

***DRAFT***

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.06-GROSS ACRE SITUATED ON THE SOUTH SIDE OF EAST EMPIRE STREET AT THE SOUTHWEST CORNER OF EAST EMPIRE STREET AND NORTH SIXTH STREET (236 EAST EMPIRE STREET) (APN: 249-47-017) FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1-8 SINGLE FAMILY RESIDENCE 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 Statement of Exemption was prepared for a rezoning under File No. C20-019, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for New Construction or Conversion of Small Structures that applies to the construction of up to three single-family residences in an urbanized area and Section 15331 for Historical Resource Restoration/Rehabilitation of the house) was adopted on March 2, 2021; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption 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 R-1-8 Single Family Residence 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, described in Exhibit "A" and depicted in Exhibit "B" 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. C20-019 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 \_\_\_\_\_, 2021 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

**EXHIBIT "A" LEGAL DESCRIPTION OF 236 E. EMPIRE STREET, SAN JOSE,**  
**CA. 95112 APN: 249-47-017**  
**LANDS OF MAJJIGA FAMILY REVOCABLE TRUST**

**ALL OF THAT CERTAIN REAL PROPERTY SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, CITY OF SAN JOSE, BEING A PORTION OF LOT 18 IN BLOCK 17 OF THE MAP OF THE SUBDIVISION OF BLOCK 13 & 17 WHITE'S ADD. MADE FOR MRS. STEVENSON, THE MAP OF THE SAME BEING RECORDED ON MAY 18, 1885 IN BOOK B OF MAPS ON PAGE 21, SANTA CLARA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**BEGINNING AT THE SOUTHEASTERLY LINE OF EMPIRE STREET, AS SHOWN ON SAID MAP, 90 FEET NORTHEASTERLY OF THE MOST WESTERLY CORNER OF SAID LOT 18;**

**THENCE, NORTHEASTERLY, ALONG SAID SOUTHEASTERLY LINE OF EMPIRE STREET, NORTH 59° 45' 00" EAST, 47.84 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 18 AND THE SOUTHERLY CORNER OF SIXTH AND EMPIRE STREETS;**

**THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SIXTH STREET, SOUTH 30° 15' 00" EAST, 13.65 FEET TO THE EASTERLY LINE OF SAID LOT 18 AND THE WESTERLY LINE OF THE RAILROAD AS SHOWN ON SAID MAP;**

**THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF SAID LOT 18 AND SAID WESTERLY LINE OF THE RAILROAD, SOUTH 09° 05' 52" WEST, 75.45 FEET TO THE MOST EASTERLY CORNER OF THAT TRACT OF LAND CONVEYED ON THE 29TH DAY OF AUGUST, A.D. 1889 BY J. C. STEVENSON, TO JOHN HUDSON, PERPENDICULAR TO THE POINT OF BEGINNING;**

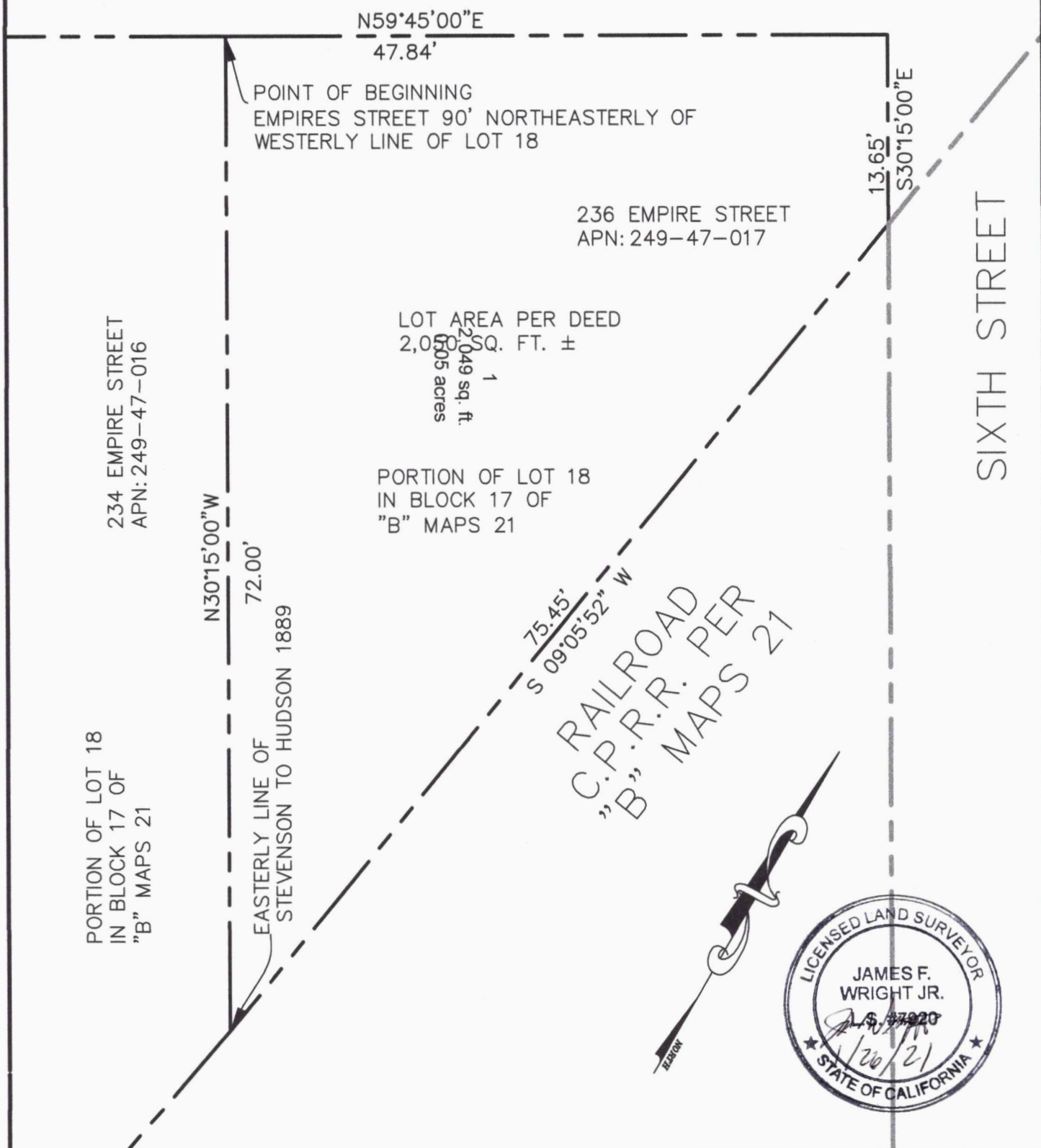
**THENCE, PARALLEL WITH SAID LINE OF SIXTH STREET AND PERPENDICULAR TO THE POINT OF BEGINNING, NORTH 30° 15' 00" WEST, 72.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND BEING HEREIN DESCRIBED AND CONTAINING 2,050 SQUARE FEET OF LAND MORE OR LESS, AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.**



1-26-21

# EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION

## EMPIRE STREET



PLAT TO ACCOMPANY LEGAL DESCRIPTION  
236 E. EMPIRE ST. SAN JOSE, CA 95112

Date: 1-26-21

Dwn by: JW

Scale 1"=10'

Job J200905