



CITY COUNCIL STAFF REPORT

File No.	C18-003
Applicant	Nick Pal
Location	14380 Story Road
Existing Zoning	A Agricultural
Proposed Zoning	R-1-8 Single Family Residence
Council District	5
Historic Resource	No
Annexation Date:	March 1, 1985
CEQA:	Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, and the Revision to the Evergreen Development Policy Project Supplemental Environmental Impact Report (Resolution No. 74742)

APPLICATION SUMMARY:

Conforming Rezoning from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District on a 0.93-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council approve the Conforming Rezoning based upon the facts and findings in this staff report.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Residential Neighborhood ☒ Consistent ☐ Inconsistent	
Consistent Policies		Implementation Policies IP-1.1, IP-1.6 and IP-8.2	
Inconsistent Policies		None	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	Single-Family Residence (County)	Single-family residences
South	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residences

East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residences
West	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residences
RELATED APPROVALS			
Date	Action		
3/1/1985	Site annexed into the City of San José (Story Road No. 36)		

PROJECT DESCRIPTION

On January 19, 2018, the applicant applied for a Conforming Rezoning of the subject property from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District. The applicant has interest in possibly seeking City consideration to subdivide an existing one lot into four lots, for ultimate development of four single-family residences, on a 0.93-gross acre site. A rezoning is required to allow the consideration of a subdivision. A Tentative Map would be required for any proposed subdivision and building permits would be required for the construction of residences. No subdivision application is on file at this time.

Site Description:

The project site is located on the south side of Story Road, approximately 120 feet westerly of Beltrami Drive, at 14380 Story Road (see Figure 1).



Figure 1: Location Map

The site is a through lot and is currently developed with a single-family residence with an access driveway off of Story Road. The site is surrounded by single-family residences on all sides. The adjacent lots are on rectangular plats, ranging from 0.13 to 0.18-gross acres in size with street frontages on Story Road and Arthur Avenue. The lots to the north of the site, across Story Road, are unincorporated and under the jurisdiction of the County of Santa Clara.

ANALYSIS

The proposed Conforming Rezoning was analyzed with respect to 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 a land use designation of Residential Neighborhood on the Envision San José 2040 General Plan Land Use/Transportation Diagram (see Figure 2).

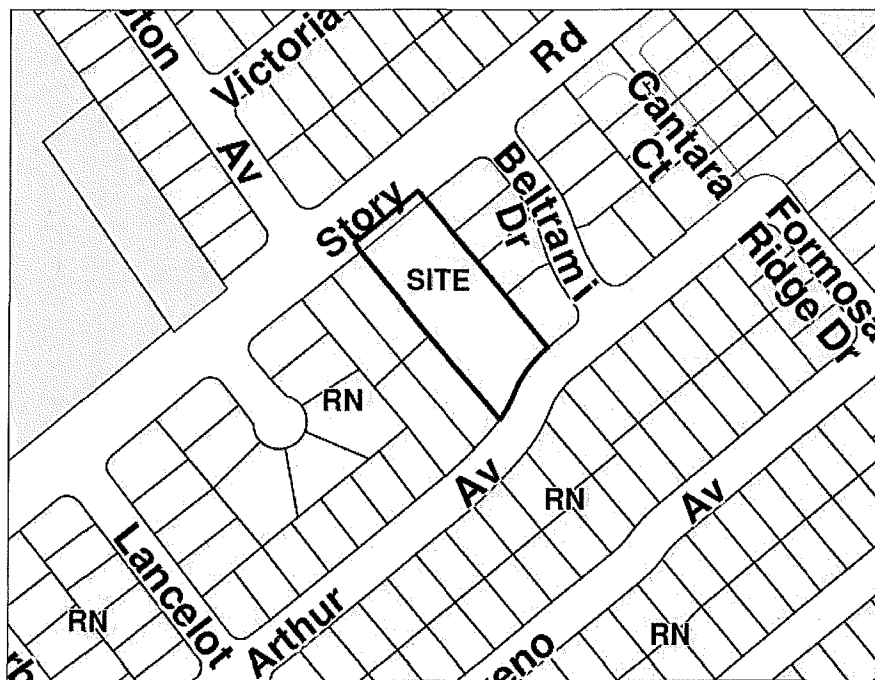


Figure 2: General Plan Map

The typical maximum density in areas designated Residential Neighborhood is eight dwelling units per acre. This designation is applied broadly throughout the City to encompass most established, single-family residential neighborhoods. The intent of this designation is to preserve the existing character of these neighborhoods by strictly limiting new development to infill projects that closely conform to the prevailing neighborhood development pattern. New projects should complement existing neighborhood conditions in terms of density, average lot size and orientation, and massing of structures, with particular emphasis given to maintaining consistency with other homes fronting onto the public street to be shared with the proposed new project.

Analysis: The rezoning is consistent with the site's Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, in that the single-family detached residences are an intended use under this designation. The intent of the proposed rezoning is to possibly allow consideration of future subdivisions to conform to the prevailing existing neighborhood character as defined by density, lot size and neighborhood form and pattern. The surrounding density is up to four units an acre. Typical shape and pattern of lots are conventional rectangular-shaped deep lots, measuring 8,000 square feet in average lot size, and oriented towards major streets and roadways in a rectilinear grid pattern.

This conforming rezoning is 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.
2. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals and policies.
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 uses 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: Both R-1-5 and R-1-8 Single Family Residence Zoning Districts are conforming zoning districts for the Envision San José 2040 General Plan Land Use/Transportation Diagram's designation of Residential Neighborhood, as indicated in Section 20.120.110 of the Zoning Ordinance. The subject site is located in a residential neighborhood comprised of single-family homes located primarily on deep lots.

The R-1-5 Single-Family Residence Zoning District allows for a subdivision of up to five lots or less per acre and has a minimum lot size requirement of 8,000 square feet. The R-1-8 Single Family Residence Zoning District allows for a subdivision of up to eight lots or less per acre and has a minimum lot size requirement of 5,445 square feet. The proposed Conforming Rezoning to the R-1-8 Single Family Residence Zoning District is preferred over R-1-5 Single Family Residence Zoning District as it will match with the adjacent zoning districts and will also be a conforming zoning district, consistent with the General Plan goals intended for this property. Both zoning districts would allow for a subdivision up to a maximum of four lots, since the minimum lot width requirement is 55 feet per the Subdivision Map Act for residential subdivision of properties.

Zoning Ordinance Conformance

The subject site is in the A Agricultural Zoning District (see Figure 3). The existing A Agricultural Zoning District allows the development of a one-family dwelling unit, on a minimum 20-gross acre parcel, with a Conditional Use Permit.

The proposed Conforming Rezoning to R-1-8 Single Family Residence Zoning District conforms with Table 20-270 of Section 20.120.110 of the Zoning Ordinance, which identifies the R-1-8 Single Family Residence Zoning District as the conforming zoning district for the Residential Neighborhood General Plan land use designation. The R-1-8 Single Family Residence Zoning

District is preferred over R-1-5 Single Family Residence Zoning District since it is consistent with the adjacent zoning districts and development pattern.

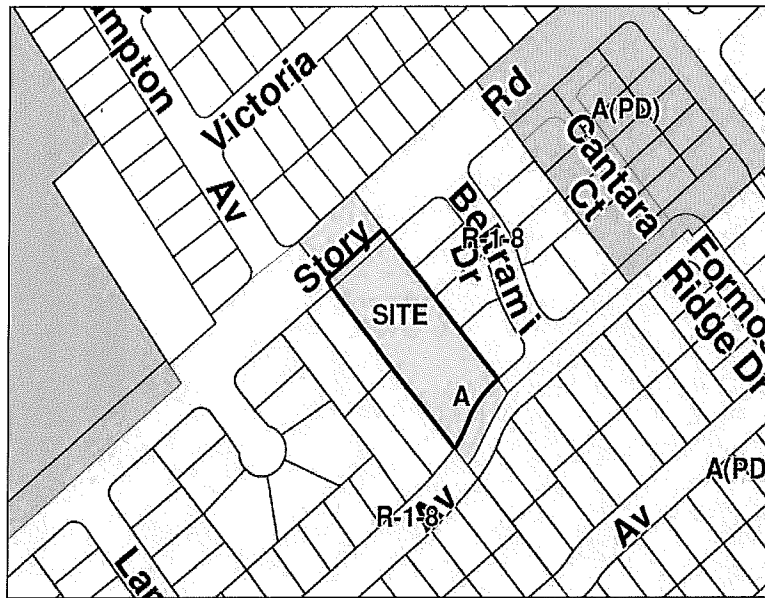


Figure 3: Zoning Map

The R-1-8 Single Family Residence Zoning District typically allows development of single-family residences and secondary units, with a minimum lot size of 5,445 square feet. The existing single-family home does not conform to the minimum front setback requirement of 20 feet for the R-1-8 Single Family Residence Zoning District, and will be allowed to remain as a legal non-conforming structure on one lot.

The setbacks and height requirement for the development of single-family homes in the R-1-8 Single Family Residence Zoning District are listed in the Table 1 below:

Building Setbacks and height	Required
Front Setback	20 feet
Side Setback	5 feet
Side Corner Setback	12.5 feet
Rear Setback	20 feet
Height (Maximum)	35 feet

Table 1: Setbacks and Height

Evergreen-East Hills Development Policy Area and Environmental Review

The site is in the Evergreen-East Hills Development Policy Area boundary which provides the framework for a limited amount of new residential, commercial, and office development within the area. This Policy establishes capacity for the development of up to 500 new residential units within the Policy area. This capacity is held in a “pool” that may be allocated to any property per the allocation criteria set forth in this Policy. Currently, there are approximately 200 residential

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units remaining under this Policy. Any future development application for the site will need to be consistent with the General Plan, Zoning Ordinance and Evergreen-East Hills Development Policy Area.

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 rezoning is pursuant to, in furtherance of and within the scope of the Supplemental Environmental Impact Report for the Revision to the Evergreen Development Policy Project (the Project SEIR) for which findings were adopted by City Council through its Resolution No. 74742 on December 16, 2008, the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Program Environmental Impact Report (EIR) and Supplemental EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and Resolution No. 77617 on December 15, 2015, respectively, and all Addenda thereto. The 2011 Program EIR and a supplemental EIR 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. The proposed rezoning does not involve new significant effects beyond those analyzed in the Program EIRs, supplemental EIR, and Addenda thereto. A Determination of Consistency with these documents was prepared for this rezoning.

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.

/s/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

For questions, please contact Sylvia Do, Division Manager, at (408) 535-7907.

Attachments: Legal Description
Plat map

EXHIBIT "A"

DESCRIPTION OF PARCEL PROPERTY

14380 Story Road, San Jose, CA

File No. C18-003

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of Lots 9 and 10, as said Lots are shown on that certain Map entitled "Map of the Richards & North Subdivision of a portion of the Rancho Pala", as said Map was filed for record on October 2, 1888 in Book D of Maps at Page 27, Records of Santa Clara County, described as follows:

Being also the lands described in that certain Grant Deed, conveyed to Narinder Pal and Sushma Pal, Trustees of the Pal Family Trust, created on April 2, 1993, recorded on February 11, 2003 as Document No. 16813803, Official Records of Santa Clara County, more particularly described as follows:

BEGINNING at the most westerly corner of said lands of Pal (Doc. 16813803), said corner being also a point on the southeasterly line of Story Road;

Thence leaving said corner and along said southeasterly line of Story Road, North 49°29'00" East, 120.68 feet to the most northerly corner of said lands of Pal;

Thence leaving said corner and along the northeasterly line of said lands of Pal, South 41°14'52" East, 339.03 feet to the most easterly corner of said lands of Pal;

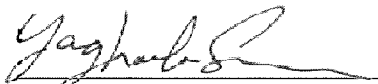
Thence leaving said corner and along the southeasterly line of said lands of Pal, South 49°26'54" West, 120.68 feet to the most southerly corner of said lands of Pal;

Thence leaving said corner and along the southwesterly line of said lands of Pal, North 41°14'52" West, 339.11 feet to the point of **BEGINNING**.

Containing an area of 0.94 acres (gross), more or less.

Subject to street easements and other matters of record.

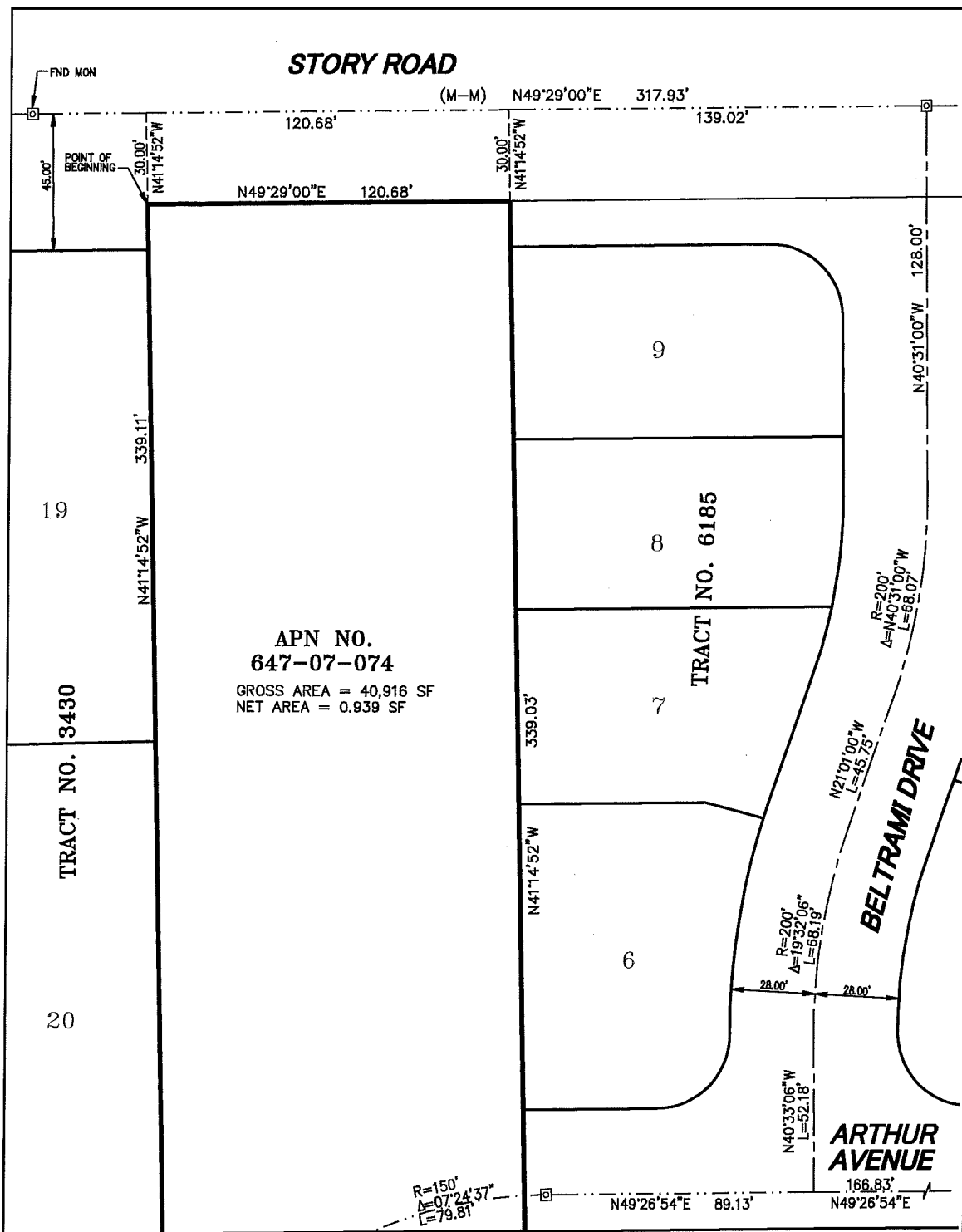
Being also Assessor's Parcel Number 647-07-074 per Roll Year 2016-2017.



Yaghoub Saidian
R.C.E. No. 33509

4-14-2018

Dated



BASIS OF BEARINGS

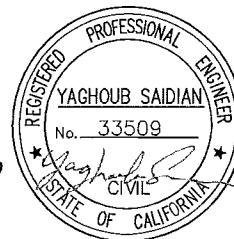
THE BEARING N49°29'00"E OF THE CENTERLINE OF STORY ROAD AS SHOWN UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 3430," WHICH WAS RECORDED IN BOOK 178 OF MAPS AT PAGE 7, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.

TRACT NO. 8430

(IN FEET)
1 INCH = 40 FT.

ADDRESS :
14380 STORY ROAD
SAN JOSE, CALIFORNIA

EXHIBIT "A" (FILE NO. C18-003)
PLAT TO ACCOMPANY LEGAL DESCRIPTION



ADVANCED DEVELOPMENT		Subject <u>DESCRIPTION OF PARCEL PROPERTY</u>	
2933 BENJAMIN COURT SAN JOSE, CALIFORNIA 95124 (408) 891-1689		Job No. <u>382</u>	Tract No. _____
By <u>AG</u>	Date <u>04-14-2018</u>	Chkd _____	SHEET <u>1</u> OF <u>1</u>