

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. 05-17-05 Item No. *11.8*

File Number  
C05-021

Application Type  
Conforming Conventional Rezoning

Council District  
7

Planning Area  
South

Assessor's Parcel Number(s)  
477-40-032

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lori Moniz

Location: south side of Bacchus Drive approximately 150 feet easterly of McLaughlin Avenue (1166 Bacchus Drive)

Gross Acreage: 0.144

Net Acreage: 0.144

Net Density: 7.14 DU/AC

Existing Zoning: R-1-8(PD) Planned Development District Existing Use: Barn

Proposed Zoning: R-1-8 Residence District

Proposed Use: One Single Family Detached Residence

### GENERAL PLAN

Completed by: LM

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

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: LM

North: Public Middle School

R-1-5 Residence District

East: Single Family Attached Residences

R-1-8(PD) Planned Development District

South: Single Family Detached Residences

R-1-8 Residence District

West: Single Family Detached Residences

R-1-8 Residence District

### ENVIRONMENTAL STATUS

Completed by: LM

Environmental Impact Report Use of 2020 General Plan EIR  
 Negative Declaration circulated on \_\_\_\_\_

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: LM

Annexation Title: McKinley No. 11

Date: 04/14/1961

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions

Date: *4-27-05*

Approved by: *Jean Hamilton*  
 Action  
 Recommendation

### OWNER/APPLICANT

Peter & Anhhong Hoang  
7822 Festival Drive  
Cupertino, CA 95014

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: LM

Department of Public Works

None received.

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**Other Departments and Agencies**

None received.

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**GENERAL CORRESPONDENCE**

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None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicants, Peter and Anhhong Hoang, are requesting a Conforming Conventional Rezoning of the subject 0.144 gross-acre site from R-1-8(PD) Planned Development District to R-1-8 Residence District to allow residential uses that conform to the site's San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8DU/AC).

The site is surrounded by single-family detached residential uses to the south and west, single-family attached residential uses to the east and a public middle school to the north. Currently, there is a barn on the site that was built prior to being annexed into the City in 1961. The applicant would like to demolish this structure and construct a single family detached residence on the site. The existing Planned Development Zoning, approved in 1970, was part of a larger project that included 145 residential units. The current zoning allows the construction of one single-family residence at this location with a maximum building intensity (building envelope) of 25-30%.

**GENERAL PLAN CONFORMANCE**

The site is currently developed with a barn and is designated Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The uses allowed under the proposed rezoning to R-1-8 Residence District are consistent with this designation.

**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**

The subject rezoning from R-1-8(PD) Planned Development District to the R-1-8 Residence District would allow the owner to take utilize the development standards of the R-1-8 Zoning District. More specifically the rezoning would facilitate the applicant's plans to construct a single-family residence consistent with the residential development for a lot between 6,000 and 7,000 square feet. The current development standards for the R-1-8(PD) Planned Development District allows one single-family residence on this lot, however restricts building intensity to 25-30%. Building intensity in this instance refers to building coverage.

Single-family homes, including additions to single-family homes, are allowed by right in the R-1-8 Residence Zoning District. The subject property which is approximately 6,098 square feet in area, would accommodate one residential unit under the R-1-8 Residence district. If the applicant's proposed residence conforms to the R-1-8 development standards and does not trigger the need for a Single-Family House Permit, review and permitting of the home would occur through the Building Division and would not be subject to a public hearing. Should the property owner decide to retain the barn structure and convert it to residential use, a Site Development Permit would be required to alter the legal nonconforming structure.

## **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 as well as published in the San José Post Record and the San José Mercury News. The City Council Agenda is posted on the City of San José web site with copies of the staff report. Staff has been available to discuss the proposal with members of the public.

## **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 Low Density Residential (8DU/AC).
2. The proposed rezoning is compatible with surrounding land uses.
3. The proposed rezoning would facilitate a future project that is compatible with adjacent structures.



File No: C05-021

District: 07

Quad No: 84

Scale: 1"=130'



Map Created On:  
03/02/2005



**USE OF A PROGRAM EIR  
SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

**PROJECT DESCRIPTION AND LOCATION**

C05-021. Conforming Rezoning for a project located south side of Bacchus Drive approximately 150 feet easterly of McLaughlin Avenue (1166 Bacchus Drive) on a 0.144-gross-acre site Rezoning from R-1-8(PD) Planned Development District to R-1-8 Residence District to allow one single-family detached residence.

Council District 7.

County Assessor's Parcel Numbers 477-40-032

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Lori Moniz  
Project Manager

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

4/25/05  
Date

  
Deputy



# Memorandum

**TO:** Lori Moniz  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT:** FINAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 03/04/05

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**PLANNING NO.:** C05-021  
**DESCRIPTION:** Conventional Rezoning from R-1-8(PD) District to R-1-8 District on a 0.144 gross acre site  
**LOCATION:** south side of Bacchus Drive approximately 150 feet from McLaughlin Avenue  
**P.W. NUMBER:** 3-99999

Public Works received the subject project on 03/03/05. We have no comments or requirements.

Please contact the Project Engineer, Mirabel Aguilar, at (408) 277-5161 if you have any questions.

Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

MA:rf  
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