



CITY COUNCIL STAFF REPORT

File No.	C18-011
Applicant	Sandeep Rai
Location	2462 Aborn Road
Existing Zoning	A Agricultural
General Plan Land Use Designation	Residential Neighborhood
Council District	8
Historic Resource	No
Annexation Date:	July 31, 1978 (Evergreen No. 121)
CEQA:	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.

APPLICATION SUMMARY:

Conforming Rezoning from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District on a 0.29-gross acre site located at 2462 Aborn Road.

RECOMMENDATION:

Consider adoption of an ordinance rezoning an approximately 0.29-gross acre site located at 2462 Aborn Road from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.1, IP-1.6, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residences
South	Residential Neighborhood	A(PD) Planned Development	Multi-family residence development
East	Residential Neighborhood	A(PD) Planned Development	Multi-family residence development
West	Residential Neighborhood	A(PD) Planned Development	Multi-family residence development

PROJECT DESCRIPTION

On March 26, 2018, the applicant, Sandeep Rai, applied for a Conforming Rezoning from the A Agricultural Zoning District to the R-1-8 Single-Family Zoning District on a 0.29-gross acre site located at 2462 Aborn Road. Currently, there is no development permit application on file with the City.

Site Description and Surrounding Uses

The subject site is located on the south side of Aborn Road, approximately 111 feet easterly of Nieman Boulevard. The site consists of two lots and is currently developed with one detached single-family residence and one detached garage. To the south, east, and west of the site is an existing multi-family residential development, and to the north are single-family residences. (See Figure 1).

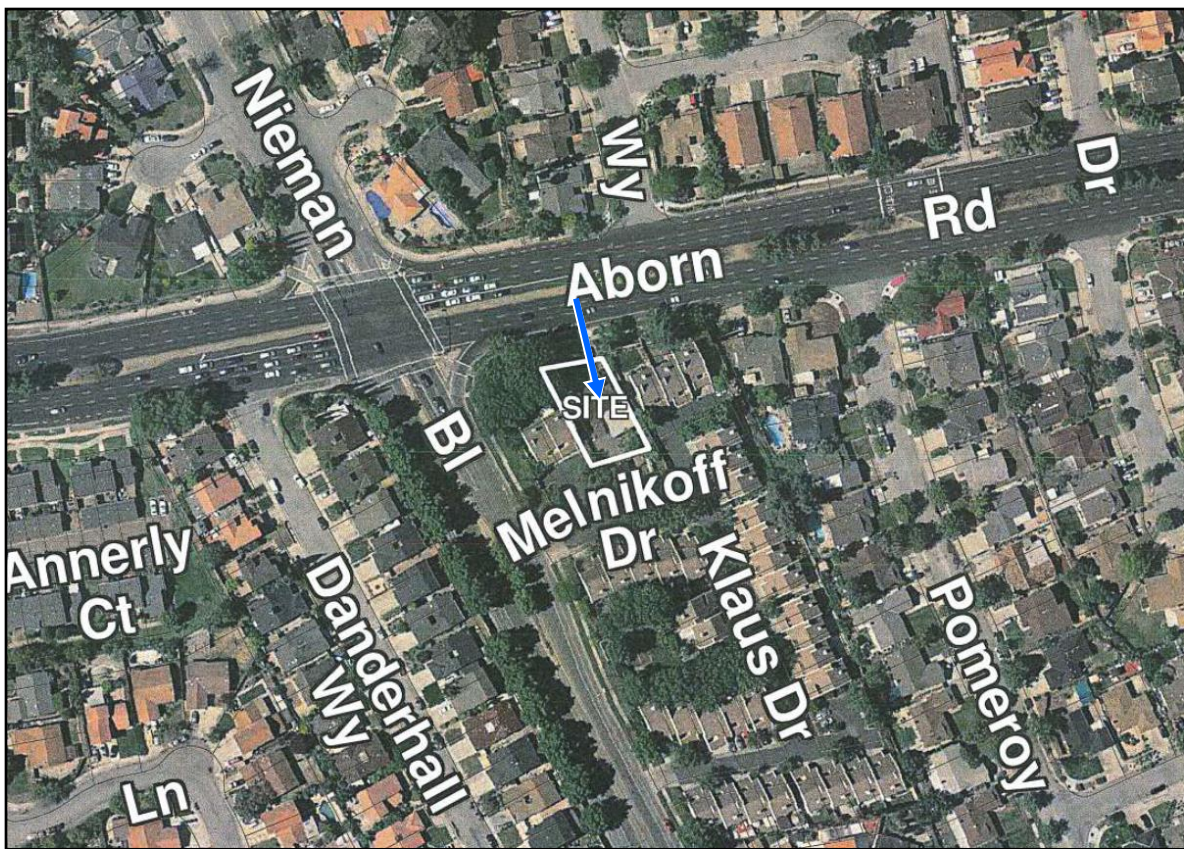


Figure 1: Aerial image of the subject site

ANALYSIS

The proposed project was analyzed for conformance with: 1) the Envision San José 2040 General Plan, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

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 Residential Neighborhood (Figure 2).

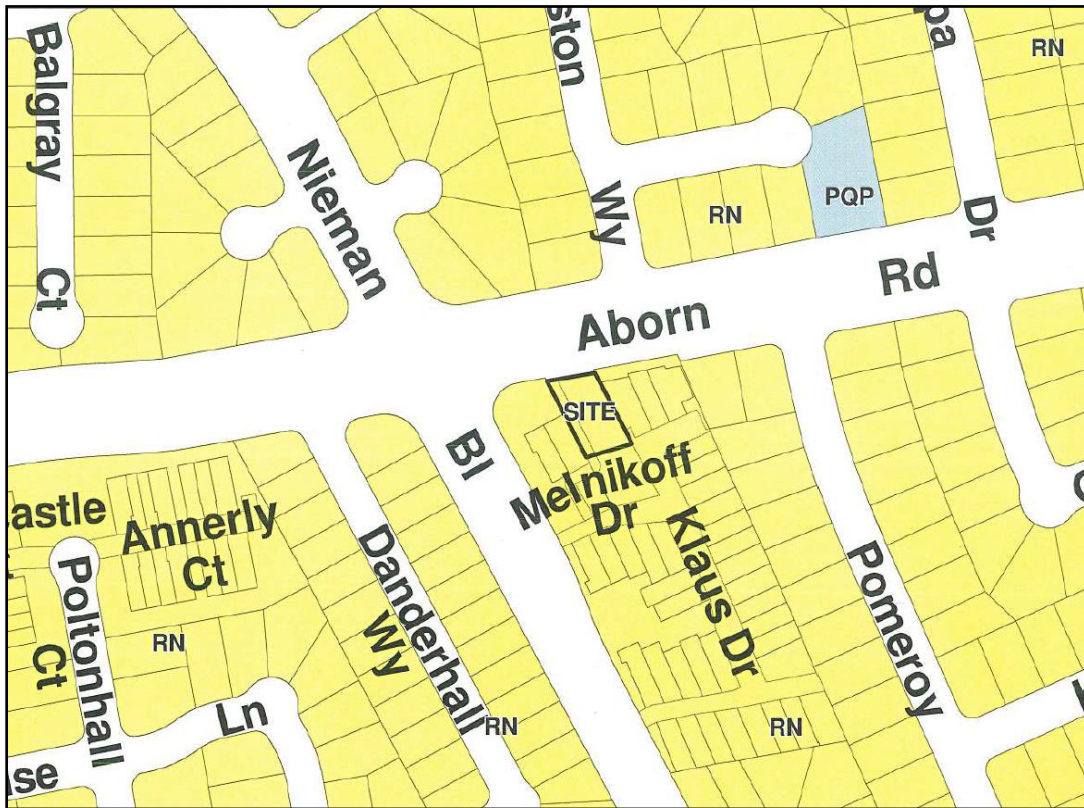


Figure 2: General Plan Land Use/Transportation Diagram

The Residential Neighborhood 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. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character. This conforming rezoning is also consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities, and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance Envision General Plan Vision, goals and policies.

3. **Implementation Policy IP-8.2- Zoning:** 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:

The R-1-8 Single-Family Residence District and R-1-5 Single-Family Residence District conform to the General Plan Land Use/Transportation designation of Residential Neighborhood, as indicated in [Section 20.120.110](#) of the Zoning Ordinance. Staff is recommending the R-1-8 Single-Family Residence Zoning District as it is the most appropriate for this site and it is consistent with the larger surrounding area to the north and east of the site zoned R-1-8. Additionally, the request is for a conventional zoning designation, which meets the intent of the General Plan.

Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-70, [Section 20.120.100](#) of the San José Municipal Code. The Zoning Ordinance identifies the R-1-8 Single-Family Residence Zoning District as a conforming zoning district to the Residential Neighborhood land use designation of the General Plan Land Use/Transportation Diagram.

As indicated in the tables below, the R-1-8 Single-Family Residence Zoning District has less restrictive setbacks than the A Agricultural Zoning District, and provides more flexibility for future redevelopment in terms of location and uses of the building.

Development Standards: R-1-8 Single-Family Residence Zoning District		Existing Conditions
Minimum Lot area	5,445 square feet	Parcel One: 7,518.7 square feet Parcel Two: 5,471.9 square feet
Setbacks: Front, interior	20 feet	48.49 feet
Side, interior	5 feet	6 feet & 16 feet
Rear, interior	20 feet	Over 20 feet

Development Standards: Agricultural Zoning District	
Minimum lot area	20 acres
Setbacks: From abutting streets and highway	50 feet
From abutting property zoned or used for residential purposes	300 feet
From abutting property zone or used for other than residential purposes	50 feet

The proposed rezoning would bring the site in conformance with the General Plan Land Use designation and would allow possible future redevelopment with permitted uses as envisioned by the General Plan. Allowed uses include single-family dwellings, accessory dwelling units, and residential care/service facilities of six or fewer people. Single-family dwellings require a Conditional Use Permit in the Agricultural Zoning District.

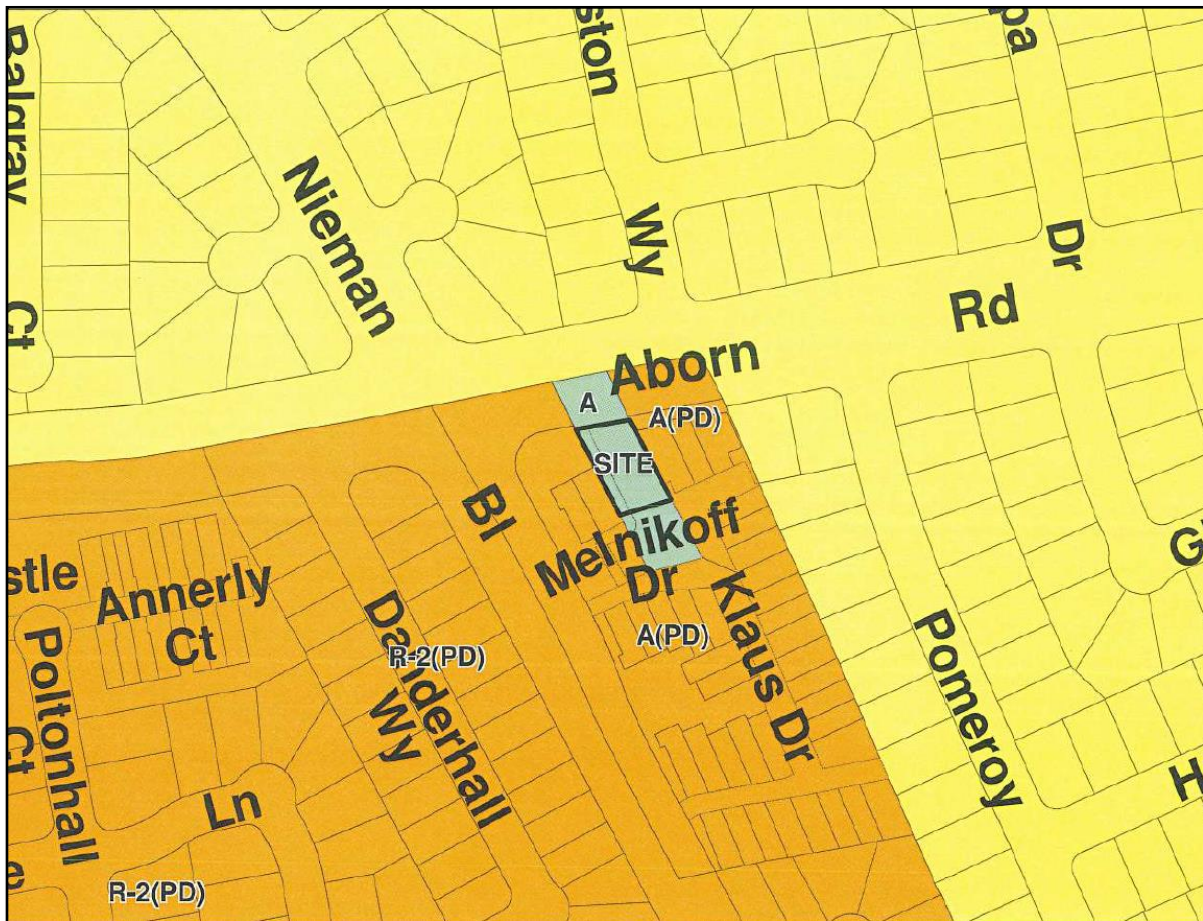


Figure 3: Zoning Map

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final 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 FPEIR, 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 Jose 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 which are considerably different from those analyzed in the FPEIR, SEIR and Addenda been identified.

PUBLIC HEARING NOTIFICATION

To inform the public of the proposed project, 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. No public comment letters have been received to date.

/s/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

For questions, please contact Acting Deputy Director, Sylvia Do, at (408)535-7907.

Attachment: Legal Description and Plat map

MONUMENT LINE

ABORN ROAD

RIGHT-OF-WAY

$N78^{\circ}48'05''E$
70.00'

LOT 4
TRACT 7899
APN: 676-13-107

LOT 5
TRACT 7899
APN: 676-13-108

LOT 6
TRACT 7899
APN: 676-13-109

LOT 3
TRACT 7899
APN: 676-13-106

LOT 2
TRACT 7899
APN: 676-13-105

LOT 1
TRACT 7899
APN: 676-13-104

KLAUS PRIVATE DRIVE

DRIVE STREET

$S 29^{\circ}13'55'' E$

107.41'

8.90'

70.00'

78.17'

APN: 676-13-068
PARCEL TWO
DOC.# 22948696 (S.C.C.R.)

APN: 676-13-069
PARCEL ONE
DOC.# 22948696 (S.C.C.R.)

107.41'

EX. BUILDING

6.07'

0.12'

1.55'

16.18'

31.49'

EX. BUILDING

$N78^{\circ}48'05''E$

78.17'

$N 29^{\circ}13'55'' W$

LOT 31
TRACT 7426
APN: 676-13-102

LOT 30
TRACT 7426
APN: 676-13-101

1.64'

PRIVATE MELNIKOFF DRIVE

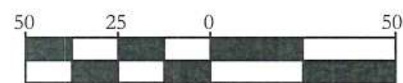
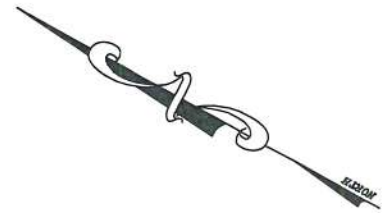
$S78^{\circ}48'05''W$

70.00'

10.01'

RIGHT-OF-WAY

NIEMAN ROAD



GRAPHIC SCALE IN FEET

REZONING EXHIBIT

ABORN ROAD PARCELS: 676-13-068 & 676-13-069
CITY OF SAN JOSE STATE OF CALIFORNIA
SCALE: 1"=50'
MAY 16, 2018

EXHIBIT "A"
LEGAL DESCRIPTION

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

PARCEL ONE:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE EVERGREEN OR ABORN ROAD, DISTANT THEREON N. 78° 54' E. 147.20 FEET FROM THE NORTHWESTERLY CORNER OF LOT 6. AS SAID ROAD AND LOT ARE SHOWN UPON THE MAP OF KETTMAN PARTITION HEREINAFTER REFERRED TO; SAID NORTHWESTERLY CORNER OF SAID LOT 6 BEING ALSO THE MOST NORTHERLY CORNER OF THAT CERTAIN 80.18 ACRE TRACT OF LAND CONVEYED BY MARY KETTMAN TO ROSALIE M. PFEFFER, ET AL, BY DEED RECORDED FEBRUARY 10, 1948, IN BOOK 1564 OF OFFICIAL RECORDS, AT PAGE 525, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE FROM SAID POINT OF BEGINNING CONTINUING ALONG SAID SOUTHERLY LINE OF EVERGREEN OR ABORN ROAD. N. 78E 54' E. 70 FEET TO A POINT; SAID POINT BEING THE MOST NORTHERLY CORNER OF THAT CERTAIN 2.00 ACRE TRACT OF LAND CONVEYED BY THOMAS J. FAMA AND ALICE M. FAMA. HUSBAND AND WIFE, TO PHILIP P. DANGELO AND LENA G. DANGELO, HUSBAND AND WIFE, BY DEED DATED NOVEMBER 5, 1951, AND RECORDED NOVEMBER 21, 1951, IN BOOK 2320 OF OFFICIAL RECORDS, AT PAGE 572, OF SANTA CLARA COUNTY RECORDS; THENCE RUNNING ALONG THE NORTHEASTERLY LINE OF SAID 2 00 ACRE TRACT OF LAND AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID 80.18 ACRE TRACT OF LAND, S. 29° 08' E. 160 FEET TO A POINT IN SAID NORTHEASTERLY LINE OF THE 2.00 ACRE TRACT OF LAND; THENCE RUNNING S. 78° 54' W. AND PARALLEL WITH THE SOUTHERLY LINE OF THE EVERGREEN OR ABORN ROAD 70 FEET TO A POINT; THENCE RUNNING N. 29° 08' W. AND PARALLEL WITH THE NORTHEASTERLY LINES OF SAID 80.18 ACRE AND SAID 2.00 ACRE TRACTS OF LAND 160 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOT 6 OF THE KETTMAN PARTITION OF RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA. STATE OF CALIFORNIA. IN BOOK "C" OF MAPS. PAGE 24.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF SAN JOSE IN THAT CERTAIN DEED RECORDED JUNE 16, 1978 IN BOOK 0746 OF OFFICIAL RECORDS, AT PAGE 569, AS DOCUMENT NO. 6048605. SANTA CLARA COUNTY RECORDS.

PARCEL TWO;

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO LOREN W. THORSON, ET UX, IN DEED RECORDED DECEMBER 5, 1967 IN BOOK 7951 OF OFFICIAL RECORDS PAGE 28, THENCE N 29° 14' 14" W 183.70' TO THE TRUE POINT OF BEGINNING, THENCE FROM THE TRUE POINT OF BEGINNING. S. 78° 48' 05" W. 70 FEET, THENCE N 29° 14' 14" W 78.17; THENCE N 78° 45' 05" E 70 FEET, THENCE S 29° 14' 14" E. 78.17' TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF LOT 6 OF THE KETTMAN PARTITION AS SHOWN UPON THE MAP OF THE KETTMAN PARTITION IN THE RECORDS OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK "O" OF MAPS PAGE 24.

APN: 676-13-068, 676-13-069