

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
C04-012

Application Type
Conventional Rezoning

Council District
9

Planning Area
Cambrian/Pioneer

Assessor's Parcel Number(s)
419-10-029

STAFF REPORT

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: west side of Bercaw Lane approximately 370 feet southerly of Camden Avenue

Gross Acreage: 0.37 Net Acreage: 0.37 Net Density: 2.6 DU/AC

Existing Zoning: CO-Commercial Office Existing Use: Single-family residence/Daycare

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 CO-Commercial Office

East: Single-family residential County

South: Single-family residential CO-Commercial Office

West: Commercial County

ENVIRONMENTAL STATUS

Completed by: Dipa Chundur

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: Cambrian No. 8

Date: 7/5/60

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Brian & Jean Shih Ho
1114 McIntosh Creek Drive
San José, CA 95120

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 0.37 gross acre parcel from the CO-Commercial Office zoning district to the R-1-8 Residence zoning district to allow residential uses.

A single-family residence, recently in use as a pre-school/daycare, currently occupies the subject parcel.

Single-family detached houses on similarly sized lots surround the project site on the north, south and east. Cambrian Park Plaza shopping center is immediately adjacent to the west.

The applicant intends to demolish the existing single-family house and build a new single-family house.

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 current zoning designation, CO-Commercial Office, does not allow single-family residential uses. Although a legal nonconforming single-family residential use can be expanded and enlarged with the issuance of a Special Use Permit, it would not facilitate the construction of a new house upon voluntary demolition of the existing structure. The subject rezoning from CO-

Commercial Office to the R-1-8 Residence zoning district would allow a new single-family house, including any subsequent additions, by right.

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

Recognizing that the subject property is over 16,000 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 100 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 facilitate residential uses, including demolition of the existing single-family home and construction of a new single-family home, consistent with the R-1-8 Residence Zoning District development standards.

Attachments

cc: