

**STAFF REPORT**  
**CITY COUNCIL**

**FILE NO.:** C09-034

**Submitted:** December 10, 2009

**PROJECT DESCRIPTION:**

Conforming Rezoning of a 0.21 gross acre site (vacant) from the CN Commercial Neighborhood Zoning District to R-2 Two-Family Residence Zoning District.

**LOCATION:**

South side of Wabash Avenue, approximately 550 feet west of Archer Street.

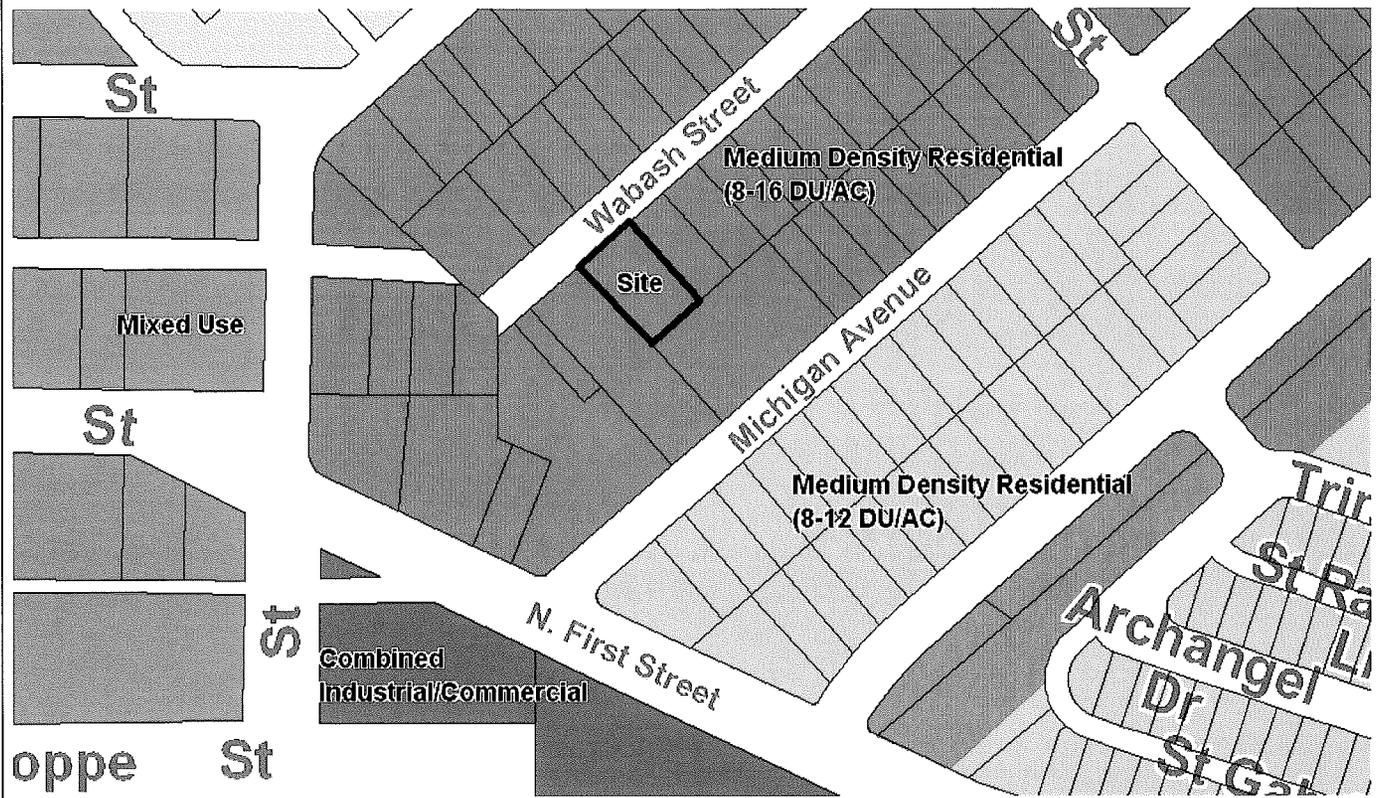
Existing Zoning	CN Commercial Neighborhood
Proposed Zoning	R-2 Two-Family Residence
General Plan	Medium Density Residential (8-16 DU/AC) (Alviso Planned Community)
Council District	4
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	Alviso Master Plan

Aerial Map

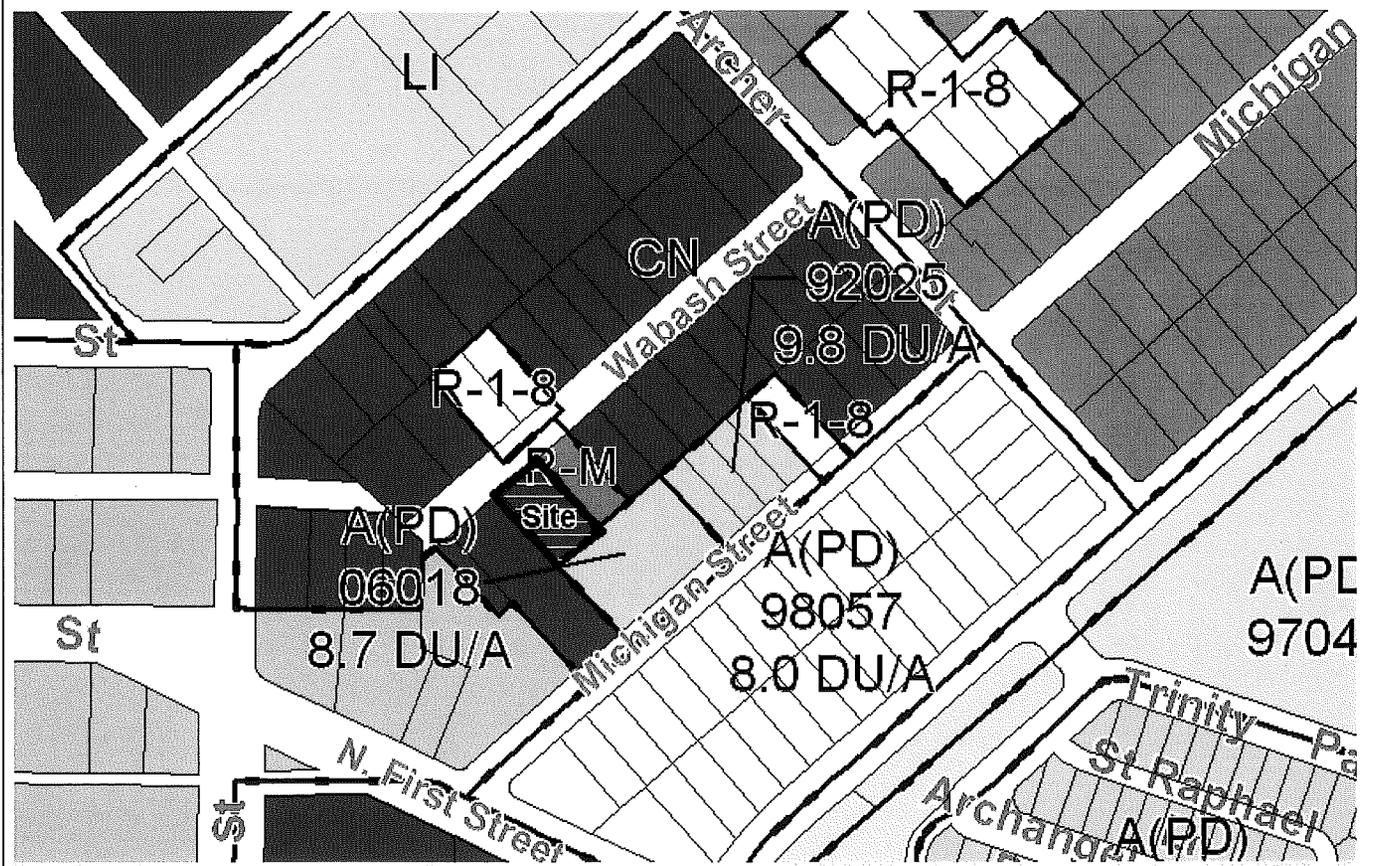
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### GENERAL PLAN



### ZONING



## **RECOMMENDATION**

Planning staff recommends approval of the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use/Transportation Diagram's land use designation of Medium Density Residential (8-16 DU/AC).
2. The proposed rezoning would allow for a duplex use on the site which is compatible in scale and character with the surrounding uses.

## **BACKGROUND & DESCRIPTION**

The applicant, Mark Rieser of the Rieser Building Group, Inc., on behalf of the property owner, Ben Schulman, is requesting a conforming rezoning of the subject property from the CN Commercial Neighborhood Zoning District to the R-2 Two-Family Residence Zoning District to allow for the future development of a duplex on the subject site.

### **Site and Surrounding Uses**

The subject site is flat, undeveloped land that is 0.21 gross acres in size. The site is bounded by a vacant lot to the north across Wabash Street, a single-family detached residence to the east, and vacant lot to the south that has an approved Planned Development Permit to allow for the construction of four single-family detached residences, and a vacant lot to the west.



## **ANALYSIS**

The proposed conforming rezoning was analyzed with respect to: 1) conformance with the San Jose 2020 General Plan, and 2) with the Alviso Master Plan.

### **General Plan Conformance**

The proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use/Transportation Diagram's Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC). The proposal also conforms with the San Jose 2020 General Plan's Growth Management Major Strategy. This Strategy seeks to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The strategy intends to maximize the efficiency of public services by locating development on infill sites where urban services and facilities are already available. The proposed project is in conformance with this Strategy because it will allow for the location of new residential development on an infill site where urban services and facilities are already available.

## **Alviso Master Plan Conformance**

The subject site has a land use designation of Medium Density Residential (8-16 DU/AC) within the Alviso Planned Community. The Alviso Master Plan describes this designation as one that intends to reflect the general character of the existing neighborhood while allowing small scale development on infill parcels.

The Alviso Master Plan includes all properties within the City of San José located north of Route 237, between Coyote Creek and the Guadalupe River. The Alviso Master Plan provides for the retention of residential neighborhoods located within the village, or central residential area, and the opportunity for some new medium density residential uses. The objectives of the Alviso Master Plan include; 1) Retain the small town character, strong community identity, and neighborliness, 2) Maintain the existing pattern of residential development, and 3) Allow for new development at, or at least compatible with, the scale and intensity of existing development within specific subareas.

The proposed conforming rezoning would further the Alviso Master Plan objectives stated above. The site is currently undeveloped and located on a residential neighborhood street. The rezoning will allow for an infill development consistent with the existing pattern of residential development because the setbacks of the R-2 Zoning District are consistent with the scale and character of the existing community. Additionally, development of the site under the current CN Commercial Neighborhood Zoning District would not further the objectives of the Alviso Master Plan, as the plan intends for this area to be residential.

## **ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed in the Initial Study and Mitigated Negative Declaration (MND) adopted for File No. PDC06-018. The environmental issues addressed in the Initial Study and MND include; 1) cultural resources, and 2) hazards and hazardous materials. To reduce the impacts to a less than significant level mitigation measures are required in these two specific areas.

## **PUBLIC OUTREACH/INTEREST**

The property owners and occupants within a 500-foot radius were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been 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.

**Project Manager:** Lesley Xavier

**Approved by:** \_\_\_/S/\_\_\_\_\_ **Date:** 08-30-2010

<b>Owner/Applicant:</b>	
<b><u>Applicant:</u></b> Mark Rieser Rieser Building Group, Inc. 2033 Gateway Place, Suite 500 San Jose, Ca 95110	<b><u>Owner:</u></b> Ben Schulman P.O. Box 223079 Carmel, CA 93922