

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

Hearing Date/Agenda Number

C.C. 12-05-06

11.1(e)

File Number

C06-088

Application Type

Conforming Rezoning

Council District

8

Planning Area

Evergreen

Assessor's Parcel Number(s)

652-13-002

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: S. Martina Davis

Location: East side of Ruby Avenue across from Rio Bravo Drive

Gross Acreage: 0.43

Net Acreage: 0.43

Net Density: 2.3 DU/AC

Existing Zoning: Unincorporated

Existing Use: Single-family detached residential

Proposed Zoning: R-1-2 Single Family Residence District

Proposed Use: Single-family detached residential

### GENERAL PLAN

Completed by: SMD

Land Use/Transportation Diagram Designation  
Very Low Density Residential (2 DU/AC)

Project Conformance:

Yes  No

See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: SMD

North: Vacant

Unincorporated

East: Church

A(PD) Planned Development

South: Single-family detached residential

R-1-8 Single Family Residence

West: Single-family detached residential

R-1-8 Single Family Residence

### ENVIRONMENTAL STATUS

Completed by: SMD

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: SMD

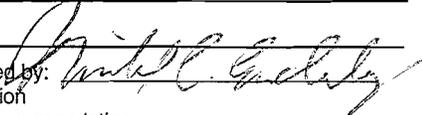
Annexation Title: Evergreen No. 199

Date: Pending

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: 11/13/06

Approved by:   
 Action  
 Recommendation

### OWNER

Richard and Sarafina Garcia  
2480 Ruby Ave  
San Jose, CA 95148

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: SMD

**Department of Public Works**

No comments or requirements.

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**Other Departments and Agencies**

N/A

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**GENERAL CORRESPONDENCE**

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None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Richard Garcia., has filed a Conforming Rezoning on the subject 0.43 gross-acre site to R-1-2 Single-Family Residence Zoning District. The subject site, on the east side of Ruby Avenue across from Rio Bravo Drive, is currently developed with one single-family residence.

Rezoning 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 zoning designation once the annexation is effective. All of the unincorporated land within the City of San Jose's Sphere of Influence currently have a General Plan Land Use/Transportation Diagram designation. The proposed rezoning designation should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites. In this case, staff is recommending that the property be zoned R-1-2 Single Family Residence in accordance with the Very Low Density Residential (2 DU/AC) General Plan designation.

No changes are proposed to the existing residential building on the property. Upon annexation any legal physical or use aspects of the existing condition that are not in conformance with the requirements of the R-1-2 Zoning District after annexation in to 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 100 feet of frontage on Ruby Avenue. Single-family residences are across the Ruby Avenue to the west, a church is to the east and south, and a vacant parcel borders the site to the north.

**GENERAL PLAN CONFORMANCE**

The subject site is designated Very Low Density Residential (2 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-2 Single-Family Residence Zoning District is consistent with this designation because it would allow single family detached residential uses at a density of 2.0 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-1-2 Residence District would allow single-family detached residential uses consistent with the Very Low Density Residential (2 DU/AC) General Plan designation in a manner that is compatible with surrounding residential uses. The site will have an existing density of 2.3 DU/AC.

The Zoning Designation R-1-2, which allows single family uses with a 20,000 square-foot minimum lot area, is the zoning designation that is most consistent with the existing development of the parcel on an approximately 17,000 square foot lot. Other single family residence Zoning designations of various densities are in use in the surrounding neighborhood.

## **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**

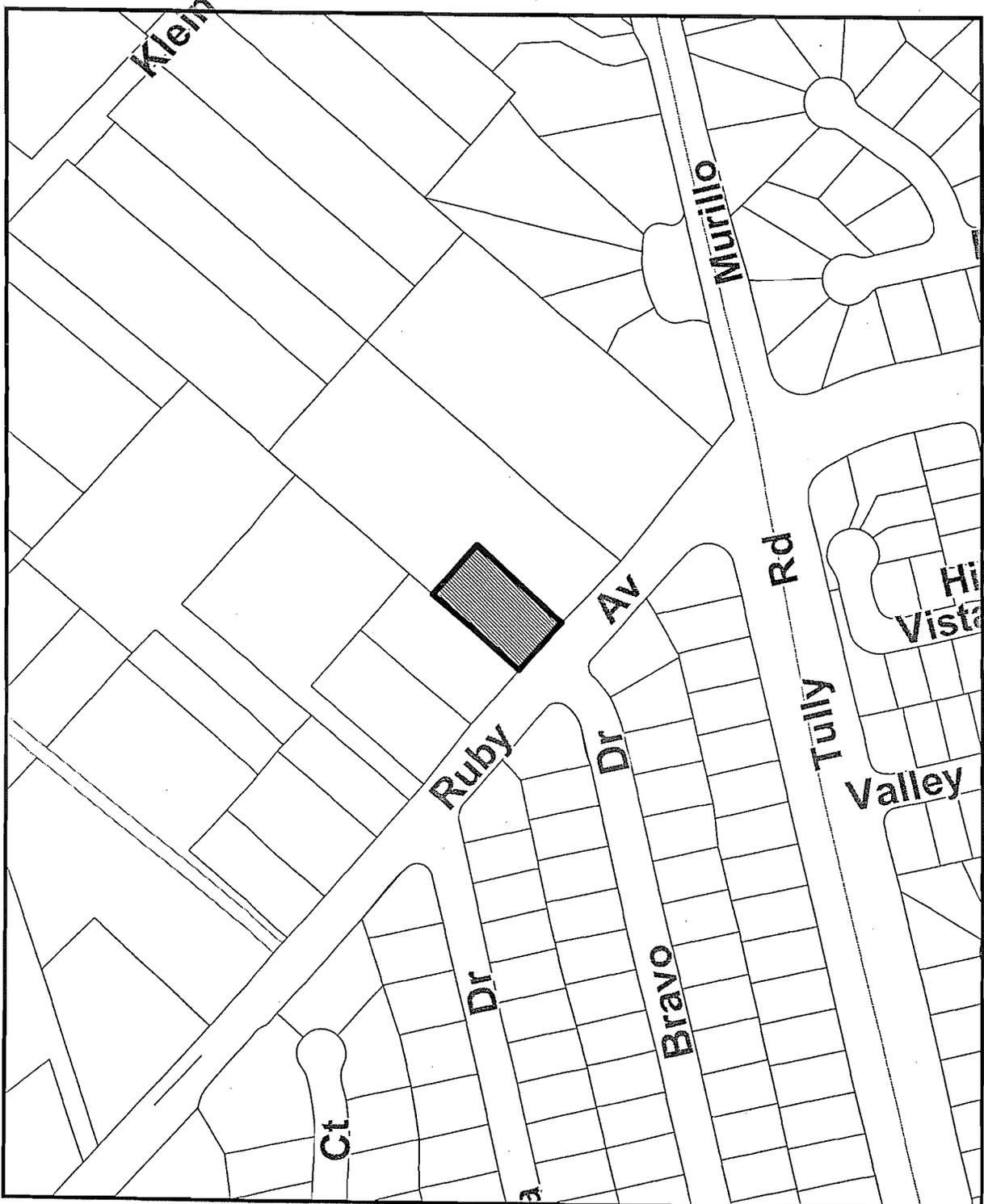
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

## **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 Very Low Density Residential (2 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

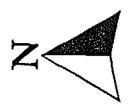


File No: C06-088

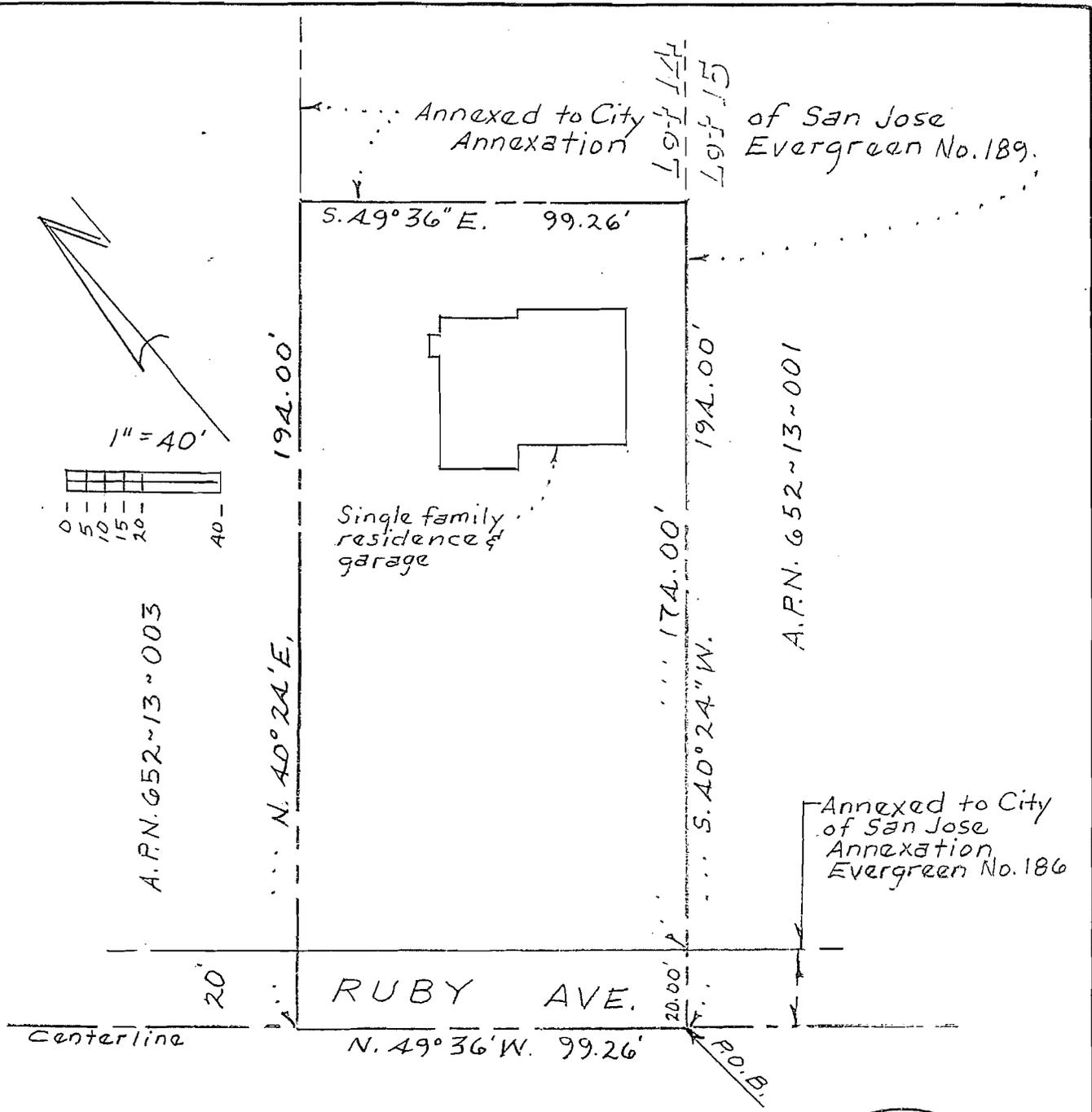
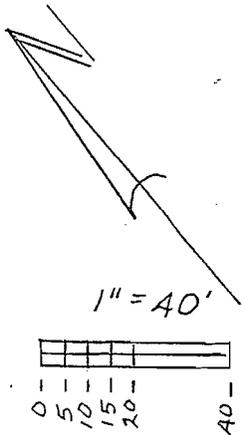
District: 8

Quad No: 85

Scale: 1" = 200'  
Noticing Radius: 500 feet



Map Created On:  
08/02/2006



Owner: Richard J. Garcia & Sarafina M. Garcia  
2480 Ruby Ave., San Jose CA 95148

A.P.N. 652-13-002  
Area 0.442 +/- ac. gross  
A portion of Lot 14  
Book "N" of Maps Page 97

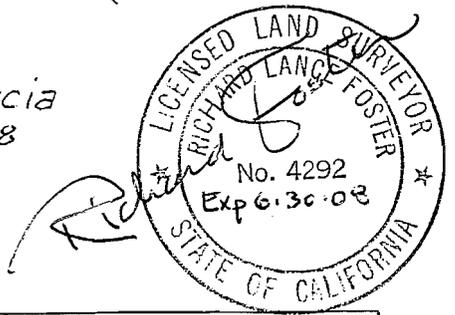


EXHIBIT "B"

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|---|--|--|
| Date 7-14-06<br>Drawn R<br>Job No. 2053 | <b>RLF Land Surveys</b><br>SAN JOSE - CA<br>Phone & Fax 408.289.1290 | AREA TO BE PREZONED<br>BY THE<br>CITY OF SAN JOSE, CA. |
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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

C06-088. Conforming Conventional Rezoning for a project located on the east side of Ruby Avenue across from Rio Bravo Drive on a 0.43-gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Very Low Density Residential (2 DU/AC) from unincorporated County to R-1-2 Single Family Residence District.

Council District 8

County Assessor's Parcel Number 652-13-002

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
Cultural Resources
Urban Services
Energy
Open Space
Vegetation and Wildlife
Soils and Geology
Hazardous Materials
Air Quality
Facilities and Services
Schools
Noise
Land Use
Aesthetics
Water Quality/Resources
Drainage and Flooding

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

Martina Davis
Project Manager

Joseph Horweddel, Acting Director
Planning, Building and Code Enforcement

10/20/06
Date

[Signature]
Deputy