

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. 08-29-06

File Number
 C06-056

Application Type
 Conforming Rezoning

Council District
 3

Planning Area
 Central

Assessor's Parcel Number(s)
 249-20-093

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Michelle Stahlhut

Location: northeast corner of Taylor Street and North 21st Street

Gross Acreage: 0.26

Net Acreage: 0.26

Net Density: 3.8 DU/AC

Existing Zoning: CP Commercial Pedestrian District

Existing Use: Single-family residential

Proposed Zoning: R-1-8 Residence District

Proposed Use: Single-family residential

GENERAL PLAN

Completed by: MS

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: MS

North: Single-Family detached residential

R-1-8 Single Family Residence

East: Single-Family detached residential

CP Commercial Pedestrian District

South: Single-Family detached residential

CP Commercial Pedestrian District

West: Single-Family detached residential

CP Commercial Pedestrian District

ENVIRONMENTAL STATUS

Completed by: MS

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

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: MS

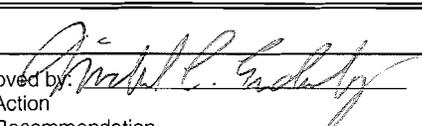
Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 8/9/06

Approved by: 
 Action
 Recommendation

OWNER

Paul Garcia - Trustee
 2 North 34th St.
 San Jose, CA 95116

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: MS

Department of Public Works

No comments or requirements.

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Paul Garcia Trustee et al., has filed a Conforming Rezoning on the subject 0.26 gross-acre site from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District. The subject site, located on the northeast corner of Taylor Street and North 21st Street, is currently developed with one single-family residence. The applicant intends to subdivide the property from one parcel into two lots for single-family detached residential uses.

The site is relatively flat and rectangular in shape with approximately 85 feet of frontage on Taylor Street, and 137.84 feet of frontage on 21st Street. Single-family residences border the site to the north, east, south, and west.

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 3.8 DU/AC consistent with surrounding residential uses

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 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. Upon rezoning, the site will have an existing density of 3.8 DU/AC.

One single-family residence and garage currently exist on the site. The existing residence is not historically significant because it has been significantly altered with new stucco siding, and replacement windows. Under the proposed R-1-8 Single Family Residence Zoning District, one single-family residence per lot would be permitted as-of-right. The applicant intends to subdivide the parcel into two lots to develop a single-family residence on each lot. If a subdivision for two lots were subsequently approved, the density would be 7.6 DU/AC and would continue to conform to the General Plan designation.

Subdivision of the site would require a Parcel Map. Assuming that the proposed single-family residence does not trigger the requirements for a Single-Family House Permit (greater than 30' in height, more than two stories, or greater than 0.45 floor-area ratio), no additional Planning Permits would be required. Only Building Permits would be required.

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. 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.

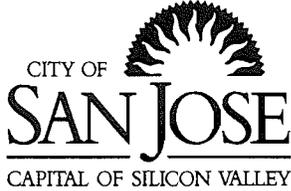
RECOMMENDATION

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

Cc: Paul Garcia, P.O. Box 3184, San Jose, CA 95156
Paul Garcia Jr. & Maria Magdalena Garcia, 776 N. 19th St, San Jose, CA 95112
Jeremy C. Garcia & Maria Garcia, 2874 Scottsdale Dr., San Jose, CA 95148



**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

C06-056. Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District to allow residential uses for a project located on the northeast corner of Taylor Street and North 21st Street (1005 E Taylor St) on a 0.26 gross-acre site.

Council District 3.

County Assessor's Parcel Number 249-20-093

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		

Michelle Stahlhut
Project Manager

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

August 9, 2006
Date

Ron Eddow
Deputy



File No: C06-056

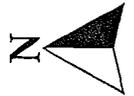
District: 3

Quad No: 67

Scale: 1"= 250'

Map Created On: 05/22/2006

Noticing Radius: 500 feet



ORDINANCE NO.

ORDINANCE OF THE CITY OF SAN JOSÉ REZONING
CERTAIN REAL PROPERTY SITUATED ON THE
NORTHEAST CORNER OF TAYLOR AND NORTH 21ST
STREETS TO R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT.

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to R-1-8 Single-Family Residence; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the Council is the decision-making body for subject rezoning from Commercial Pedestrian District to R-1-8 Single Family Residence (APN 249-20-093) Zoning District; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such EIR prior to acting upon or approving such project; and

WHEREAS, the proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE,

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as R-1-8 Single Family Residence District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval which is the subject of City File No. C06-056

is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code.

The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this xxth day of September 2006 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE , COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Portion of Lot 363, in Block 36, Cook and Branham Addition as shown upon that certain Map entitled, "City of San Jose, copied from the original Map drawn by Sherman Day Civil Engineer", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book "A" of Maps, at pages 72 and 73, and more particularly described as follows:

Beginning at the point of intersection of the Northwesterly line of Taylor Street with the Southwesterly line of that certain tract of land shown upon that certain Map entitled, "Map of the property of the San Jose Pioneer Homestead Association", which Map was filed for record in the office of the recorder of the County of Santa Clara, State of California, in Book "C" of miscellaneous Records, page 342; running thence Southwesterly along the said Northwesterly line of Taylor Street 55.00 feet to the true point of beginning, said true point of beginning also being the most Southerly corner of that certain parcel of land conveyed from Paima Gambucci, a widow, to Adolph J. Mattei and Esther De Mattei, his wife by deed dated May 14, 1954, recorded May 18, 1954 in Book 2875 of Official Records, page 226; thence Northwesterly along the Southwesterly line of said parcel deeded to de Mattei to the most Westerly corner thereof on the dividing line between Lots 363 and 364 in Block 36 of said Cook and Branham Addition; thence Southwesterly along said dividing line 80 feet more or less to the Northeastery line of Twenty-First Street, then Southeasterly along said Northeastery line of Twenty-First Street 137.84 feet to the intersection thereof with the Northwesterly line of Taylor Street; thence Northeastery along said line of Taylor Street 85 feet to the true point of beginning.

Excepting therefrom all that portion conveyed to Adolph J. De Mattei and Esther De Mattei, his wife by Deed recorded May 18, 1954 as Instrument No. 974598 in Book 2875, Official Records, page 226, more particularly described as follows:

Portion of Lot 363, in Block 36, Cook and Branham Addition, as shown upon that certain Map entitled, "City of San Jose, copied from the original Map drawn by Sherman Day, Civil Engineer," which Map was filed for record in the office of the Recorder of the county of Santa Clara, State of California, in Book "A" of Maps, at pages 72 and 73, and more particularly described as follows:

Beginning at a point on the Northwesterly line of Taylor Street, at the Southernmost corner of that certain parcel of land described in the Deed from Palma Gambucci to Adolph J. De Mattei, dated March 21, 1950, recorded March 15, 1950, in Book 1944 of Official Records, page 483, Santa Clara County Records; running thence from said point of beginning Northwesterly along the Southwesterly line of land so described in the Deed to said De Mattei, 137.84 feet to the Westernmost corner thereof on the dividing line between Lots 363 and 364, in Block 36 as said Lots and Block are shown upon the Map above referred to; running thence Southwesterly along said last named dividing line, 5.00 feet; thence leaving said dividing line and running Southeasterly, in a direct line, 138 feet, more or less, to the point of beginning.

APN: 249-20-093



Memorandum

TO: Roland White
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 06/22/06

PLANNING NO.: C06-056
DESCRIPTION: Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.26 gross acre site
LOCATION: Northeast corner of Taylor Street and North 21st Street
P.W. NUMBER: 3-04276

Public Works received the subject project on 05/22/06. We have no comments or requirements.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

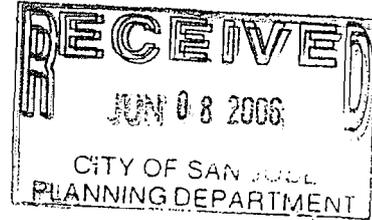
ETD
ES:rd:kg
6000_17831177075.DOC

Memorandum

DATE: 06/1/06

TO: Roland White

FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: C06-056

DESCRIPTION: Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.26 gross acre site

LOCATION: northeast corner of Taylor Street and North 21st Street

ADDRESS: northeast corner of Taylor Street and North 21st Street (1005 E TAYLOR ST)

FOLDER #: 06 015485 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on information from drawings dated 2006 by Amrbar Engineering Services

Access on property is not required-all structures are within 150 feet from street frontage.

There is an existing public hydrant in front of the property.

A handwritten signature in black ink, appearing to read "Nadia Naum-Stoian".

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699