



CITY COUNCIL STAFF REPORT

File No.	C17-013 & CP17-027
Applicant:	Rajdeep Singh
Location	North side of Aborn Road approximately 110 feet westerly of Serpa Drive (2525 Aborn Road)
Existing Zoning	R-1-8 Single Family Residence District
Council District	8
Historic Resource	No
Annexation Date:	June 15, 1961 (Original City)
CEQA:	Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures

APPLICATION SUMMARY:

Rezoning File No. C17-013. Conforming Rezoning from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District on a 0.47-gross acre site.

Conditional Use Permit CP17-027 to allow the conversion of an approximately 3,016-square foot former fire station into a veterinary clinic on a 0.47-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council approve the adoption of a rezoning ordinance to rezone the subject site to the Conforming Public/Quasi-Public Zoning District and the adoption of a resolution for a Conditional Use Permit to allow the conversion of an approximately 3,016-square foot former fire station into a veterinary clinic on a 0.47-gross acre site.

PROJECT DATA

GENERAL PLAN CONSISTENCY

General Plan Designation		Public/Quasi Public <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies, IP-1.1, IP-1.6, IP-8.2, VN-1.1, and VN-1.3	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence
South	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence

East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence
West	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence

PROJECT DESCRIPTION

On April 17, 2017, the applicant applied to rezone the 0.47-gross acre subject site from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi Public Zoning District and on June 30, 2017, the applicant submitted a Conditional Use Permit to convert the vacant fire station into a veterinary clinic.

The project would allow the existing structure to be used for a veterinary clinic. Veterinary services would be conducted entirely inside the building; no boarding or grooming services would be allowed. Only outpatient procedures would be provided onsite and emergency situations would be referred to Silicon Valley Veterinary Specialists for all critical patients that require overnight treatment. Hours of operation are from 8 a.m. to 8 p.m. Monday through Saturday and there will be up to approximately five employees. The conversion of the subject site includes significant interior modifications to the existing building with no significant exterior building changes and the closure of two additional driveways previously utilized for fire truck and rear site access. Closure to the rear access driveway would prohibit site access from a residential cul-de-sac, Pumpherston Court and limit circulation to Aborn Road, a major arterial street. In addition, the project would remove a small shed located in the parking area to accommodate three additional vehicle parking spaces for a total of 14 spaces.

Site Description

The project is located on 2525 Aborn Road, at the north side of Aborn Road approximately 110 feet westerly of Serpa Drive. The project site contains an approximately 3,416-square foot former fire station (no longer in operation), and was approved for sale to the applicant by the City Council on June, 17, 2014. The City Council memo (see Exhibit E) indicated that applicable City departments, including Planning, Building, and Code Enforcement, Housing, and Parks, Recreation, and Neighborhood Services have no such current or intended future municipal use of the property. The Quitclaim Deed for the transfer of property ownership to Rajdeep Singh and Satvir Sohal was executed on June 26, 2014, and was recorded to the Santa Clara County Recorder on November 25, 2014 (see Exhibit F). The property is surrounded by single-family residences, abuts a cul-de-sac along the rear property line, and has frontage on Aborn Road.

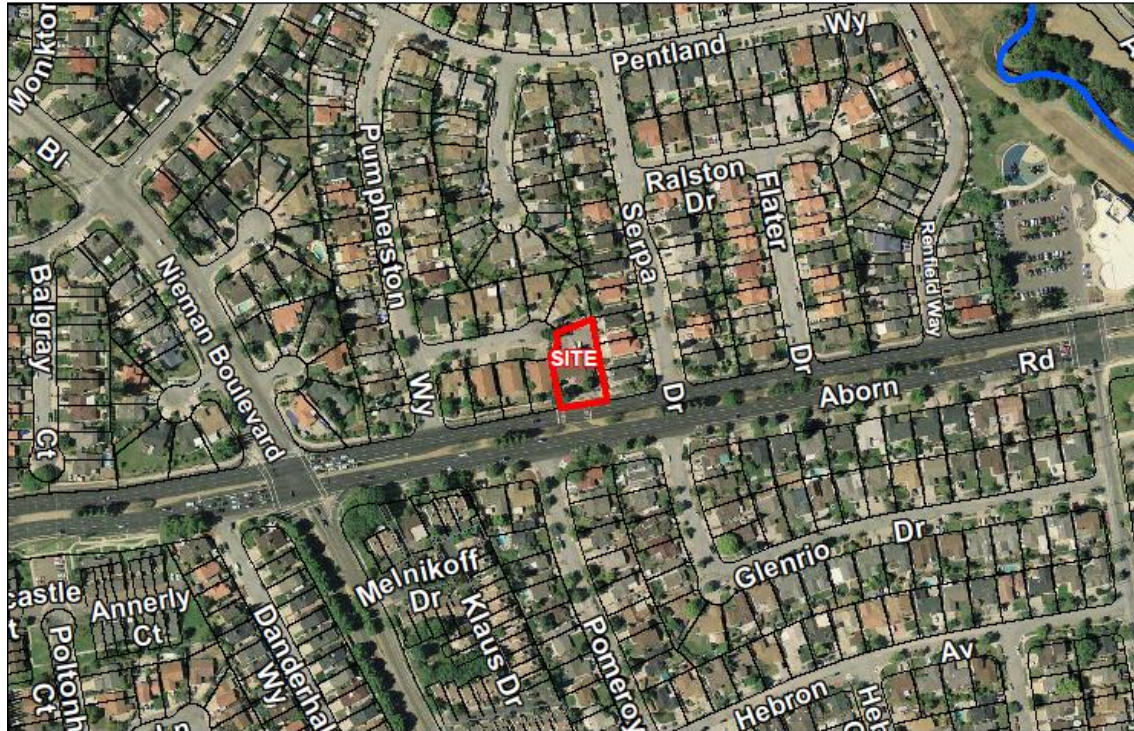


Figure 1: Project Site

ANALYSIS

The proposed Conforming Rezoning and Conditional Use Permit were analyzed for conformance with: 1) the Envision San José 2040 General Plan; 2) Evergreen-East Hill Development Policy 3) the Zoning Ordinance; and 4) the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject property is designated as Public/Quasi Public on the General Plan Land Use/Transportation Diagram (see Figure 2). Properties with this designation are intended for public land uses such as schools, fire stations, and museums. This category could also be used by some private entities, such as hospitals. In this case, a veterinary clinic is significantly similar to hospitals due to the nature of medical services that animal care typically provides.

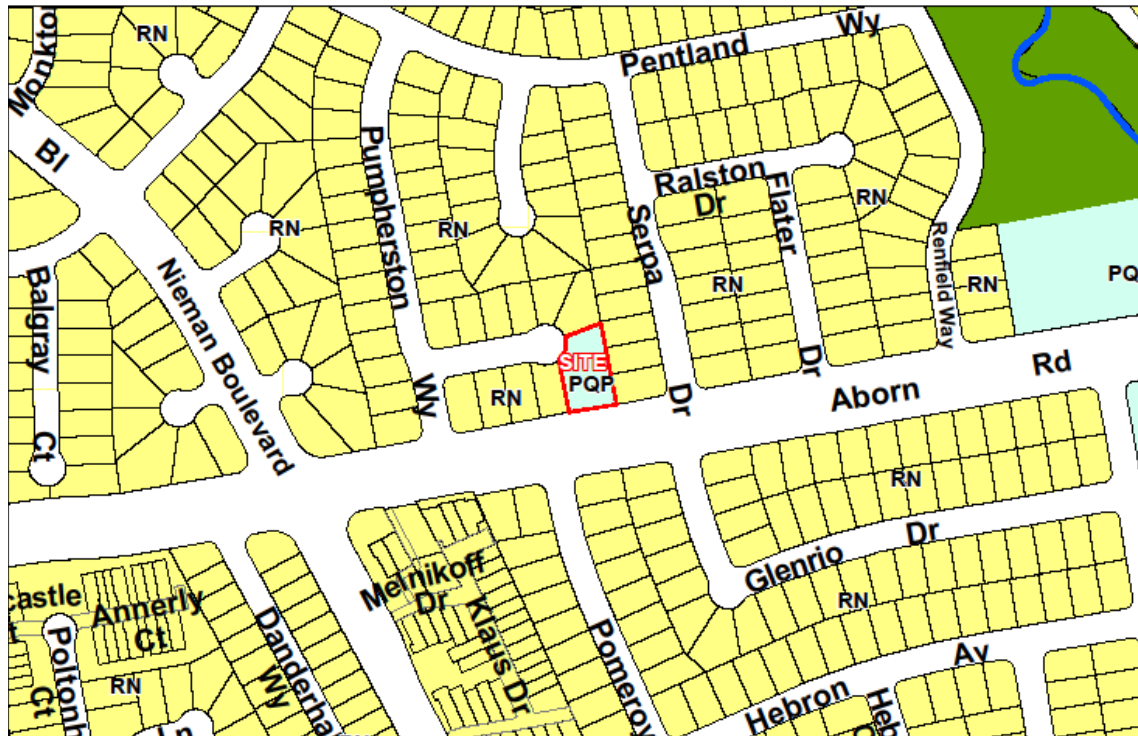


Figure 2: General Plan Land Use/Transportation Diagram

The proposed Public/Quasi Public Zoning District conforms to the Public/Quasi Public General Plan designation of the site and would allow a limited scope of publicly serving land uses and private uses, such as schools, daycare centers, and hospitals. The subject project of a veterinary clinic requires a Conditional Use Permit.

The proposed rezoning and conditional use permit are also consistent with the following General Plan policies:

1. Implementation Policy IP-1.1: 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.

Analysis: Rezoning to Public/Quasi-Public Zoning District would conform to the General Plan designation of Public-Quasi Public and facilitate the intention for public or private land uses in the area. The subject site was originally intended for a fire station that has since been vacant and sold from the city for a private use. Given that the subject site is less than one acre and in the middle of a large neighborhood, many public land uses that require large spaces would be incompatible. The proposed veterinary clinic is able to utilize the existing layout of the property, preserves the residential form and height of the structure, and provides compatible neighborhood services to the area.

2. Implementation Policy IP-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram and advance Envision General Plan vision, goals, and policies.

Analysis: The proposed PQP Public/Quasi-Public Zoning District conforms to the Envision San Jose 2040 General Plan Land Use/Transportation Diagram's designation of Public/Quasi-Public. Rezoning the subject property to the PQP Public/Quasi-Public would allow continued use of public or private uses that are the appropriate intensity and compatibility of development for the subject site and surrounding uses as envisioned under the General Plan.

3. Implementation 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: Consistent with this policy as analyzed above, the subject rezoning to the PQP Public/Quasi-Public Zoning District directly conforms to the General Plan's land use designation as listed in the Zoning Ordinance section 20.120.110 Table 20-270.

4. Vibrant Neighborhoods Policy VN-1.1: Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a half-mile walking distance of schools, parks and retail services.

Analysis: The proposed veterinary clinic would be located in the middle of a large residential neighborhood that will provide nearby veterinary services for family pets. The proximity to the neighborhood enables residents to walk to the subject site for the care and maintenance of their animal(s).

5. Vibrant Neighborhoods Policy VN-1.3: Encourage the development and maintenance of compatible neighborhood retail and services within walking distance of residences as a means to promote the creation of "complete" neighborhoods.

Analysis: The project adapts to the existing residential nature of the structure and layout of the site, formerly used as a fire station, by proposing only interior changes to the main structure and thereby maintains the residential character of the neighborhood. The building maintains the existing residential character by preserving the massing, the single-story height with a sloped roof, and retains the front door with a garage facing the street. Aside from the closure of the two driveways that had been provided for fire truck access and the removal of the small shed from the rear of the property, the veterinary clinic project would not change the exterior aesthetics of the existing neighborhood. Instead, the project promotes active use in a vacant building while providing a local service that facilitates medical veterinary care to pets and contributes to meeting the daily needs of nearby residents who can take advantage of walking to the subject site.

Evergreen-East Hills Development Policy

The Evergreen-East Hills Development Policy (EEHDP) is an update to the original Evergreen Development Policy (EDP) that was adopted in 1976 to address flood protection and traffic capacity in the EDP area. The EEHDP was adopted by City Council on December 16, 2008, to replace the original EDP and to allow a limited increase in development in the Evergreen-East Hill Area, which encompasses the area south of Story Road and east of U.S. Highway 101. When the Planned Development Zoning was submitted in 2014, there was limited development capacity to allow development consideration of the subject project. Since this time period, several projects have been approved by City Council. As of today, there are currently only 84,369 square feet of commercial and 24,611 square feet of office development capacity. The project proposal is approximately 3,016 square feet of development and therefore allowed, reducing the remaining commercial capacity to 81,353 square feet.

Zoning Ordinance Conformance

Section 20.120.110 of the City of San Jose Zoning Ordinance has listed the PQP Public/Quasi-Public Zoning District as a conforming zoning district for the Public/Quasi-Public General Plan land use designation.

The PQP Public/Quasi-Public Zoning District is intended to provide for publicly serving uses on lots that are designated Public/Quasi-Public on the General Plan Land Use/Transportation Diagram. This district may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on a site.

Analysis: The veterinary clinic is of appropriate intensity of development and adapts to the existing space by maintaining exterior elevations and layout of the subject site. All services would be provided during regular business hours (8 a.m. to 8 p.m. Monday through Saturday), conducted entirely inside the building. The clinic would be prohibited from grooming and boarding animals. Only outpatient procedures would be provided onsite and emergency situations would be referred to Silicon Valley Veterinary Specialists for all critical patients that require overnight treatment.

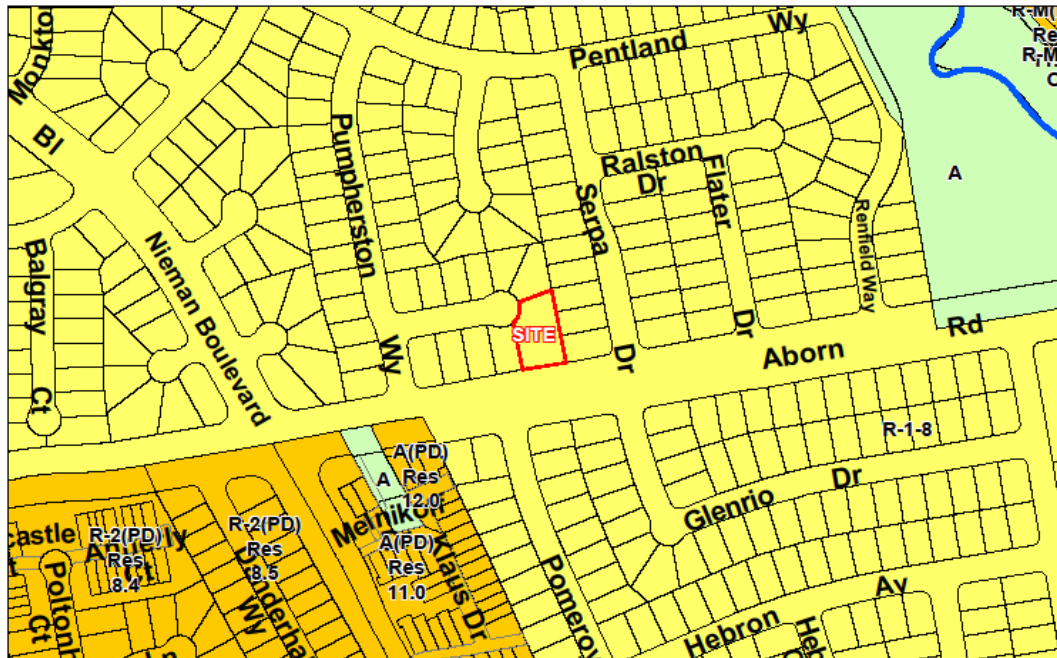


Figure 3: Zoning District Designation

Land Use

Pursuant to Table 20-90 of the Zoning Ordinance, a Conditional Use Permit is required for veterinary clinics in the PQP Public/Quasi-Public Zoning Districts.

Setbacks and Height

The PQP Public/Quasi-Public Zoning District require a ten-foot setback from the front, side, and rear property line and has a maximum height requirement of 50 feet. The existing building conforms to the setbacks and height requirements of the PQP Public/Quasi-Public Zoning District by maintaining a maximum height of 35 feet, a front setback of approximately 30 feet, side setbacks of approximately 22 feet and ten feet, and is greater than 50 feet from the rear property line.

Parking

Pursuant to Table 20.190 of the Zoning Ordinance, a veterinary clinic requires one parking space per 250 square feet of floor area. The total floor area square footage is approximately 3,016 square feet and requires 11 parking spaces. The project provides 14 parking spaces.

Noise

Public/Quasi-Public uses are required to maintain 55 decibels (dB) maximum noise level at residential property lines. All veterinary services would be conducted inside the building. Furthermore, the existing structure is reinforced by an approximately nine-foot concrete wall five feet away from the front entrance on both sides of the door and at each corner of the building. The back entrance also contains an approximately nine-foot concrete wall along the northwestern corner of the building. Noise generation is not expected to exceed the maximum noise level.

Conditional Use Permit Findings

Chapter 20.100 of the Title 20 of the San José Municipal Code establishes required finding for issuance of a Conditional Use Permit. The Planning Commission must conclude and find, based on the above facts and analysis, that:

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and

Analysis: The project is not located in a specific plan area and is consistent with the General Plan designation and policies and the EEHDP Area as discussed above.

2. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and

Analysis: The proposed veterinary clinic conforms to the PQP Public/Quasi-Public Zoning District based on the allowed land use and parking as discussed above. The project is not proposing any significant architectural modifications to the existing building that would modify the height or building footprint.

3. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The proposed use conforms to City Council Policy 6-11 Design Criteria for Conversion of Residential Structures to Non-Residential Uses. Although the existing use of a fire station is not traditionally a residence, the typical operations required employees to live onsite for several days at a time. A large portion of this building was used as living corridors, which requires bedrooms, showers, a kitchen, and a living room space. Business hours are limited to normal daytime business hours, from 8 a.m. to 8 p.m. Monday through Saturday. Vehicle circulation, parking, and trash enclosures are placed in the rear of the structure. The new occupancy is only one business enterprise and requires no exterior changes to the building. The parking area has landscaping along the edges and is screened from public view.

4. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and

Analysis: The proposed veterinary clinic at the subject site would occupy an existing building surrounded by residential developments with consistent site layout and massing. There is no proposed significant new construction with the exception of interior modifications and exterior landscaping. Minor exterior modifications include removing a small shed, adding additional parking spaces, and closing off the rear access portion of the site by installing a fence. The Conditional Use Permit includes conditions for upkeep, maintenance and landscaping.

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

Analysis: As described above, the subject site is consistent with the existing setbacks and density of the surrounding uses and development. Existing fencing, trash enclosures, parking, loading facilities, and landscaping areas are adequate in size and either contribute to screening the applicable areas from view or are properly screened by being located at the rear of the site.

6. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
 - b. By other public or private service facilities as are required.

Analysis: The subject site is well-served and easily accessible from public streets as it is located along a major arterial street, Aborn Road. Given the size and scope of the project, the existing access would be sufficient for the proposed use.

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: There would be limited impact regarding construction as it would be predominately interior modifications to an existing building. All veterinary services provided are to be conducted entirely inside the building during normal business hours (8 a.m. to 8 p.m. Monday through Saturday) and no grooming and boarding animals is allowed. Only outpatient procedures would be provided onsite and emergency situations would be referred to Silicon Valley Veterinary Specialists for all critical patients that require overnight treatment. Therefore, there is no anticipated environmental negative effects on adjacent properties.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15303 for New Construction or Conversion of Small Structure of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The project involves a conforming rezoning to allow the conversion of the approximately 3,016 square feet fire station into a veterinary clinic. No exterior modifications to the structure is proposed and only minor alterations to the layout of the site is proposed. A small storage shed would be removed to allow for three additional parking spaces and two additional driveways initially required for fire truck access would be removed. The proposed use and changes would be considered a minor modification to an existing building structure. Therefore, a CEQA exemption can be issued under Section 15303.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed project. 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 was also posted on the City's website. Staff has been available to respond to questions from the public.

Approved by: /s/ Rosalynn Hughey, Interim Director of Planning, Building and Code Enforcement

For questions, please contact Planning Official, Steve McHarris, at (408)535-7819

Attachments: Exhibit A: Draft Ordinance
Exhibit B: Plat Map
Exhibit C: Draft Resolution
Exhibit D: CUP Plan Set
Exhibit E: City Council Memo
Exhibit F: Quitclaim Deed