



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C18-012
<b>Applicant:</b>	Rene Orellana
<b>Location</b>	1214 Wabash Street
<b>Existing Zoning</b>	CN Commercial Neighborhood
<b>General Plan Land Use Designation</b>	Residential Neighborhood
<b>Council District</b>	4
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	March 12, 1968 (Alviso Consolidation)
<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 CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District on 0.26-gross acre site.

**RECOMMENDATION:**

Staff recommends that the City Council approve the Conforming Rezoning 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	CN Commercial Neighborhood	Single-family Residence
<b>South</b>	Residential Neighborhood	A(PD) Planned Development (File No. PDC06-018), CN Commercial Neighborhood	Single-family Residence, Storage

<b>East</b>	Residential Neighborhood	CN Commercial Neighborhood	Single-family Residence
<b>West</b>	Residential Neighborhood	CN Commercial Neighborhood	Single-family Residence

## PROJECT DESCRIPTION

On March 26, 2018, the applicant, Rene Orellana, applied for a Conforming Rezoning from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District on a 0.26-gross acre site.

### Site Description and Surrounding Uses

The subject site is located on the north side of Wabash Street, approximately 640 feet westerly of Archer Street (see Figure 1). The subject site has an existing single-family residence located onsite and is surrounded by single-family residential development and a vacant site with outdoor storage (cargo crates) stored to the south. No other planning development application is 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 CN Commercial Neighborhood Zoning District. The applicant has requested a conforming rezoning to the R-1-8 Single Family Residence Zoning District, which would bring the zoning into conformance with the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation. This zoning designation would allow the site to be developed with a single-family residence or 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 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 proposed rezoning allows single-family residential development to occur or other allowed uses in that district such as a secondary unit.*

### Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-270, Section 20.120.110 of the San José Municipal Code, which identifies the R-1-8 Single-Family Residence Zoning District as a conforming district to the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation.

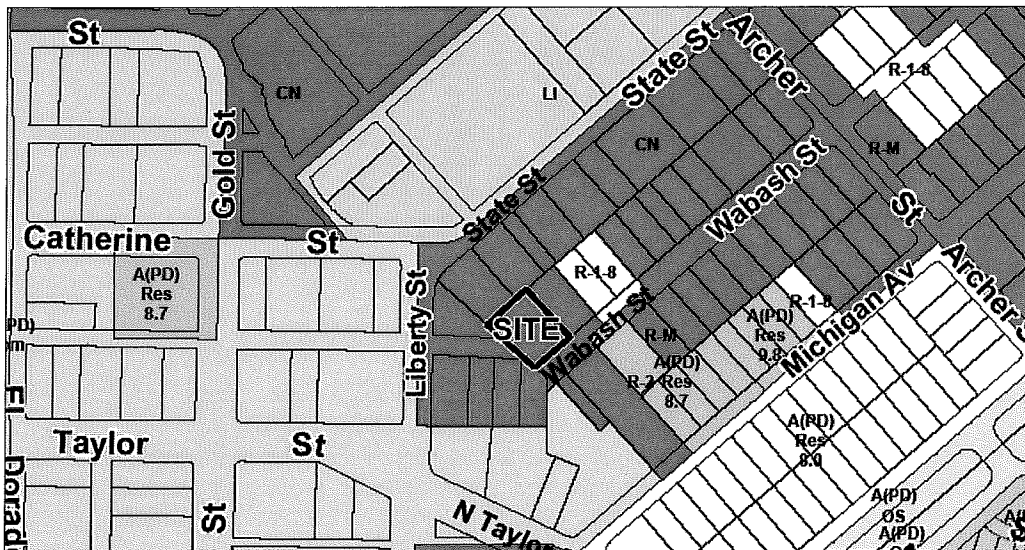


Figure 3: Zoning Map

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 One-family dwelling, Secondary dwelling, Residential care facility with six or fewer persons and Public Schools (Elementary and secondary). The subject site has an existing single-family residence which is an allowed use for the R-1-8 Single-Family Residence Zoning District.

Setbacks and Heights

The subject site is required to maintain a 20-foot front setback, 5-foot side setbacks, and a 20-foot rear setback. The existing single-family home has a 25-foot front setback, a greater than 10-foot side setback on both sides of the structure, and a greater than 40-foot setback to the rear of the property. The maximum height allowed is 35 feet. The existing structure is approximately 28 feet in height. Therefore, the existing single-family home conforms to the development standards of the R-1-8 Single-Family Residence Zoning District.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15168 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 José 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 Ned Thomas, Division Manager, at (408) 793-5302.

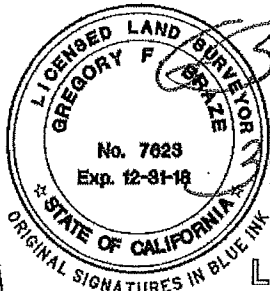
Attachments: Legal Description  
Plat map

**Exhibit A**

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Lots 54, 55, 56, and 57 in Block Numbered 1, as shown upon that certain Map entitled "Map of New Chicago at Port of Alviso, Santa Clara County, California", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on April 11, 1890 in Book D of Maps, at pages 184, 185.

APN: 015-12-049



**BASIS OF BEARINGS**

THE BEARING NORTH 48°12'10" EAST OF THE NORTHWESTERLY LINE OF WABASH STREET AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 532 OF MAPS AT PAGE 2, SANTA CLARA COUNTY RECORDS IS THE BASIS OF ALL BEARINGS SHOWN UPON THIS PLAT.

APN 015-02-033  
LANDS OF  
VIZCARRA

LANDS OF  
VIZCARRA  
APN 015-12-087  
N48°12'10"E 101.99'

APN 015-12-086  
LANDS OF  
VIZCARRA

LIBERTY  
COURT (30')

N50°24'44"W

LANDS OF  
SALAZAR AND  
ORELLANA  
11,350 SQ.FT.  
0.26 ACRES  
APN 015-12-049

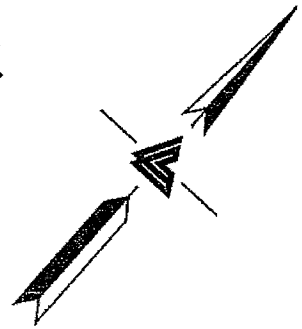
N43°22'50"W 120.09'

LANDS OF  
ROMO  
APN 015-12-048

LANDS OF  
GARCIA  
APN 015-02-037

121.41'

RECORD OF SURVEY  
532 MAPS 2



N48°12'10"E 87.12'

APN 015-02-036  
LANDS OF  
MORALES

WABASH STREET (50')



SCALE: 1" = 30'



**LEA & BRAZE ENGINEERING, INC.**

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SACRAMENTO REGION 3017 DOUGLAS BLVD, # 300 ROSEVILLE, CA 95661 (P) (916) 966-1338 (F) (916) 797-7383

1214 WABASH STREET  
ALVISO, CALIFORNIA  
APN 015-12-049

JOB NO 2171228

DRAWN BY MT

MARCH 2018

1210-810  
C18-012