



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C24-035 and ER24-055
<b>Applicant</b>	DLZ Investment
<b>Location</b>	Wabash Street (APN: 015-05-079)
<b>Existing Zoning</b>	CN Commercial Neighborhood
<b>Proposed Zoning</b>	R-1-8 Single-Family Residence
<b>Council District</b>	4
<b>Historic Resource</b>	No
<b>Annexation Date</b>	March 12, 1968 (Alviso Consolidation, No. 1247)
<b>CEQA</b>	Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

### APPLICATION SUMMARY:

Conforming Rezoning from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District on an approximately 0.13-gross-acre site.

### RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, in accordance with CEQA; and
2. Approve an ordinance rezoning the approximately 0.13-gross-acre site located on the east side of Wabash Street, approximately 350 feet southwest of Archer Street (0 Wabash Street) from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District.

**PROJECT DATA**

<b>GENERAL PLAN CONSISTENCY</b>			
<b>General Plan Designation</b>		<b>Residential Neighborhood</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>	
<b>Consistent Policies</b>		<b>Implementation Policies IP-1.1, IP-1.7, IP-1.8, and IP-8.2</b>	
<b>Inconsistent Policies</b>		N/A	
<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Residential Neighborhood	CN Commercial Neighborhood	Single-family dwelling
<b>South</b>	Residential Neighborhood	R-M Multiple Residence	Single-family dwelling
<b>East</b>	Residential Neighborhood	A(PD) Planned Development (PDC92-025)	Two-family dwelling
<b>West</b>	Residential Neighborhood	CN Commercial Neighborhood	Single-family dwelling

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
	No prior planning approvals

**PROJECT DESCRIPTION**

**Site Description and Surrounding Uses**

The subject site is located on the east side of Wabash Street, approximately 350 feet southwest of Archer Street (0 Wabash Street, see Figure 1). The subject site is an approximately 0.13-gross-acre vacant lot. The site is surrounded by single-family houses to the north, south, and west and two-family dwellings to the east.

**Background**

On March 11, 2024, the applicant, DLZ Investment, filed an application to rezone an approximately 0.13-gross-acre site from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District. This application is for a conforming rezoning, as the project site is within the Residential Neighborhood General Plan designation (see [Table 20-270, Section 20.120.110](#)). The approval of this rezoning request would allow the applicant to construct a single-family home. Additionally, the rezoning would bring the site into conformance with the General Plan Land Use/Transportation Diagram land use designation of Residential Neighborhood.

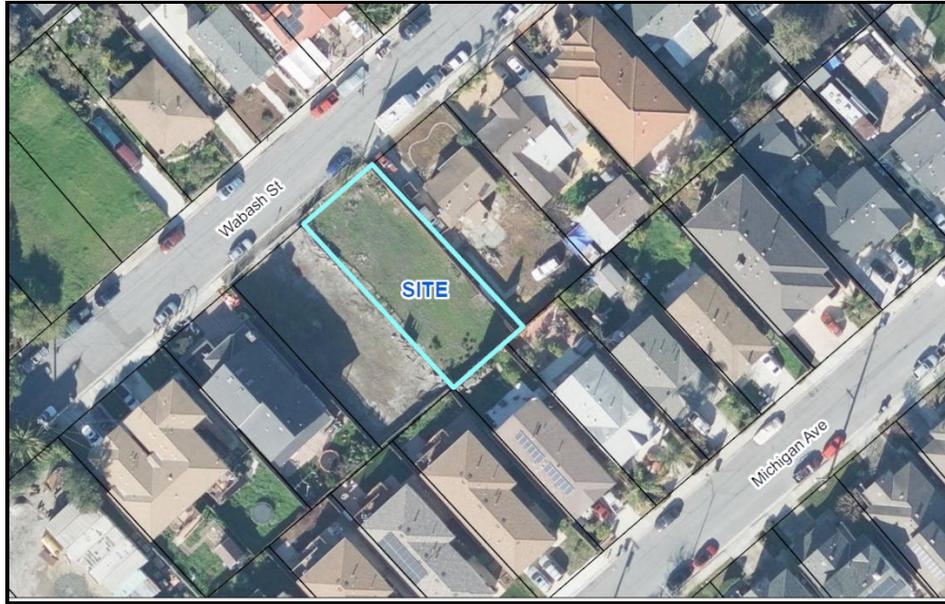


Figure 1: Aerial image of the subject site

## ANALYSIS

### Envision San José 2040 General Plan Conformance

The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of the Residential Neighborhood (see Figure 2).

This designation is applied broadly throughout the city to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas that comprise the majority of its developed land.



Figure 2: General Plan Land Use/Transportation Diagram

The rezoning is consistent with the following General Plan policies:

1. Implementation (Land Use/Transportation Diagram) Policy IP-1.7: Ensure proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* vision, goals, and policies.

*Analysis: The R-1-8 Single-Family Residence Zoning District is a conforming district to the Residential Neighborhood land use designation, pursuant to [Section 20.120.110](#) of the San José Municipal Code.*

2. Implementation (Zoning) Policy IP-8.2: Use the City’s conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial, and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations while providing greater detail as to the appropriate land uses and form of development.

*Analysis: Any future use and development at the subject site would be required to conform with the development standards of the R-1-8 Single-Family Residence Zoning District. The allowed uses and development standards of the R-1-8 Single-Family Residence Zoning District generally correspond to the Residential Neighborhood land use designation and would implement the *Envision General Plan* Land Use/Transportation Diagram.*

### Zoning Ordinance Conformance

The rezoning conforms with Table 20-270 (Section 20.120.110) of the San José Municipal Code, which identifies the R-1-8 Single-Family Residence Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation of Residential Neighborhood.

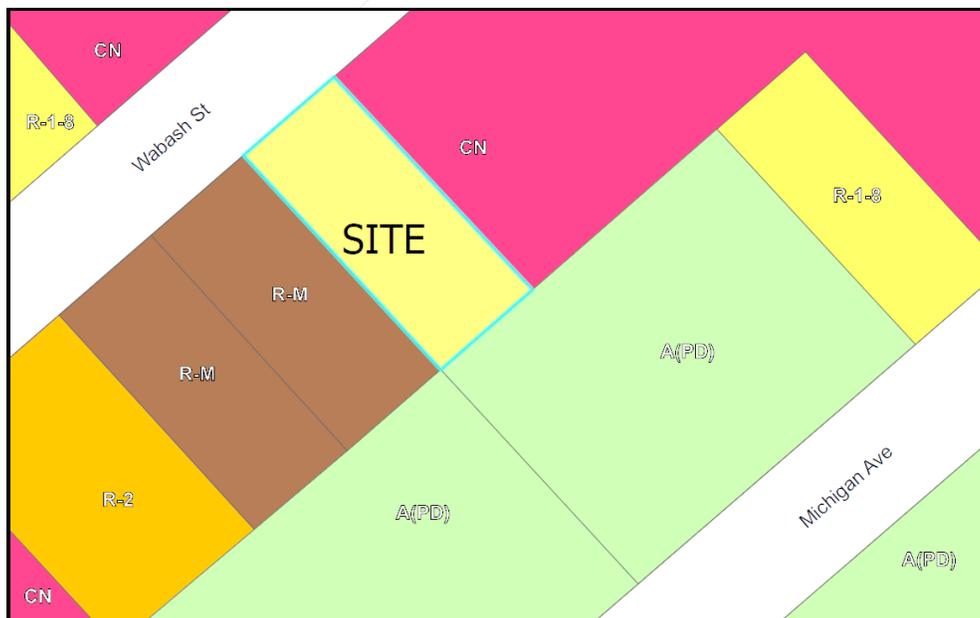


Figure 3: Proposed Zoning Map (yellow indicates R-1-8)

The R-1-8 Single-Family Residence Zoning District would allow the property to be used and developed under the allowable uses in Table 20-50 ([Section 20.30.100](#)), which include but are not limited to residential uses and residential accessory uses and improvements. This rezoning would facilitate any future redevelopment of the site to be consistent with the General Plan land use designation of the Residential Neighborhood.

### Setbacks and Heights

Table 20-60 ([Section 20.30.200](#)) of the San José Municipal Code establishes the following development standards for the R-1-8 Single-Family Residence Zoning District.

<b>Standard</b>	<b>R-1-8 Single-Family Residence</b>
Front Setback	20' minimum
Side, Interior Setback	5' minimum
Rear Setback	20' minimum
Driveway Length	18' minimum
Building Height and Stories	35' maximum; 2.5 stories

All future developments would be evaluated for conformance with the above development standards and all other Municipal Code regulations.

### Allowed Uses

Any future use of the site would be required to adhere to the allowed uses established in the R-1-8 Single-Family Residence Zoning District listed under Table 20-50 ([Section 20.30.100](#)), of the San José Municipal Zoning Code, including accessory dwelling units and accessory buildings and structures.

### **Senate Bill 330 Compliance**

The Housing Crisis Act of 2019 (SB 330, 2019) limits how local governments may reduce the capacity for residential units that can be built within the local agency's jurisdiction, including actions such as downzoning, changing general or specific plan land use designations to less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements that work to reduce the amount of housing capacity in the jurisdiction.

The rezoning (File No. C24-035) does not reduce the intensity of residential uses because the rezoning allows for residential uses per R-1-8 Zoning District and the density in the Residential Neighborhood General Plan Land Use Designation, which would not be otherwise allowed in the CN Commercial Neighborhood Zoning District.

## **CONCLUSION**

Should the rezoning be approved by the City Council, the property would be rezoned from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District, and the applicant would be able to apply for the development of the site consistent with the allowed uses of the R-1-8 Single-Family Residence Zoning District within the Residential Neighborhood General Plan Land Use Designation. There are currently no related permit applications on file.

## CLIMATE SMART SAN JOSÉ

The recommendations in this staff report do not affect Climate Smart San José energy, water, or mobility goals.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project is pursuant to, in furtherance of, and within the scope of the Envision San José 2040 General Plan, the impacts of which were analyzed and disclosed in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FEIR, SEIR, and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives that are considerably different from those analyzed in the FPEIR, SIER, and Addenda been identified.

## PUBLIC HEARING NOTIFICATION

Staff followed [Council Policy 6-30: Public Outreach Policy](#). A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

/s/

CHRIS BURTON, Director  
Planning, Building, and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachment: Legal Description and Plat Map

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR PLANNING RE-ZONING PURPOSES**

All the real property situated in the City of San Jose, State of California, described as follows:

Lots 14 and 15, Block 2, as delineated upon that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in Book D of Maps, at Pages 184 and 185, more particularly described as follows:

Commencing at a point of intersection of the Southeasterly line of Wabash street and Northwesterly line of Archer street, Said Street as shown on said Map; Thence running S48°12'10"W along said line of Wabash street for a distance of 350.00' to the most Northerly corner of said Lot 15, being the True Point of Beginning; Thence leaving said line of Wabash street, running S43°22'20"E along the Northeasterly line of Lot 15 for a distance of 119.85' to the most Easterly corner of said Lot 15; Thence running S48°12'10"W along the Southeasterly line of Lot 15 and Lot 14 for a distance of 50.00' to the most South corner of Lot 14; Thence running N43°22'20"W along the Southwesterly line of Lot 14 for a distance of 119.85' to the most Westerly corner of Lot 14; Thence running N48°12'10"E along said line of Wabash street for a distance of 50.00' to the True Point of Beginning; and containing 5,990 square feet, more or less.

APN: 012-05-079

End of Description.

As shown on the Plat attached hereto labeled Exhibit "B" (One page) and by this reference made a part hereof.

Prepared by: Zhen Wang

Zhen Wang, PLS 9653

04/10/2024

Zhen's Land Surveying Corp.

[info@zhenslandsurveying.com](mailto:info@zhenslandsurveying.com) | (415)802-9945



WABASH STREET  
(50' WIDE)

CENTERLINE  
OF STREET

N48°12'10"E 350.00'

N48°12'10"E 50.00' (2)

N43°22'20"W

N43°22'20"W

CENTERLINE  
OF STREET

ARCHER STREET  
(50' WIDE)

WU  
DN: 23824246  
APN 015-05-080

DLZ INVESTMENT LLC  
DN: 25566688  
LOT 14 & 15  
(AREA=5,990 S.F.)  
APN 015-05-079  
VACANT LAND

HERNANDEZ  
DN: 15785780  
APN 015-05-052

LOT 12 LOT 13

LOT 14 LOT 15

LOT 16 LOT 17

D

M A P S

1 8 4

BLOCK 2

119.85' (3)

119.85' (3)

N48°12'10"E 50.00' (2)

LOT 46

LOT 45

LOT 44

LOT 43

WANG & TANG  
DN: 22831475

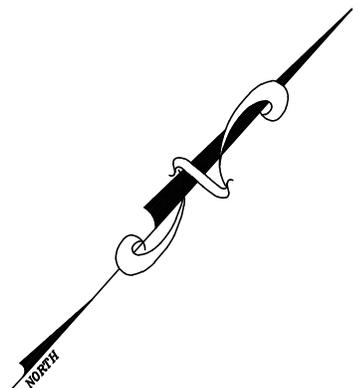
MACIEL  
DN: 23529136  
APN 015-05-091

IBARRA  
DN: 12354708  
APN 015-05-090

PARCEL 4  
867 MAPS 26  
APN 015-05-150



( IN FEET )  
1 inch = 30 ft.



DATE: 04/10/2024

### EXHIBIT "B"

PLAT FOR PLANNING RE-ZONNING

(VACANT LAND - APN 015-05-079)

ZHEN'S LAND SURVEYING CORP.

WALNUT CREEK, CALIFORNIA  
TEL: (415)802-9945

INFO@ZHENS LANDSURVEYING.COM

CITY OF SAN JOSE

SANTA CLARA COUNTY

CALIFORNIA

SCALE: 1"=30'

APRIL, 2024