



CITY COUNCIL STAFF REPORT

File No.	C18-002
Applicant:	John Moniz
Location	APN: 01505080, South side of Wabash Street, approximately 400 feet westerly of Archer Street
Existing Zoning	CN Commercial Neighborhood
General Plan Land Use Designation	Residential Neighborhood
Council District	4
Historic Resource	No
Annexation Date:	March 12, 1968
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 all addenda thereto

APPLICATION SUMMARY:

Conforming Rezoning from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residence Zoning District on a 0.14 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			
General Plan Designation		Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.1, IP-1.6, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	CN Commercial Neighborhood	House
South	Residential Neighborhood	A(PD) Planned Development	House
East	Residential Neighborhood	R-M Multiple Residence	House
West	Residential Neighborhood	CN Commercial Neighborhood	House

PROJECT DESCRIPTION

On January 18, 2018, the applicant, Beatriz Alvarez, applied for a Conforming Rezoning from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residence Zoning District on a 0.14-gross acre site.

Site Description and Surrounding Uses

The subject site is located on the south side of Wabash Street, approximately 400 feet west of Archer Street (Figure 1). The undeveloped site is surrounded by single and two-family residential housing. No development permits are on file.



Figure 1: Aerial image of the subject site

Background

The subject property is zoned CN Commercial Neighborhood. The applicant requests 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 will allow the site to be developed with a single-family residence, or other allowed uses in the district.

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 (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 conforms to 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.

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.

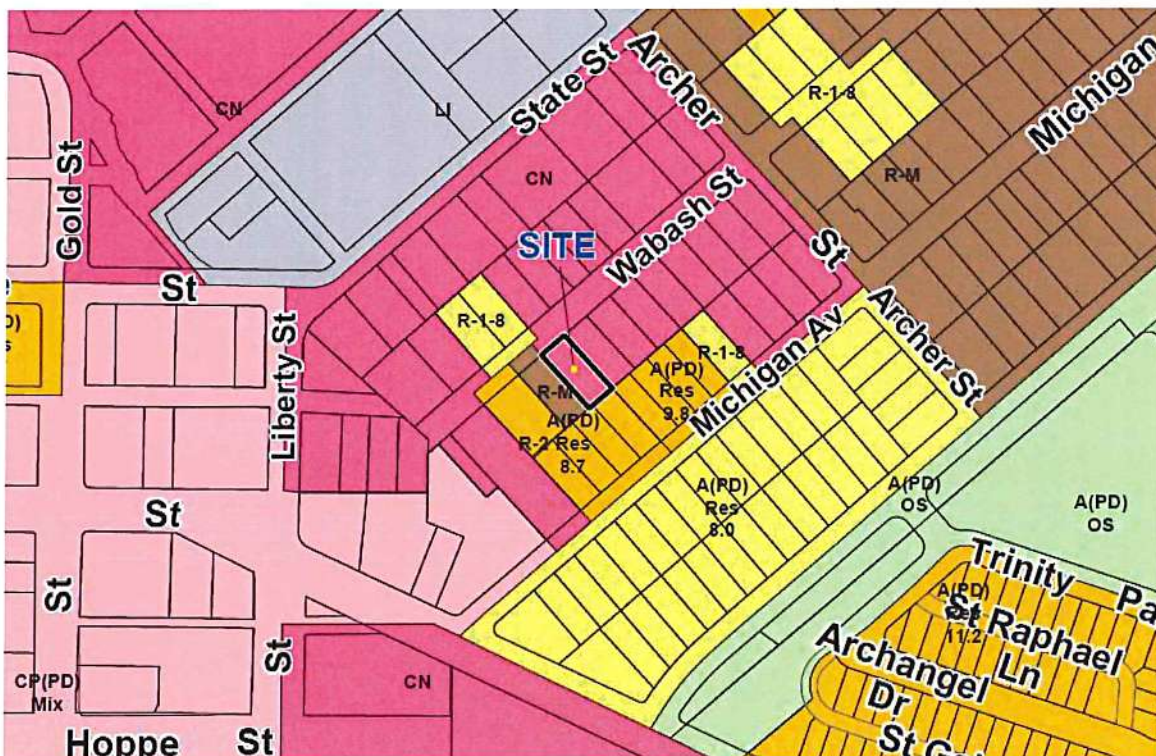


Figure 3: Zoning Map

April 24, 2018

Subject: File No. C18-002

Page 5

The R-1-8 Single Family Residential Zoning District will allow the property to be used and developed in accordance with the allowable uses in Table 20-50, including one-family dwellings, secondary dwellings, residential care facilities with six or fewer persons and public schools (Elementary and Secondary).

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 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 Steve McHarris, Planning Official, at (408) 535-7819.

Attachment: Legal Description and Plat map

"EXHIBIT A"
LEGAL DESCRIPTION

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being all of Lots 12 and 13 in Block 2, as shown on that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed April 11, 1890 in Book D of Maps, at Pages 184 and 185, Records of Santa Clara County, California, being more particularly described as follows:

Beginning at the northeast corner of said "Lot 13"; thence along the northeast line of said "Lot 13",

S43°17'53"E, a distance of 119.84 feet to the northwest line of "Parcel 4", as shown on the Parcel Map filed December 16, 2013 in Book 867 of Maps, at Pages 26 and 27, Records of Santa County, California; thence along said northwest line, and it's westerly projection,

S48°12'34"W, a distance of 50.00 feet, to the southwest line of said "Lot 12"; thence along said southwest line,

N43°17'53"W, a distance of 119.84 feet to the southeast line of Wabash Street, being 50 feet wide, as shown on said Parcel Map; thence along said southeast line,

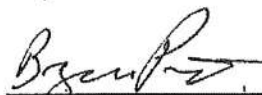
N48°12'34"E, a distance of 50.00 feet to the **Point of Beginning**.

Containing 5,990 square feet, more or less.

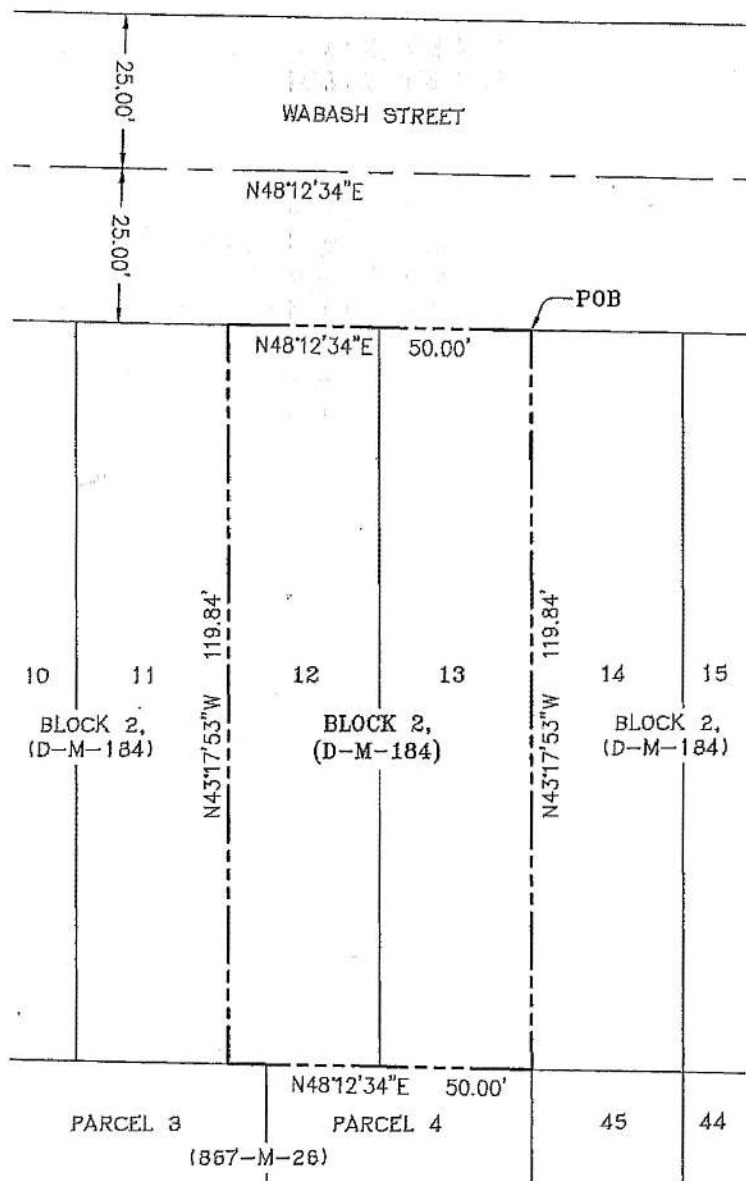
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

 02/14/2018
Bryan Pierce, PLS 8859 Date
Expires: 12/31/2019





LEGEND

- BOUNDARY LINE
- EXISTING LOT LINE
- MONUMENT LINE
- POINT OF BEGINNING



SCALE IN FEET: 1" = 30'

BASIS OF BEARINGS:

THE BEARING OF N48°12'34"E ALONG THE NORTH LINE OF PARCELS 3 AND 4 AS SHOWN ON THE PARCEL MAP FILED DECEMBER 16, 2013 IN BOOK 867 OF MAPS, AT PAGES 26 AND 27, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

"EXHIBIT B"

ALL OF LOTS 12 AND 13 IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF NEW CHICAGO AT PORT ALVISO, SANTA CLARA COUNTY, CALIFORNIA", FILED APRIL 11, 1890, IN BOOK "D" OF MAPS, AT PAGES 184 AND 185, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA

SANTA CLARA COUNTY, CALIFORNIA

SHEET 1 OF 1



RUGGERI-JENSEN-AZAR

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SCALE:
1"=30'

DATE:
01/17/2018

JOB NO.:
172027