



**CITY COUNCIL STAFF REPORT**

<b>File No.</b>	C18-014
<b>Applicant:</b>	Bill Morris
<b>Location</b>	South side of Pegasus Way, approximately 200 feet easterly of Tulare Hill Road
<b>Existing Zoning</b>	A Agricultural
<b>General Plan Land Use Designation</b>	Residential Neighborhood
<b>Council District</b>	2
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	December 10, 1971 (Tulare Hill No. 2)
<b>CEQA:</b>	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto

**APPLICATION SUMMARY:**

Conforming Rezoning from the A Agricultural Zoning District to the R-1-8 Single-Family Residential Zoning District on a 0.44-gross acre site.

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
2. Adopt an ordinance rezoning an approximately 0.44-gross acre site, located at the south side of Pegasus Way, approximately 200 feet easterly of Tulare Hill Road, from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY		
<b>General Plan Designation</b>	<b>Residential Neighborhood</b> <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
<b>Consistent Policies</b>	<b>Implementation Policies IP-1.1, IP-1.6, and IP-8.2</b>	
SURROUNDING USES		
	<b>General Plan Land Use</b>	<b>Zoning</b>
		<b>Existing Use</b>

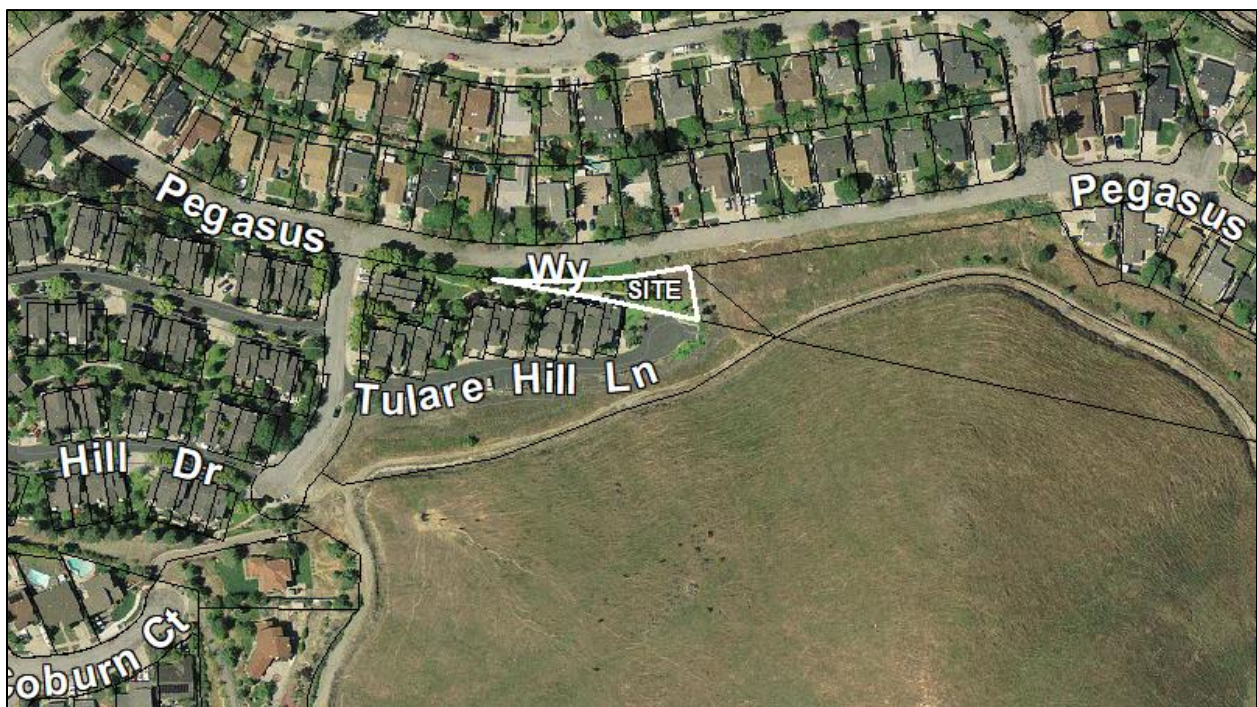
<b>North</b>	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family detached residence
<b>South</b>	Residential Neighborhood	A(PD) Planned Development (File No. PDC79-212)	Single-family attached residence
<b>East</b>	Open Hillside	A Agricultural	Vacant
<b>West</b>	Residential Neighborhood	A(PD) Planned Development (File No. PDC79-212)	Single-family attached residence

**PROJECT DESCRIPTION**

On April 11, 2018, the applicant and owner, Bill Morris, submitted a Conforming Rezoning application to rezone a 0.44-gross acre site located at south side of Pegasus Way, approximately 200 feet easterly of Tulare Hill Road from the A Agricultural Zoning District to the R-1-8 Single-Family Residential Zoning District on a 0.44-gross acre site.

**Site Description and Surrounding Uses**

The subject site is located on the south side of Pegasus Way, approximately 200 feet easterly of Tulare Hill Road (see Figure 1). The subject site is vacant, sloped properly, and is surrounded by single-family residential developments and vacant land. There are no other active planning development permit applications on file for the subject site at this time.



**Figure 1: Aerial image of the subject site**

## Background

The subject property is currently located in the A Agricultural Zoning District. The applicant has requested a conforming rezoning to the R-1-8 Single Family Residence Zoning District, which would further bring the site into conformance with the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation. The rezoning is required for the site to be developed with a single-family residence and other allowed uses such as a secondary unit.

## ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the Envision San José 2040 General Plan, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

### Envision San José 2040 General Plan Conformance

The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Residential Neighborhood (see Figure 2).

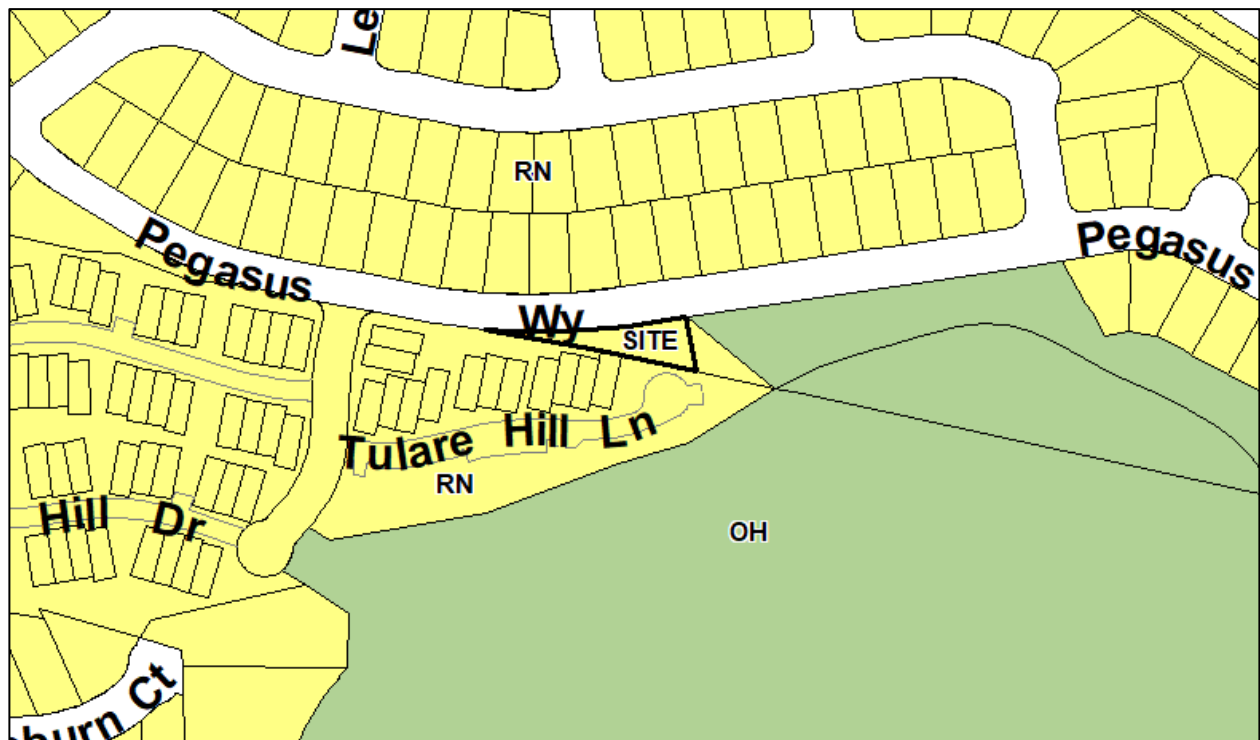


Figure 2: General Plan Land Use/Transportation Diagram

The Residential Neighborhood category is applied broadly throughout the city to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing, and neighborhood

form and pattern. The proposed rezoning would allow the subject site to be developed with uses that are consistent with the General Plan land use designation of Residential Neighborhood.

The proposed rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
3. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: Pursuant to [Table 20-270](#) of the Zoning Ordinance, the R-1-8 Single Family Residence Zoning District is listed as a conforming district for the General Plan Land Use Designation of Residential Neighborhood. The Conforming Rezoning to the R-1-8 Single-Family Residence Zoning District would align the zoning district to be consistent with the goals of the General Plan and facilitate future developments that are consistent with the General Plan land. This zoning district would be consistent with much of the neighborhood in that these properties are predominately located in the R-1-8 Zoning District.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with [Table 20-270 in Section 20.120.110](#) of the San José Municipal Code, which identifies the R-1-8 Single-Family Residence Zoning District and R-1-5 Single-Family Residence Zoning District as a conforming districts to the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation. The properties to the north of the subject property are zoned R-1-8 Single-Family Residence Zoning District. Therefore, the proposed R-1-8 Single-Family Residence Zoning District is an appropriate rezoning district.

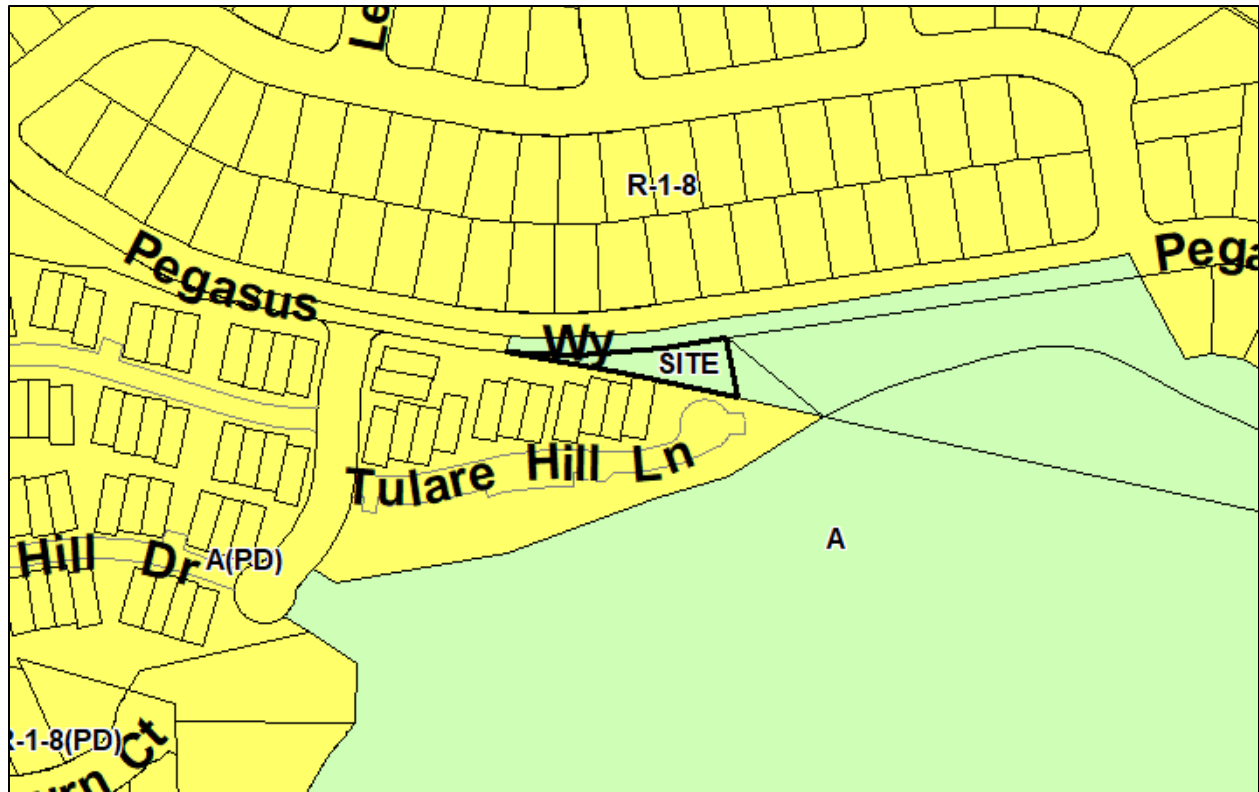


Figure 3: Zoning Map

The R-1-8 Single Family Residential Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-50, including such uses as One-family Dwelling, Secondary Dwelling, Residential Care Facility with six or fewer persons and Daycare Center.

#### Setbacks and Heights

The subject site is required to maintain a 20-foot front setback, 5-foot interior side setback, and a 20-foot rear setback. The maximum height allowed is 35 feet. Future development must conform to the development standards of the R-1-8 Single-Family Residence Zoning District. No development is proposed at this time.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of, and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FPEIR, SEIR and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR, SEIR and Addenda been identified.

## **PUBLIC HEARING NOTIFICATION**

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comment letters have been received to date.

/s/

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

For questions, please contact Acting Deputy Director, Sylvia Do, at (408)535-7907.

Attachment: Legal Description and Plat map

**EXHIBIT " A "**  
**LEGAL DESCRIPTION**  
**REZONING AREA**

**ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:**

**BEING A PORTION OF "PARCEL B" AS SHOWN UPON THE PARCEL MAP, RECORDED IN BOOK 399 OF MAPS AT PAGE 41, RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A THE MOST WESTERLY CORNER OF SAID PARCEL, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PEGASUS WAY AS SHOWN UPON SAID MAP;**

**THUS, ALONG THE SOUTHERLY LINE OF SAID PARCEL S. 80° 02' 05" E (S 79° 56' 53" E BY MAP) 460.17 FEET TO THE INTERSECTION THEREOF WITH THE GENERAL WESTERLY LINE OF THAT CERTAIN EASEMENT GRANTED TO SANTA CLARA VALLEY WATER CONSERVATION DISTRICT BY GRANT OF EASEMENT RECORDED IN BOOK 5686 OF OFFICIAL RECORDS AT PAGE 13, RECORDS OF SAID COUNTY;**

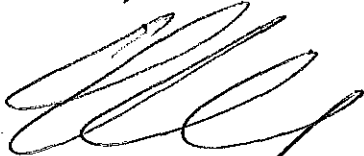
**THENCE, LEAVING SAID LINE N 09° 38' 00" W 113.90 FEET TO THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF PEGASUS WAY;**

**THENCE, ALONG SAID LINE S 80° 22' 00" W 181.12 FEET;**

**THENCE, CONTINUING ALONG SAID LINE ALONG A TANGENT CURVE TO THE RIGHT (CONCAVE TO THE NORTH), HAVING A RADIUS OF 794.00 FEET, THROUGH A CENTRAL ANGLE OF 18° 31' 33" (19° 41' 07" BY MAP) FOR AN ARC LENGTH OF 256.73 FEET (272.80 FEET BY MAP) TO THE POINT OF BEGINNING.**

**CONTAINING 19,299 SQUARE FEET, MORE OR LESS.**

**ERIC L COX, CIVIL ENGINEER**



**ERIC L COX, RCE 24162**  
**LICENSE EXPIRES 12/31/2019**

July 25, 2018  
**DATE**



706-11-023  
 COUNTY OF SANTA CLARA

5686 OR 13  
 SCVWD FLOOD CONTROL COYOTE ALAMITOS CANAL

TULARE HILL LANE  
 (PRIVATE ROAD & P.S.E.)

TRACT NO. 7000, 487 M 1-2

SCVWD  
 APN 706-11-022

PARCEL 1  
 BOOK 399 MAPS,  
 PAGE 41  
 APN 706-11-021

AREA TO BE REZONED  
 19,299 ± SF

N89°38'00"W  
 113.90'

S80°02'05"E  
 496.17'

S80°22'00"W  
 181.12'

Δ=18°31'33"  
 R=794.00'  
 L=256.73'

PEGASUS WAY (46' WIDE)

SIDEWALK

TRACT NO. 5111 323 M 44-45



NORTH

20 0 20 40 60



SCALE: 1" = 60'



25-Jul-18

P.O.B.

TULARE HILL RD

LEGEND

P.O.B. POINT OF BEGINNING

**KEMBCON ENGINEERS**  
 CIVIL AND STRUCTURAL ENGINEERS  
 P.O. BOX 389  
 MILLBRAE, CA 94038  
 VOICE 650.343.8310  
 EMAIL: engineers@kembcon.com

"EXHIBIT B"

**PLAT OF DESCRIPTION**

Ø PEGASUS WAY - REZONING

CITY OF SAN JOSE,

SANTA CLARA COUNTY

CALIFORNIA

DATE. 25 JULY 2018

SCALE. AS SHOWN

DRAWN JOE

SHEET 1 OF 1