

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 01-25-05

11.4

File Number
C04-107

Application Type
Conforming Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-07-066

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: West side of Stockton Avenue, approximately 50 feet southerly of Villa Street

Gross Acreage: 0.12

Net Acreage: 0.12

Net Density: N/A

Existing Zoning: CN Commercial Neighborhood

Existing Use: Vacant commercial building

Proposed Zoning: R-1-8 Residence District

Proposed Use: Single family residential

GENERAL PLAN

Completed by: ELM

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: ELM

North: Duplex

CN Commercial Neighborhood

East: Industrial

HI Heavy Industrial

South: Single-family residence

CN Commercial Neighborhood

West: Single-family residence

R-2 Residence District

ENVIRONMENTAL STATUS

Completed by: ELM

Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: ELM

Annexation Title: College Park/ Burbank Sunol

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: January 4, 2005

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER

Grzegorz Wisinski
641 Stockton Avenue
San Jose, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ELM

Department of Public Works

None received

Other Departments and Agencies

None received

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting to rezone the subject 0.12 gross-acre site from CN Commercial Neighborhood Zoning District to R-1-8 Residence District to allow single-family residential uses. The site is currently developed with a vacant commercial building that has been enlarged and converted to residential use without benefit of permits.

The property owner has filed this rezoning application as the first step in obtaining necessary approvals for the residential conversion and building alterations. A subsequent Site Development Permit will be required to address the unpermitted addition and to allow conversion of the commercial building to a single-family residence.

The site is surrounded by residential uses to the north and west and industrial uses to the east. The property to the south of the subject site contains a single-family residence that has been used for commercial uses without the benefit of permits and is the subject of ongoing Code Enforcement activity.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459

GENERAL PLAN CONFORMANCE

The site is designated Medium Density Residential (8-16 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Residence Zoning District is consistent with this designation.

ANALYSIS

The proposed rezoning to R-1-8 Residence District will bring the zoning of the parcel into conformance with the General Plan and facilitate implementation of uses on the site that are consistent with the Medium Density Residential General Plan designation and compatible with surrounding uses. Further, the rezoning will allow resolution of an ongoing Code Enforcement case by allowing the property owner to apply for the necessary permits to allow the conversion of the commercial structure to a residential use and to address the unpermitted addition.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

COORDINATION

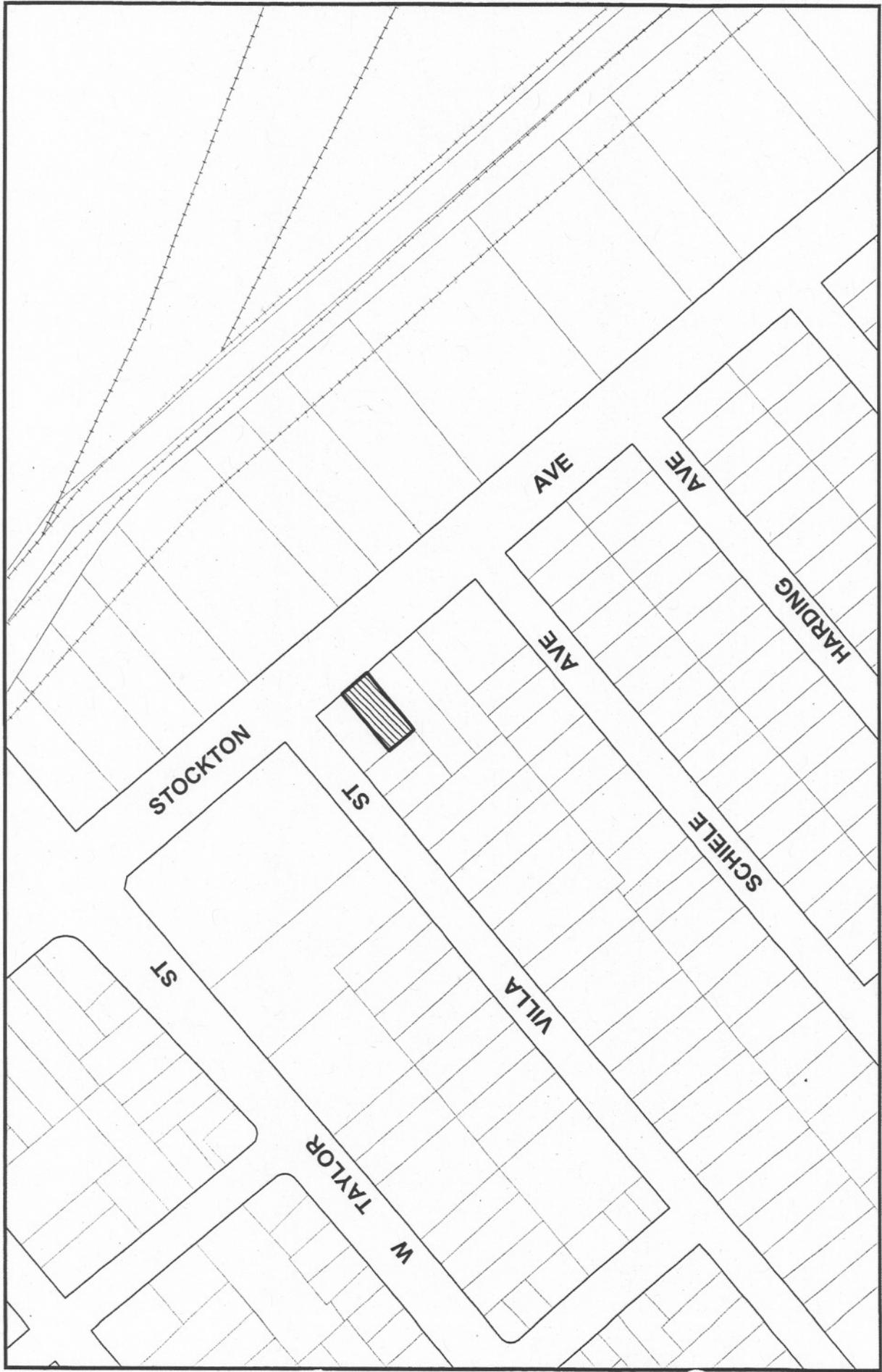
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC).
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses.

Attachments



Scale: 1"= 200'



 Subject Site

File Number: C04-107

Council District: 6

Quad Number: 82