

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
CC: 02/26/08 Item No. 11.1 (b)

File Number: C07-093

Application Type:
Conforming Conventional Rezoning

Council District: 8

Planning Area:
Evergreen

Assessor's Parcel Number: 660-23-018

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: North side of San Felipe Road, approximately 650 feet south of Fowler Road (3810 San Felipe Road)

Gross Acreage: 0.36

Net Acreage: 0.36

Net Density: N/A

Existing Zoning: A - Agricultural

Existing Use: Residential

Proposed Zoning: R-1-5 Single-Family Residence District

Proposed Use: Residential

GENERAL PLAN

Land Use/Transportation Diagram Designation:
Low Density Residential (5 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Detached single-family residence

A-Agricultural

East: Elementary school

A-Agricultural

South: Thompson Creek (across San Felipe Road)

A(PD) Planned Development Zoning

West: Detached single-family residence

A(PD) Planned Development Zoning

ENVIRONMENTAL STATUS

Environmental Impact Report (GP2020 EIR certified 8-16-94)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Date Filed: November 6, 2007

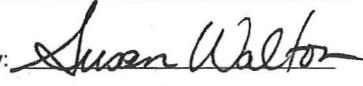
Annexation Title: Evergreen No. 144

Date: July 27, 1981

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 02-04-2008

Approved by: 
 Action
 Recommendation

OWNERS

Chaoyang Li And Hong Cao
3810 San Felipe Road
San Jose, CA 95135

ARCHITECT

Thomas Liu
20710 Carniel Avenue
Saratoga, CA 95070

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SM

Department of Public Works: None

Other Departments and Agencies: None

GENERAL CORRESPONDENCE: None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

Hong Cao, et. al, the property owners, are requesting a conforming conventional rezoning of the subject property from the A-Agricultural Zoning District to R-1-5 Single Family Residence Zoning District to allow residential uses and future potential use of the site as a daycare center.

The 0.36 gross acre site is currently developed with one approximately 2,200 square-foot detached single-family residence constructed in 1922. Physical changes to the site and to the existing building are not considered as part of this application.

The site is currently used as a single-family residence with a home-based day care. The applicant proposes to convert the business to a full daycare center without a residential use. This is not an allowed use in the A-Agricultural Zoning District and requires rezoning to a residential zoning district. Such a use would then require a subsequent Conditional Use Permit.

The site is trapezoidal in shape with approximately 107 feet of frontage along San Felipe Road. The site is surrounded by single-family detached residences to the north and west, elementary school to the east and Thompson Creek across San Felipe Road to the south.

GENERAL PLAN CONFORMANCE

The proposed rezoning conforms to the General Plan Land Use Diagram designation of Low Density Residential (5 DU/AC). Additionally, the existing use of the subject site as a child day care would support the intent of the General Plan in that, General Plan Neighborhood Identity Policy 5 states, "To increase neighborhood child care options, the city encourages the location of child care facilities in neighborhood schools, churches and other suitable facilities." Although the site is not located within a school facility, Evergreen School District's elementary school is located adjacent to the subject site to the east.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

ANALYSIS

A rezoning of the parcel to a residential zoning designation is necessary because a daycare use that is not incidental to a religious assembly or school is not allowed in the A-Agricultural Zoning District. Therefore, it is not currently permissible to use the site for daycare uses or to process a permit for a daycare use as desired by the applicant. The proposed R-1-5 Residence Zoning District would allow future consideration of a daycare center use with the issuance of a Conditional Use Permit. A Conditional Use Permit could also facilitate upgrading the conditions on the site. Surrounding residents will be notified if a conditional use permit for a daycare facility is subsequently submitted.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report and a copy of the public hearing notice have been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed

change. Staff has been available to discuss the proposal with interested members of the public. Staff has received no comments from 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.

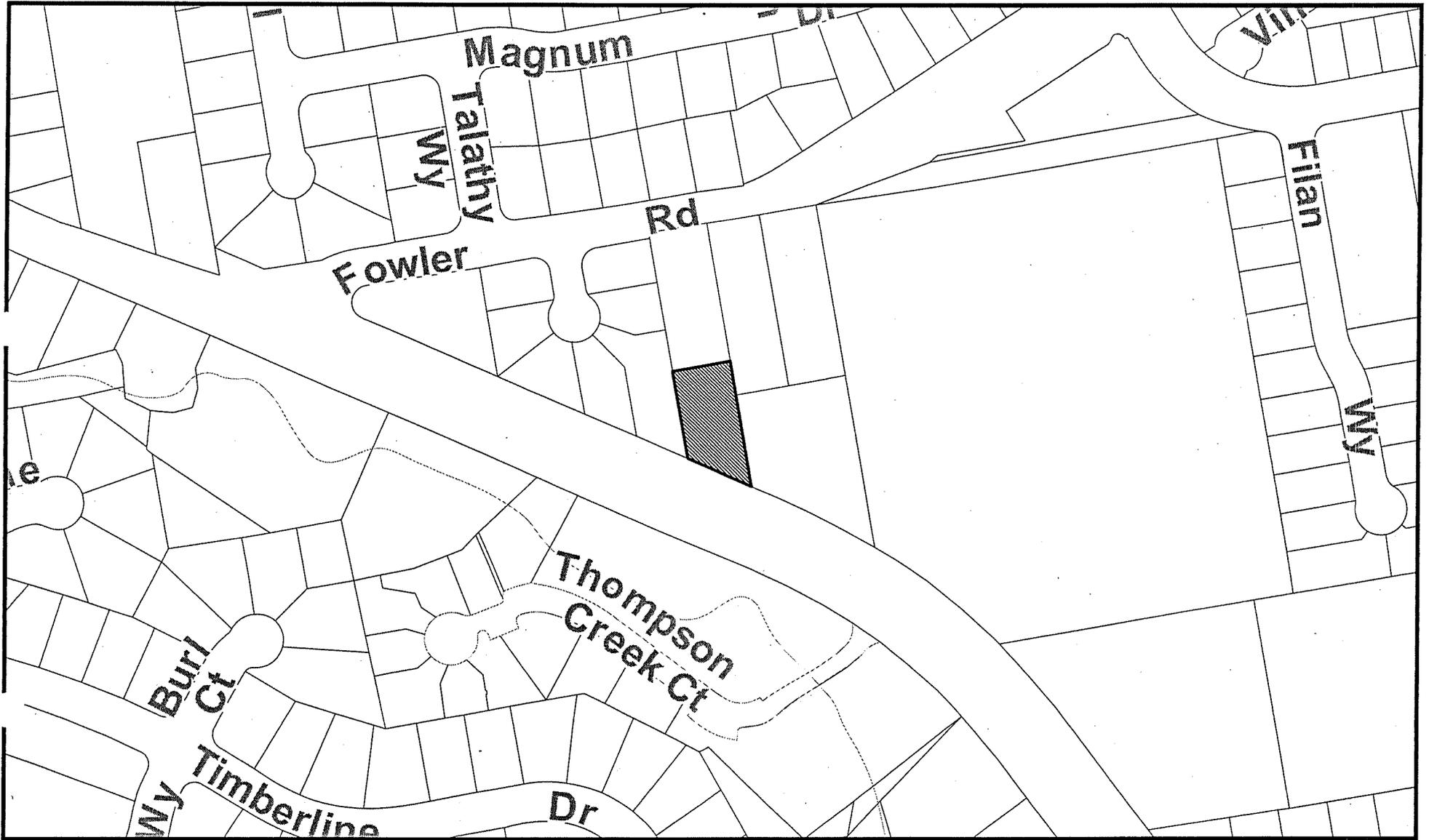
RECOMMENDATION

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 Low Density Residential (5 DU/AC).
2. This rezoning could facilitate a daycare use on this property adjacent to an elementary school.

Attachments:

Location Map



11/07/2007

Scale: 1"= 200'
Noticing Radius: 500 feet

File No: C07-093

District: 8

Quad No: 101