

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. 9/25/07

11.1 (b)

File Number

C07-045

Application Type

Conforming Rezoning

Council District

3

Planning Area/ SNI

Central/ 13th Street

Assessor's Parcel Number(s)

467-13-005

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Licinia McMorrow

Location: Southeast corner of East St. John Street and North 17th Street (838 St. John Street)

Gross Acreage: 0.12

Net Acreage: 0.12

Net Density: 8.3 DU/AC

Existing Zoning: A(PD) Planned Development District

Existing Use: Medical library and office uses

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

Proposed Use: Single-family detached residential

GENERAL PLAN

Completed by: LM

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: LM

North: Single-Family detached residential

A(PD) Planned Development District

East: Single-Family detached residential

LI Light Industrial

South: Single-Family detached residential

LI Light Industrial

West: Single-Family detached residential

LI Light Industrial and A(PD) Planned Development District

ENVIRONMENTAL STATUS

Completed by: LM

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: LM

Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date: 8/29/07

Approved by:

Action
 Recommendation

OWNER

The Health Trust
2105 S. Bascom Ave., #220
Campbell, CA 95008

PUBLIC AGENCY COMMENTS RECEIVED	Completed by: LM
Department of Public Works	
No comments or requirements.	
Other Departments and Agencies	
N/A	
GENERAL CORRESPONDENCE	
None received	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

The applicant, The Health Trust, has filed a Conforming Rezoning on the subject 0.12 gross-acre site from A(PD) Planned Development Zoning District to R-1-8 Single-Family Residence Zoning District. The subject site, located on the southeast corner of East St. John Street and North 17th Street, consists of one lot and is currently developed with one single-family residence, previously zoned for and used as a medical library and associated offices affiliated with the San Jose Medical Center.

The site is relatively flat and rectangular in shape with approximately 40 feet of frontage on 17th Street. Single-family residences border the site to the north, south, east, and west. Several houses surrounding the project site were relocated to this neighborhood from other areas in the City because of their status as historic resources.

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 8 DU/AC consistent with surrounding single-family residential uses under the Two Acre Rule. The goal of the Two Acre Rule is to encourage infill development by allowing development at a higher or lower density range based on compatibility with surrounding land uses for project sites under two acres in size. As a result of this rezoning, the residential density of this site would be 8.3 DU/AC, a marginal increase in density over the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC). Because the structure on this site was originally constructed as a single-family home, and because of the overwhelmingly single family character of residential development in this neighborhood, this rezoning would facilitate neighborhood compatibility, and is therefore supported under the Two Acre Rule.

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. Upon rezoning, the site will have an existing density of 8.3 DU/AC.

Under the proposed R-1-8 Single Family Residence Zoning District, one single-family residence would be permitted as-of-right. One single-family residence currently exists on the site. Data from Santa Clara County Assessor's Office shows the construction date of the existing house at around 1900. The structure is not currently on the Historic Resources Inventory, but given the construction date and the apparent historic integrity of the house, it appears it could be eligible. A historic report would be necessary to determine the eligibility of the house for the Historic Inventory in the event any exterior physical changes are proposed.

No development is proposed by the applicant following this conventional rezoning. The purpose of this rezoning is to facilitate selling the house as a conforming single-family residence. The house is currently for sale.

PUBLIC OUTREACH

On August 16, 2007, Planning staff and the applicant attended the 13th Street NAC meeting to introduce the project to the community and receive comments and feedback. The community was overwhelmingly supportive of the rezoning, and several members indicated they would attend the upcoming City Council hearings in support of the project.

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.

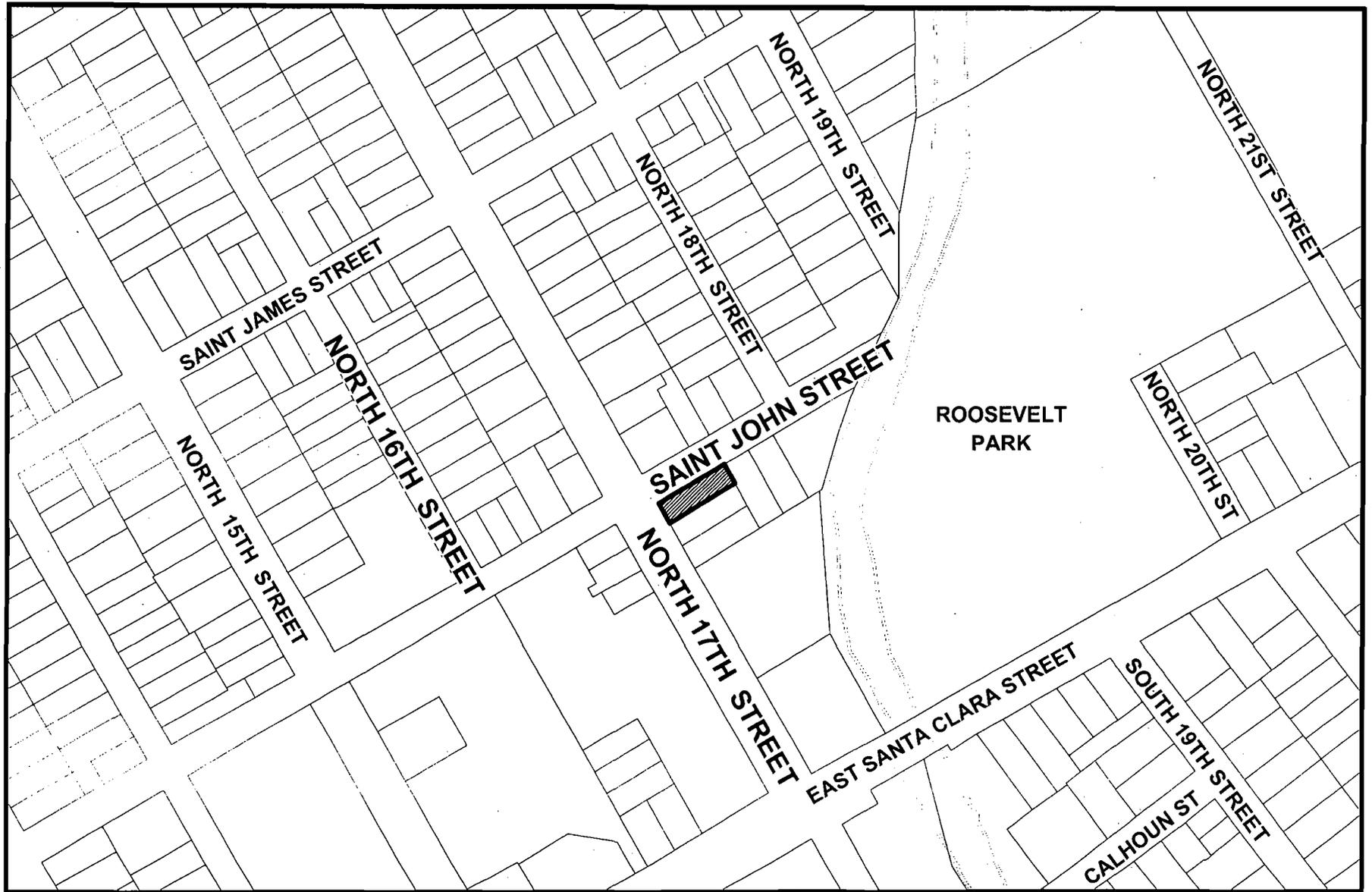
RECOMMENDATION

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) under the Discretionary Alternate Use Policy (Two Acre Rule).
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: The Health Trust, 2105 S. Bascom Ave., #220, Campbell, CA 95008
Maureen Bowers, Intero Real Estate, 518 N. Santa Cruz Ave., Los Gatos, CA 95030



Scale: 1"= 250'

Map Created On: 06/26/2007

Noticing Radius: 500'

File No: C07-045

District: 3

Quad No: 67

Memorandum

TO: Licinia McMorrow
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 07/24/07

PLANNING NO.: C07-045
DESCRIPTION: Conventional Rezoning from A(PD) Planned Development Zoning District to R-1-8 Single-Family Residence Zoning District to allow one single-family detached residence on a 0.12 gross acre site
LOCATION: Southeast corner of East St. John Street and North 17th Street
P.W. NUMBER: 3-04504

Public Works received the subject project on 06/28/07. We have no comments or requirements.

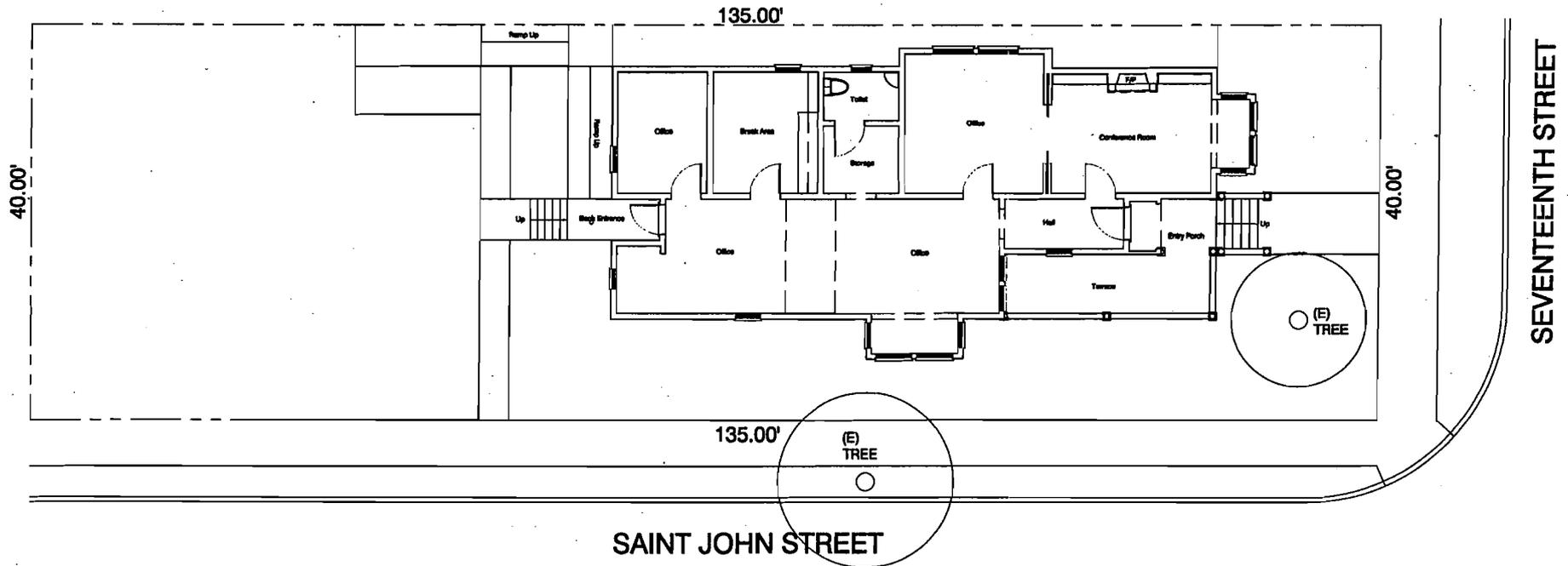
Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.



Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

ML:MA:ar
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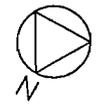
Exhibit B



EXISTING SITE PLAN

SCALE: 1/16"=1'-0"

Drawn 6.19.07



THE HEALTH TRUST, A CALIFORNIA NON-PROFIT BENEFIT CORPORATION

838 SAINT JOHN STREET, SAN JOSE, CA

A1.0