

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

Hearing Date/Agend:
 CC 6-5-2007

File Number
 C07-006

Application Type
 Conforming Prezoning

Council District
 7

Planning Area
 South

Assessor's Parcel Number(s)
 497-22-024

STAFF REPORT

PROJECT DESCRIPTION

Completed by: S. Martina Davis

Location: North side of Southside Drive, approximately 250 feet westerly of Water Street

Gross Acreage: 1.65 Net Acreage: 1.65 Net Density: 1.8 DU/AC

Existing Zoning: Unincorporated Existing Use: One triplex

Proposed Zoning: R-1-8 Residence District Proposed Use: One triplex

GENERAL PLAN

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

North: Single-family detached residences A(PD) Planned Development Zoning District

East: Single-family detached residences Unincorporated

South: Multi-family residences A(PD) Planned Development Zoning District

West: Single-family detached residence Unincorporated

ENVIRONMENTAL STATUS

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

FILE HISTORY

Annexation Title: Monterey Park No. 107 Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval Date: 6-5-2007 Approved by: 
 Approval with Conditions Action
 Denial Recommendation
 Uphold Director's Decision

OWNER/APPLICANT

Fumei and Ying Tsong Loh
 1498 Fleming Ave
 San Jose, CA 95127

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: S. Martina Davis

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants, Fumei and Ying Tsong Loh, have filed a Conforming Prezoning Application on the subject 1.65 gross-acre site to prezone the site to R-1-8 Single-Family Residence Zoning District. The subject site, located on the north side of Southside Drive, approximately 250 feet westerly of Water Street, is currently developed with one triplex. An associated Annexation (Monterey Park No. 27) is on file with the Planning Division to incorporate the proposal into the City of San Jose.

Prezoning is the process of assigning City of San Jose zoning district designation to a property in advance of annexation so that the property will have an appropriate City zoning designation once the annexation is effective. All of the unincorporated lands within the City of San Jose’s Sphere of Influence currently have a General Plan Land Use/Transportation Diagram designation. The proposed prezoning designation should be consistent with the City’s General Plan and also address existing uses on the subject property and surrounding sites.

No physical changes are proposed to the existing three unit residential building on the property as part of this application. Upon annexation, any legal physical or use aspects of the existing condition that are not in conformance with the requirements of the R-1-8 Zoning District after annexation into the City of San Jose and after the new zoning district is adopted, shall become legal nonconforming. Any changes to the legal nonconforming aspects of the property would be subject to the provision of Chapter 20.150 of the San Jose Municipal Code.

The site is relatively flat and rectangular in shape with approximately 110 feet of frontage on Southside Drive Avenue. Single-family residences are directly adjacent to the north, east, and west, and a multi-family residential development is located across Southside Drive to the south.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Single-Family Residence Zoning District is consistent with this designation because it would allow single family detached residential uses at a density of up to 8.0 DU/AC.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number 65459 making findings for adoption of the San Jose 2020 General Plan.

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 (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

ANALYSIS

The proposed rezoning to R-1-8 Single Family Residence District would allow single-family detached residential uses consistent with the Medium Low Density Residential (8 DU/AC) General Plan designation in a manner that is compatible with surrounding residential uses. With three units existing, the site has an existing density of 1.8 DU/AC. All aspects of the site that legally exist in the County become legal non-conforming upon annexation into the City of San Jose. If the three units on this site were constructed legally, they would become legal non-conforming in that only one unit per lot is allowed in the proposed R-1-8 Single Family Residence Zoning District.

The R-1-8 Zoning Designation allows single family uses with a 5,445 square-foot minimum lot area. The property has a street frontage of 110 feet, therefore it is unlikely that the property would be able to develop at a density of 8 DU/AC or subdivided under the proposed conventional zoning district unless a narrow public street is proposed to create conventional 55 foot wide parcels that front on the new street. Given the densities of the surrounding area, and the site's General Plan Designation of Medium Low Density Residential, the R-1-8 designation is the most appropriate for this site. Because of the site dimensions, a Planned Development Zoning might provide a better opportunity to maximize the potential density.

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 will be 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.

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:

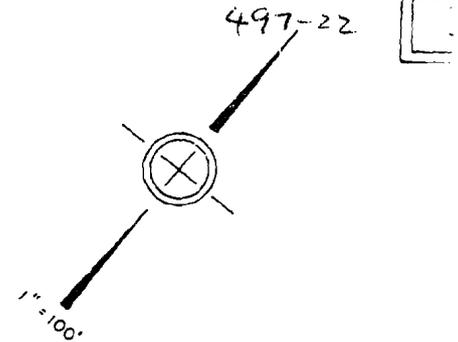
1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed rezoning would allow single-family detached residential uses at this site at a density which is compatible with the surrounding residential uses.

Attachments

Attachments:

Location Map

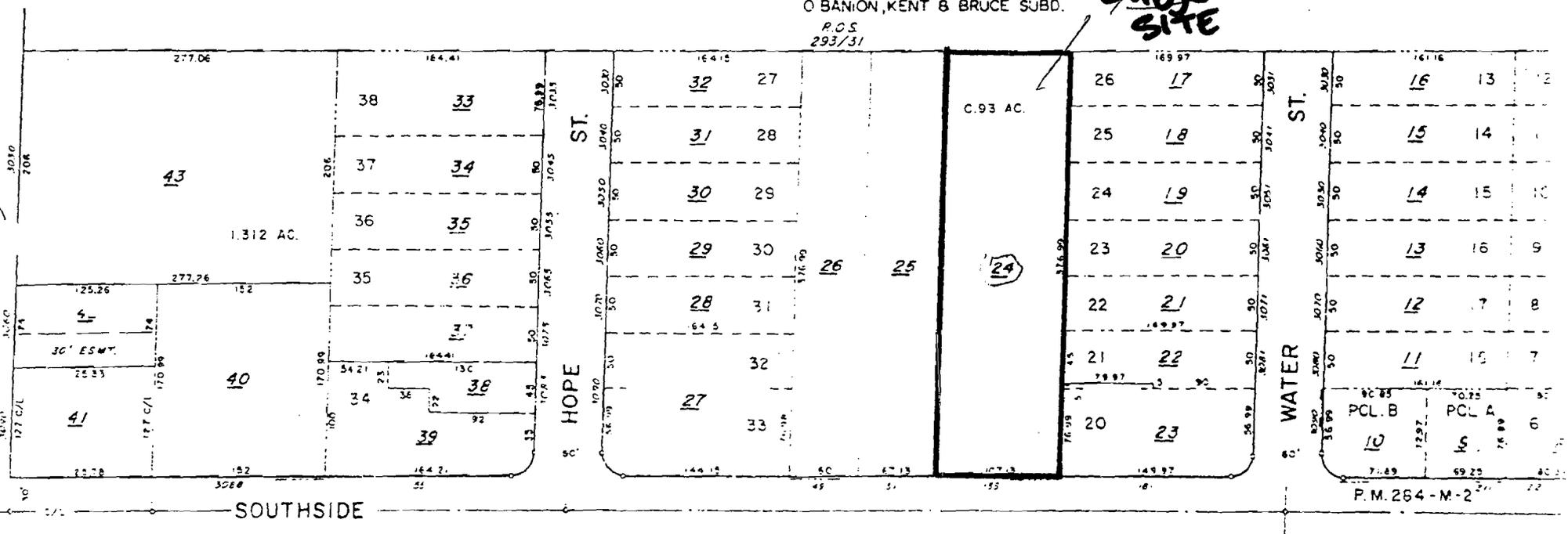
COMPILED IN CONFORMANCE WITH SEC. 327
OF THE REVENUE & TAXATION CODE
EFFECTIVE DATE MARCH 1, 1990
ALFRED E. CARLSON - ASSESSOR



(23)

PTN. LOTS 2-5
O'BANION, KENT & BRUCE SUBD.
P.O.S.
293/31

SUBJECT SITE



(25)

(17)



**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

C07-006. Conforming Conventional Prezoning for a project located on the north side of Southside Drive approximately 250 feet westerly of Water Street on a 1.65 -gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Medium Low Density Residential (8 DU/AC) from unincorporated County to R-1-8 Single Family Residence District.

Council District: 7

County Assessor's Parcel Number: 497-22-024

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 | | |

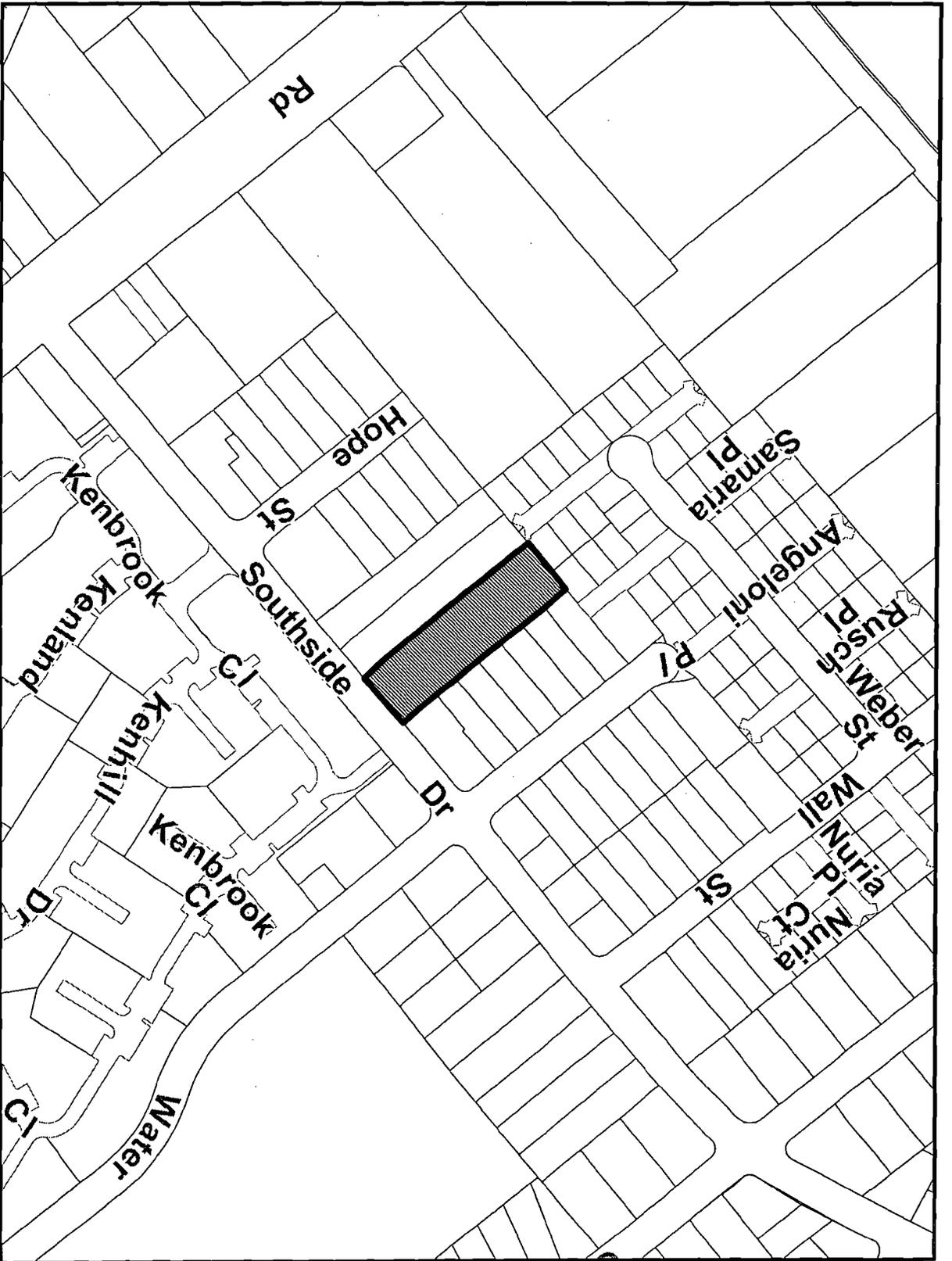
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Martina Davis
Project Manager

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Date

Deputy



Scale: 1" = 250'
Noticing Radius: 500 feet



Map Created On:

01/16/2007

File No: C07-006

District: 7

Quad No: 100