



CITY COUNCIL STAFF REPORT

| | |
|--------------------------|--|
| File No. | C22-043 |
| Applicant | Jackson Lu, Grand-Nest Construction |
| Location | West side of Di Salvo Avenue, approximately 80 feet north Bailey Avenue (179 Di Salvo Avenue) |
| Existing Zoning | CO Commercial Office |
| Proposed Zoning | R-1-8 Single-Family Residence |
| Council District | 6 |
| Historic Resource | No |
| Annexation Date | September 4, 1980 (Bascom No. 36) |
| CEQA | 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 CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District on an approximately 0.24-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, in accordance with CEQA; and
2. Approve an ordinance rezoning the approximately 0.24-gross acre site located on the west side of Di Salvo Avenue, approximately 80 feet north Bailey Avenue (179 Di Salvo Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.

PROJECT DATA

| GENERAL PLAN CONSISTENCY | | | |
|--------------------------|--------------------------|--|----------------------------------|
| General Plan Designation | | Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent | |
| Consistent Policies | | Implementation Policies IP-1.1, IP-1.7, IP-1.8, and IP-8.2 | |
| SURROUNDING USES | | | |
| | General Plan Land Use | Zoning | Existing Use |
| North | Residential Neighborhood | R-1-8 Single-Family Residence | Detached Single-Family Residence |
| South | Residential Neighborhood | R-1-8 Single-Family Residence | Detached Single-Family Residence |
| East | Residential Neighborhood | R-1-8 Single-Family Residence | Detached Single-Family Residence |
| West | Residential Neighborhood | R-1-8 Single-Family Residence | Detached Single-Family Residence |

| RELATED APPROVALS | |
|--------------------------|--|
| Date | Action |
| 4/29/1980 | Pre-zoning (File No. C80-010) from County to the C-Commercial Zoning District to allow the use of a medical office on an approximately 0.24-gross acre site located on the west side of Di Salvo Avenue, approximately 80 feet north of Bailey Avenue. |

PROJECT DESCRIPTION**Site Description and Surrounding Uses**

The subject site is located on the west side of Di Salvo Avenue, approximately 80 feet north of Bailey Avenue (see Figure 1). The subject site is vacant. The site is surrounded by detached single-family residences to the north, south, east, and west. There are no other active planning development permit applications on file for the subject site.

Background

On June 6, 2022, the applicant, Jackson Lu, filed an application to rezone an approximately 0.24-gross acre site from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District. The applicant has requested a conforming rezoning to rezone the site to the R-1-8 Single-Family Residence Zoning District, which would further bring the site into conformance with the General Plan Land Use/Transportation Diagram land use designation of Residential Neighborhood.

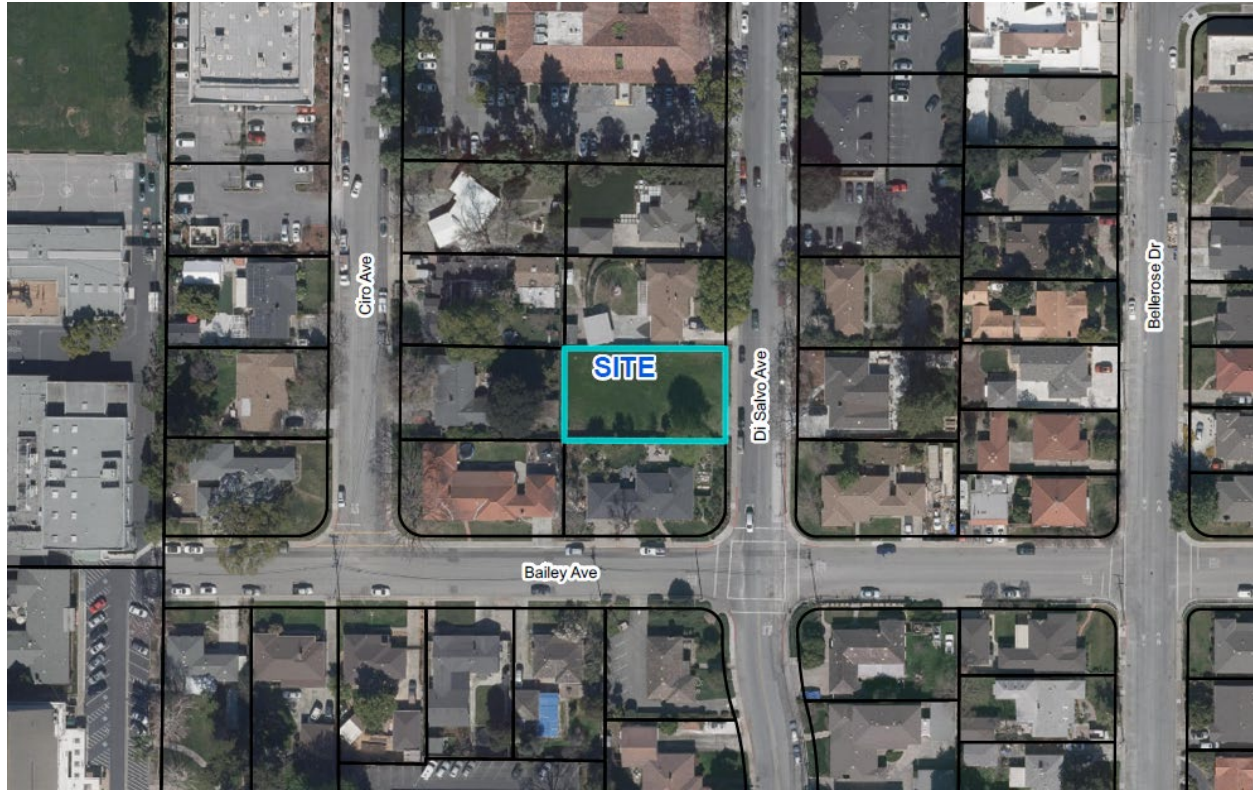


Figure 1: Aerial image of the subject site

ANALYSIS

The project was analyzed for conformance with the following: 1) the *Envision San José 2040 General Plan*, 2) the Zoning Ordinance, 3) Senate Bill 330 Compliance, and 4) 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

This designation 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. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. New infill development should conform to the Envision General Plan design guidelines for Residential Neighborhoods and should be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower.

The 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.

Analysis: The subject site's land use designation of Residential Neighborhood is intended for single-family residential development. The proposed Zoning District of R-1-8 Single-Family Residence would determine the form and height of any future single-family residence proposals.

2. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* vision, goals, and policies.

Analysis: The R-1-8 Single-Family Residence Zoning District is a conforming district to the Residential Neighborhood land use designation, pursuant to [Section 20.120.110](#) of the San José Municipal Code.

3. Implementation Policy IP-1.8 Land Use/Transportation Diagram: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit the use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

Analysis: The subject site would be rezoned to R-1-8 Single-Family Residence, which is a standard Zoning District. The rezoning would allow for consistent development patterns as the subject site is surrounded by single-family residences on all sides.

4. 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: Any future development at the subject site would be required to conform with the development standards of the R-1-8 Single-Family Residence Zoning District. The allowed uses and development standards of the R-1-8 Single-Family Residence Zoning District generally correspond to the Residential Neighborhood land use designation and would implement the *Envision General Plan* Land Use/Transportation Diagram.*

Zoning Ordinance Conformance

The 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 General Plan Land Use/Transportation Diagram land use designation of Residential Neighborhood.



Figure 3: Proposed Zoning Map

The R-1-8 Single-Family Residence Zoning District would allow the property to be used and developed in accordance with the allowable uses in [Table 20-50](#), which includes a range of residential, agriculture, education and training, entertainment and recreation, and public, quasi-public and assembly uses. This rezoning would facilitate the future redevelopment of the site to be consistent with the General Plan land use designation.

Setbacks and Heights

[Table 20-60](#) in [Section 20.30.200](#) of the San José Municipal Code establishes the following development standards for the R-1-8 Single-Family Residence Zoning District.

| Standard | R-1-8 Zoning District |
|--------------------------------|-----------------------|
| Minimum Front Setback | 20 feet |
| Minimum Side, Interior Setback | 5 feet |
| Minimum Rear, Interior Setback | 20 feet |
| Minimum Driveway Length | 18 feet |
| Maximum Building Height | 35 feet |
| Maximum Number of Stories | 2.5 stories |

Any future development would be required to adhere to the development standards set forth in [Section 20.30.200](#) of the San José Municipal Zoning Code. All future development would be evaluated for conformance with the above development standards and all other Municipal Code regulations. All future development may also need to be evaluated under CEQA.

Allowed Uses

Any future use of the site would be required to adhere to the allowed uses established in the R-1-8 Single-Family Residence Zoning District pursuant to [Table 20-50](#) of the San José Municipal Zoning Code.

Senate Bill 330 Compliance

The Housing Crisis Act of 2019 (SB 330, 2019) limits the manner in which local governments may reduce the capacity for residential units that can be built on within the local agency's jurisdiction, including actions such as downzoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements that work to reduce the amount of housing capacity in the jurisdiction. An exception to this limitation is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere in the jurisdiction ensure there is no net loss in residential capacity within the jurisdiction.

The rezoning (File No. C22-043) does not reduce the intensity of residential uses because the rezoning allows for greater residential density than the existing CO Commercial Office Zoning District. The rezoning would increase the residential capacity of the approximately 0.24-gross acre site by approximately one unit.

CONCLUSION

Should the rezoning be approved by the City Council, the property would be rezoned from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District, and the applicant would be able to apply for development of the site consistent with the allowed uses of the Residential Neighborhood General Plan Land Use Designation and R-1-8 Single-Family Residence Zoning District. There is currently no development project associated with this proposed rezoning.

CLIMATE SMART SAN JOSE

The recommendation in this staff report has no effect on Climate Smart San José energy, water, or mobility goals.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the 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 FEIR, 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, SIER and Addenda been identified.

PUBLIC HEARING NOTIFICATION

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.

/s/

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachments: Legal Description
Plat Map

Exhibit "A"

Lot 22, as shown on that certain Map entitled, "Tract No. 655," Map Park Home Sites, which Map was filed in the office of the Recorder of the County of Santa Clara, State of California on September 26, 1949 in Book 24 of Maps, at Page 28.

Assessor's Parcel Numbers(s): 274-59-054

BAILEY AVENUE (60' R/W)

LOT 24
(24-M-28)
LANDS OF
GEOFFREY HANSON &
ADEL TRU HANSON
DOC# 22985673

LOT 25
(24-M-28)
LANDS OF MARLIES DEVEER &
AMY BEASLEY
DOC# 16016352

LOT 26
(24-M-28)
LANDS OF
HILLARIE COX &
GRACE COX
DOC# 24116612

N.0°29'05"W. 76.00'

135.26'

LOT 23
(24-M-28)
LANDS OF
GARY GALIOTTO & LLOYD EAKES
DOC# 21446895

LOT 22
(24-M-28)
AREA = 10,279±SQ.FT.
LANDS OF CAILIN HUANG
DOC# 25257376

LOT 21
(24-M-28)
LANDS OF
JIACHENG LU &
YUN HU
DOC# 24401572

N.89°00'25"E.

135.26'

N.89°00'25"E.

N.0°29'05"W. 76.00'

DI SALVO AVENUE (60' R/W)

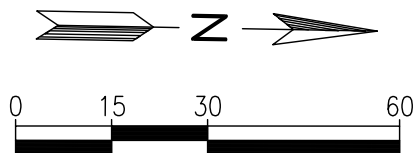


EXHIBIT "B"

PLAT FOR : PLANNING PURPOSES
179 DI SALVO AVENUE, SAN JOSE, CA

DATE: AUG, 2022

SCALE: 1"=30'

BY: EW

W E C
& ASSOCIATES

2625 MIDDLEFIELD RD #658 TEL: (650) 823-6466
PALO ALTO, CA 94306 FAX: (650) 887-1294