

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.66  
GROSS ACRE, LOCATED AT THE SOUTHEAST CORNER  
OF KEATON LOOP AND SAN FELIPE ROAD (3354  
KEATON LOOP) FROM THE A AGRICULTURE 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**, an Initial Study/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 C21-036 and GP21-003 (the "IS/ND"); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the Commercial Pedestrian Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the IS/ND as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject rezoning; 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 to the 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, depicted 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.** Any land development approval that is the subject of City File No. C21-036 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. 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 \_\_\_\_\_, 2022 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

**LEGAL DESCRIPTION**

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

A PORTION OF LOTS 19 AND 20 AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE VILLAGE OF EVERGREEN, AS SURVEYED FOR N. CADWALLADER, MARCH 1887, BY HERMANN BROS. SURVEYORS", WHICH MAP WAS FILED FOR RECORD IN [BOOK B OF MAPS, AT PAGE 56](#), RECORDS OF SANTA CLARA COUNTY, SAID PROPERTY ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT DEED TO SANTA CLARA COUNTY FROM ROBERT E. AND DORIS M. LYTER, FILED FOR RECORD IN [BOOK F 185, PAGE 259](#), OFFICIAL RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF DRY CREEK ROAD (54.00 FEET WIDE) FORMERLY KNOWN AS EVERGREEN ROAD, WITH THE SOUTHEASTERLY LINE OF SCHOOL STREET (60.00 FEET WIDE), AS SAID ROAD AND STREET ARE SHOWN ON SAID "MAP OF THE VILLAGE OF EVERGREEN";

THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF DRY CREEK ROAD, SOMETIMES KNOWN AS SAN FELIPE ROAD, SOUTH 26° 35' 00" EAST 114.11 FEET TO A POINT, SAID POINT BEING THE MOST NORTHWESTERLY CORNER OF THAT 0.500 ACRE PARCEL SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN [BOOK 56 OF MAPS, PAGE 39](#), RECORDS OF SANTA CLARA COUNTY;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID 0.500 ACRE PARCEL NORTH 79° 30' 49" EAST 19.41 FEET TO A POINT, SAID POINT BEING THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL ONE, AS SAID PARCEL ONE IS DESCRIBED IN THAT CERTAIN GRANT DEED TO THE COUNTY OF SANTA CLARA FROM PATRICIA FALTERSACK, FILED FOR RECORD IN [BOOK E918, PAGE 747](#), OFFICIAL RECORDS OF SANTA CLARA COUNTY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING EASTERLY ALONG SAID NORTHERLY LINE OF SAID 0.500 ACRE PARCEL NORTH 79° 30' 49" EAST 181.64 FEET TO A POINT OF CUSP, SAID POINT OF CUSP BEING THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL TWO, AS SAID PARCEL TWO IS DESCRIBED IN SAID GRANT DEED, SAID POINT OF CUSP ALSO BEING ON THE SOUTHERLY LINE OF THE NEW SAN FELIPE EXTENSION;

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE OF THE NEW SAN FELIPE EXTENSION, SAID LINE BEING A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIAL BEARING OF SOUTH 16° 58' 54" WEST AND HAVING A RADIUS OF 865.00 FEET THROUGH A CENTRAL ANGLE OF 07° 50' 12" FOR AN ARC LENGTH OF 118.31 FEET TO A POINT OF REVERSE CURVATURE;

THENCE NORTHWESTERLY, WESTERLY, SOUTHWESTERLY ALONG SAID CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 86° 09' 22" FOR AN ARC LENGTH OF 45.11 FEET;

THENCE SOUTHEASTERLY SOUTH 28° 39' 44" WEST 41.42 FEET TO THE BEGINNING OF CURVE TO THE LEFT;

THENCE SOUTHWESTERLY ALONG SAID CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 90.00 FEET, THROUGH A CENTRAL ANGLE OF 17° 41' 52" FOR AN ARC LENGTH OF 27.80 FEET TO THE TRUE POINT OF BEGINNING.

APN: 659-05-039