

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
P.C. 05-12-04
Item #: 3.m.

File Number
C04-034

Application Type
Conventional Rezoning

Council District
5

Planning Area
Alum Rock (Gateway East SNI)

Assessor's Parcel Number(s)
481-09-004 to 021; 481-09-032 to 035;
481-09-037 to 038; 481-10-001 to 119;
481-11-001 to 481-11-080; & 082

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Juan F. Borrelli, AICP

Location: Area on the east side of South King Road, approx. 300 feet northerly of Alum Rock Avenue, and south and east of Silver Creek and Plata Arroyo Park.

Gross Acreage: 28.12

Net Acreage: 28.12

Net Density: N/A

Existing Zoning: R-2 Two-Family Residence

Existing Use: Single-Family Detached Residential, Single-Family w/ Detached 2nd Unit, Single-Family Attached, and Duplexes.

Proposed Zoning: R-1-8 Single-Family Residence

Proposed Use: Single-Family Residential

GENERAL PLAN

Completed by: JFB

Medium Low Density Residential (8 DU/Acre)

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JFB

North: Single-Family Residential -- Attached & Detached; and Duplexes R-2 Residence

East: Single-Family Residential -- Attached & Detached; Duplexes; and Commercial/Retail along Alum Rock Ave. R-2 Residence and CG General Commercial

South: Commercial/Retail along Alum Rock Ave. CG General Commercial

West: Single-Family Residential -- Attached & Detached; Duplexes; and some Vacant Parcels R-2 Residence

ENVIRONMENTAL STATUS

Completed by: JFB

Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

Completed by: JFB

Annexation Title: East Gate No. 2; East Gate No. 3; and East Gate No. 4

Date: June 13, 1946; July 12, 1946; and January 10, 1947.

 PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by:

- Action
 Recommendation

APPLICANT: City of San Jose

OWNER: Various

ENGINEER: N/A

 PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JFB

Department of Public Works

None received.

Other Departments and Agencies

See attached Memorandum from the Fire Department.

 GENERAL CORRESPONDENCE

See attached Letter of Support form the Gateway East Neighborhood Advisory Committee (NAC) and Plata Arroyo Eastgate Neighborhood Association.

 ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a City-initiated, conventional rezoning from the R-2 Two-Family Residence Zoning District to the R-1-8 Single-Family Residence Zoning District of a 28.12 gross-acre site area. The project site is located within the Plata Arroyo neighborhood of the Gateway East Strong Neighborhoods Initiative (SNI) Planning Area. The Gateway East SNI Plan recommends changes to the current General Plan land use designations and zoning districts within the Gateway East community, and is the impetus for this proposed rezoning.

The project site area consists of 221 already developed parcels. The majority of these properties are developed with single-family residential uses, but approximately 50 are developed with duplexes or single-family residences with detached second units.

The subject project area is bounded by Plata Arroyo Park and Silver Creek to the north, the rear property line of the properties fronting on Alum Rock Avenue (approximately 300 feet northerly of Alum Rock Avenue) to the south, the property line of an attached multi-family development approximately 500 feet westerly of Silcreek Drive to the east, and South King Road to the west (see attached Map). Adjacent uses include the commercial properties in the Alum Rock Neighborhood Business District to the south, multi-family residential development to the east, a park to the north and single-family and duplex development to the west, across King Road.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, *San José 2020 General Plan EIR*, which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459. The proposed rezoning for single-family development is consistent with the land use described within the General Plan.

GENERAL PLAN CONFORMANCE

The *San José 2020 General Plan Land Use/Transportation Diagram* designation for the project area is Medium Low Density Residential (8 DU/Acre) (see attached General Plan Diagram). The proposed R-1-8 Single Family Residence Zoning District is consistent with this designation.

ANALYSIS

The proposed rezoning will achieve two goals for the subject area: (1) improved consistency with the *San José 2020 General Plan*; and (2) Implementation of the *Gateway East SNI Neighborhood Improvement Plan* goals and priorities.

The area's current General Plan Designation, Medium Low Density Residential (8 DU/Acre), is intended to promote single-family residential development and is typically implemented through the R-1 Single-Family Residence District. The subject area is also predominantly developed with single-family residences and has the character of a single-family neighborhood. The subject properties are currently zoned with the R-2 Two-Family Residence designation, which is not considered to be consistent with the underlying General Plan designation. Inconsistency between General Plan and Zoning can send a mixed message to property owners and developers about the development potential for a given property and can act as a barrier to their development or improvement. The proposed rezoning will facilitate the preservation and improvement of the single-family detached development that already exists in the project area, consistent with the General Plan.

The *Gateway East SNI Neighborhood Improvement Plan* includes the following goals and their related "top-ten" plan priorities:

- Safe and efficient transportation, circulation, and parking (Goal B/Priorities #7 and #8);
- Attractive and well-maintained residential environment (Goal D/Priority #4);
- Neighborhood beautification/preservation of neighborhood character (Goal F/Priority #4); and
- Adequate infrastructure improvements (Goal A/Priorities # 2 and #3).

The SNI Neighborhood Advisory Committee (NAC) has indicated that they believe these goals can be in part achieved through preservation of the subject area for single-family use along with the conversion over the long-term of the existing multi-family development to single-family use, in order to establish a cohesive single-family neighborhood. Because in most cases the multi-family units are owned by absentee landlords who do not have a strong incentive to invest in the upkeep or improvement of their properties, area residents generally consider the multi-family properties to be a detriment to the overall quality of the neighborhood. The community has also expressed concern with several issues associated with the multi-family development, including residential overcrowding of existing units, vehicular

parking and traffic issues, pedestrian safety, flooding issues, and the inadequacy of existing infrastructure (storm water and sanitary sewer utilities) to support the level of development.

As a result of the proposed rezoning, any of the duplexes or single-family units with detached second units within the rezoning area that were established legally, will become legal nonconforming uses. While the rezoning would not force their removal or redevelopment, any future expansion or improvement of these properties would be regulated subject to the provisions of the Zoning Ordinance for legal non-conforming uses. The proposed rezoning would prevent the future conversion of any current single-family properties to multi-family use.

The proposed rezoning to R-1-8 Single Family Residence Zoning District will bring consistency between the zoning districts within the rezoning area and the land use policies per the *San José 2020 General Plan*; will help to preserve the neighborhood character and promote an improved residential environment; and will help to prevent new or expanded uses that are inconsistent with the community objectives as reflected in the adopted *Gateway East SNI Neighborhood Improvement Plan*.

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. In addition, the Planning Division's website contains information regarding the zoning process, the legal nonconforming use process, the Zoning Ordinance, and the *San José 2020 General Plan*. In addition, information on this proposed rezoning application, including staff reports and public hearing schedule, is also available. This website is used by the community to keep informed of the status of development applications. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and members of the public.

Property Owner and Community Stakeholder Public Meeting

Planning staff conducted a public meeting with property owners and community members on Tuesday March 16, 2004 at the Mayfair Community Center to discuss the proposed rezoning. Information about the proposed rezoning (attached) was sent to the property owners in advance of the meeting along with the meeting notice. During the public meeting, property owners and community members asked about the definition of a single-family home, the implications of legal nonconforming status, and R-1 development standards. Planning staff addressed all of the aforementioned issues during the public meeting. Upon concluding the meeting, there was a strong general consensus in support of the proposed rezoning from the property owners and community members that attended the public meeting.

SNI Outreach

Staff presented the proposed rezoning and subsequent rezoning-related project updates at the regularly scheduled monthly Gateway East SNI Neighborhood Advisory Committee (NAC) meetings during the months of March and April 2004. The Gateway East SNI NAC is in full support of the proposed rezoning.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the *San José 2020 General Plan Land Use/Transportation Diagram* designation of Medium Low Density Residential (8 DU/Acre).
2. The proposed rezoning will help to preserve the single-family residential neighborhood character and may promote an improved residential environment.
3. The proposed rezoning will help to address community concerns with existing residential overcrowding issues, vehicular parking and traffic issues, pedestrian safety issues, and infrastructure (storm water and sanitary sewer utilities) flooding issues.
4. The proposed rezoning will help to prevent new or expanded residential uses that are inconsistent with the community objectives as reflected in the adopted *Gateway East SNI Neighborhood Improvement Plan*.
5. The proposed rezoning will help to implement some of the *Gateway East SNI Neighborhood Improvement Plan* Top-Ten Priorities and Plan Goals.

Attachments:

Rezoning Map

General Plan Diagram

Fire Department Memorandum

Gateway East NAC and Plata Arroyo Eastgate Neighborhood Association Letter

Information sent to Property Owners

JFB: