set at the most Southerly corner of said 24.938 acre parcel of land North 9° 32' West, 407.47 feet to an iron pipe; thence continuing along the Westerly line of said 24.938 acre Parcel, said Westerly line also being the center line of a 40 foot right of way, North 14° 22' West, 120.72 feet to an iron pipe; thence North 4° 50' West, 181.92 feet to an iron pipe; thence North 2° 26' West, 40.37 feet, more or less, to the point of beginning and being a portion of the Rancho Yerba Buena Y Socayre.

APN: 679-09-002

PARCEL FIVE:

A non-exclusive easement appurtenant to Parcel Four above described for the purposes of ingress and egress and for the installation and maintenance of public utilities over a strip of land 40 feet wide, the center line of which is described as follows:

Beginning at an iron pipe at the point of intersection of the Northeasterly line of the Bayshore Highway being the Easterly line of that certain 9.128 acre tract of land described as Parcel No. 1 in the Deed from Margaret M. Weaver, et al, to the Santa Clara, dated April 16, 1945, and recorded July 7, 1945, in Book 1274 of Official Records, Page 241, Santa Clara County Records with the Northeasterly line of that certain 76.05 acre tract of land described in the Deed from Margaret M. Weaver to Margaret M. Weaver, et al, dated December 10, 1942, and recorded December 10, 1942, in Book 1120 of Official Records, Page 317, Santa Clara County Records; running thence Southeasterly along the said Northeasterly line of the Bayshore Highway on a curve to the right with a radius of 3120.00 feet from a tangent which bears South 12° 56' 13" East, through an angle of 1° 39' 37", for a distance of 90.41 feet to the true point of beginning of the 40.00 foot easement described; thence leaving the said Easterly line of the Bayshore

Highway and running Southeasterly on a curve to the right with a radius of 247.20 feet from a tangent bearing of South 79° 49' 10" East, through an angle of 30° 38' 19", for a distance of 132.18 feet; running thence South 49° 11' East, and parallel with the Northeasterly line of the said 76.05 acre Tract and distant 20.00 feet; Southwesterly, measured at right angles therefrom, for a distance of 218.98 feet; thence on a curve to the right with a radius of 110.00 feet; through an angle of 69° 17', for a distance of 133.02 feet; thence South 20° 06' West, 109.28 feet; thence on a curve to the left with a radius of 65.00 feet, through an angle of 75° 18', for a distance of 85.43 feet, and South 55° 12' East, 152.88 feet to a point on the Southwesterly line of that certain 5.7377 acre tract of land conveyed by John Tripoli, et ux, to Julia Hughins Lorentz by Deed dated February 23, 1951, and recorded March 2, 1951, in Book 2163 of Official Records, Page 271; said point being distant along said Southwesterly line, South 12° 11' East, 363.78 feet from an iron pipe at the Northernmost corner of said 5.7377 acre parcel of land; running thence South 55° 12' East, 183.11 feet; thence on a curve to the right with a radius of 250.00 feet through an angle of 19° 31', for a distance of 85.38 feet and South 35° 38' East, 269.20 feet to an iron pipe on the Southeasterly line of the said 5.737 acre tract of land distant thereon North 75° 03' East, 278.94 feet from an iron pipe set at the Southernmost corner thereof; thence South 40° 25' East, 123.73 feet; thence along the Northwesterly and Westerly line of that certain 24.938 acre parcel of land conveyed by John Tripoli, et ux, to Y. Archibald by Deed dated October 8, 1951, and recorded on May 12, 1952, in Book 2417 of Official Records, Page 645, on a curve to the right with radius of 28.75 feet through a central angle of 97° 29' 30", for an arc distance of 48.92 feet to an iron pipe; thence South 57° 04' 30" West, 70.04 feet to an iron pipe; thence on a curve to the left with a radius of 125.00 feet, through a central angle of 38° 22' 30", for an arc distance of 33.72 feet to an iron pipe; thence South 18° 42' West, 53.81 feet to an iron pipe; thence a curve to the left with a radius of 382.00 feet, through a central angle of 21° 08', for an arc distance of 30" West, 70.04 feet to an iron pipe; thence on a curve to the left a radius of 125.00 feet, through a central angle of 38° 22' 30", for an arc distance of 83.72 feet to an iron pipe; thence South 18° 24' West, 53.81 feet to an iron pipe; thence a curve to the left with a radius of 882.00 feet, through a central angle of 21° 08', for an arc distance of 325.32 feet to an iron pipe; thence South 2° 26' East, 130.37 feet to an iron pipe; thence South 4° 50' East, 181.92 feet to an iron pipe; and thence South 14° 22' East, 120.72 feet to an iron pipe, being a certain 40 foot roadway as delineated upon that certain Record of Survey Map filed for record in the Office of the Recorder of the County of Santa Clara, on January 5, 1951, in Book 29 of Maps, Page 32, that certain Record of Survey Map filed for record in the Office of the County Recorder of the County of Santa Clara, State of California, on May 23, 1951, in Book 32 of Maps, Page 21, and that certain Record of Survey Map filed for record in the Office of the County Recorder of the County of Santa Clara, on June 19, 1952, in Book 37 of Maps, Page 27.

EXCEPTING THEREFROM that portion thereof quitclaimed to the State of California by Instrument dated November 26, 1962, and recorded January 14, 1963, in Book 5863 of Official Records, Page 167, as follows:

Commencing at the most Southerly corner of the parcel of land conveyed to the State of California by Deed recorded June 8, 1944, in Book 1206, at Page 77, Official Records of Santa Clara County; thence along the line common to the lands, now or formerly of John Tripoli and Warren G. Epstein, et al, South 48° 01' 29" East, 72.48 feet; thence South 13° 44' 43" East, 33.32 feet; thence from a tangent bears North 69° 35' West along a curve to the left with a radius of 267.20 feet; through an angle of 9° 04' 04", an arc length of 42.29 feet; thence North 78° 39' 39" West, 8.03 feet to the Easterly line of the existing State Freeway in Santa Clara County Road IV-SC1-68-C; thence along last said line from a tangent that bears North 10° 28'

09" West, along a curve to the left with a radius of 3,120.00 feet, through an angle of 1° 15' 55", an arc length of 68.90 feet to the point of commencement.

PARCEL SIX:

A portion of that certain 10.152 acre parcel of land described in Deed to State of California recorded February 23, 1946, in Volume 1337, at Page 9, Official Records of Santa Clara County, said portion being more particularly described as follows:

Commencing at the Westerly terminus of the course described as "North 81° 38' 00" East, 110.73 feet" in Parcel 2 of the Relinquishment No. 31401 to Santa Clara County, recorded August 29, 1966, in Book 7489, at Page 111, Official Records of Santa Clara County; thence North 2° 36' 22" East, 64.60 feet; thence North 1° 50' 00" West, 297.63 feet to the Easterly line of said 10.152 acre Parcel; thence along last mentioned line South 7° 13' 24" East, 359.18 feet to aforesaid course; thence along said course South 81° 38' 00" West, 38.99 feet to the point of commencement.

APN: 679-08-002 (portion)