

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
CC: 05-18-04

File Number
C04-009

Application Type
Conforming Rezoning

Council District
8

Planning Area
Evergreen

Assessor's Parcel Number(s)
676-16-018

STAFF REPORT

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: West side of Kettmann Road 100-feet northerly of Dashwood Avenue

Gross Acreage: 0.25

Net Acreage: 0.25

Net Density: 4 DU/AC

Existing Zoning: A-Agricultural

Existing Use: Single-family residence

Proposed Zoning: R-1-8 Residence

Proposed Use: Single-family residence

GENERAL PLAN

Completed by: JWB

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

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JWB

North: Single-family residential

R-1-5 Residence

East: Single-family residential

R-1-8 Residence

South: Single-family residential

R-1-8 Residence

West: Single-family residential

R-1-8 Residence

ENVIRONMENTAL STATUS

Completed by: JWB

Environmental Impact Report found complete 8/16/1994
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: JWB

Annexation Title: Evergreen No. 81-A

Date: 7/19/76

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Mr. Victor Cunha &
Mr. John Arranaga
3499 Kettmann Road
San José, CA 95121-1226

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JWB

Department of Public Works

No Comments.

Other Departments and Agencies

No Comments.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting to rezone the subject 0.25 gross acre parcel from the A-Agricultural zoning district to the R-1-8 Residence zoning district to allow residential uses. A single-family residence currently occupies the subject parcel. The applicant intends to build an addition to the existing house.

Single-family detached houses on similarly sized lots surround the project site on all sides.

ENVIRONMENTAL REVIEW

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.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the R-1-8 Residence zoning district is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).

ANALYSIS

The subject rezoning from A-Agricultural to the R-1-8 Residence zoning district would allow the owner to take advantage of the less restrictive building setbacks of the R-1-8 zoning district. More specifically the rezoning would facilitate the applicant's plans to add on to the existing single-family house in a manner that is consistent with the existing neighborhood development pattern. The A-Agriculture zoning district requires that any new structure, including an addition, provide a 50-foot minimum building setback from the street and 300 feet from all adjacent residential property lines. Compliance with such a restrictive requirement would be impossible to achieve on the subject parcel which is 59 feet wide.

Single-family homes, including additions to single-family homes, are allowed by right in the R-1-8 Residence Zoning District.

If the applicant's proposed addition 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 addition would occur through the Building Division and would not be subject to a public hearing.

Recognizing that the subject property is approximately 10, 890 square feet in area, it would appear on the surface that there is sufficient land area for more than one lot under the R-1-8 zoning. However, the City's Subdivision Ordinance requires any new lot to have a minimum of 55 feet of street frontage, and the existing lot frontage of 59 feet would not support a subdivision that meets this requirement. Therefore, any subdivision proposal would need to go through the Planned Development Rezoning process. Given the pattern of residential development in the area, staff has reason to question the ability for any future subdivision proposal to conform to the City's current policies applicable to this area.

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.

The City Council Agenda, which is posted on the City of San José website, includes a copy of the staff report and City Council Memo for this project.

This request is being processed as a conforming rezoning, therefore no public hearing was held by the Planning Commission on this item.

RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium Low Density Residential (8 DU/AC).
2. The proposed rezoning will be consistent with the zoning designations of surrounding properties and will facilitate the applicant's proposed addition.

Attachments

cc: