

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
04-05-05

File Number  
C03-096

Application Type  
Conforming Rezoning

Council District  
8

Planning Area  
Evergreen

Assessor's Parcel Number(s)  
65219014

# STAFF REPORT

## PROJECT DESCRIPTION

Completed by: RVM

Location: Northeast corner of Reno Drive and Antonacci Court

Gross Acreage: 0.335

Net Acreage: N/A

Net Density: N/A

Existing Zoning: A-Agriculture

Existing Use: Single Family Residence

Proposed Zoning: R-1-8 Residence

Proposed Use: Single Family Residence

## GENERAL PLAN

Completed by: RVM

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

## SURROUNDING LAND USES AND ZONING

Completed by: RVM

North: Single Family Residence

R-1-5 Residence

East: Single Family Residence

A(PD) Planned Development District

South: Single Family Residence

R-1-5 Residence

West: Single Family Residence

R-1-5 Residence

## ENVIRONMENTAL STATUS

Completed by: RVM

- Environmental Impact Report found complete 8/16/94
- Negative Declaration circulated on
- Negative Declaration adopted on

- Exempt
- Environmental Review Incomplete

## FILE HISTORY

Completed by: RVM

Annexation Title: Evergreen No 170

Date: 8/16/89

## PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
- Approval with Conditions
- Denial
- Uphold Director's Decision

Date: 3/15/05

Approved by: *Jean Stanek*  
 Action  
 Recommendation

## APPLICANT/OWNER/DEVELOPER

Nhe Nho Nguyen  
2370 Reno Drive  
San Jose, CA 95148

David Alvarez  
82 North Capitol Ave  
San Jose, CA 95127

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: RVM

Department of Public Works

N/A

Other Departments and Agencies

N/A

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**GENERAL CORRESPONDENCE**

N/A

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Nhe Nho Nguyen, is requesting to rezone the 0.335 gross acre site from A-Agriculture to R-1-8 Residence to allow residential uses. The site subject to the proposed rezoning is designated as Medium Low Density Residential (8 DU/AC) on the Land Use/Transportation Diagram.

The subject site is currently developed with one single-family residence, and is surrounded by single-family residences on all sides. The subject site is part of a larger site comprised of 0.38 total acres. The .045 acres not part of the proposed rezoning was created as a result of a street realignment that occurred several years ago and is zoned R-1-5 Residence with a Land Use/Transportation Diagram Designation of Low Density Residential (5DU/AC). No subdivision of the site is being proposed at this time.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994.

**GENERAL PLAN CONFORMANCE**

The maximum allowable density on the subject site per the General Plan Land/Use Transportation designation of Medium Low Density Residential (8DU/AC) would be two (2) units on the subject site and three (3) units if merged with the additional .45 acres. There is one existing single-family house on the subject .335 acre site to be rezoned; hence, the proposed rezoning is consistent with the General Plan density allowed.

## **ANALYSIS**

The proposed rezoning to R-1-8 Residence would enable the subject site to have residential zoning designation that conforms to the density of the Land Use Transportation Diagram designation that exist on the subject site. As previously indicated, no subdivision is proposed at this time.

The proposed rezoning to R-1-8 is well suited for the project site because it is located in a residential neighborhood surrounded by R-1 Zoning Districts on most sides. The proposed rezoning would more easily allow minor modifications or an addition to the existing single-family residence as well as uses allowed under the R-1-8 Zoning District that would not be permitted or easily obtained under the A-Agriculture District.

The General Plan requires that lot subdivisions on hillside locations with a slope of 7% or greater to be zoned (PD) Planned Development in order to be subdivided. The project site has a predominant slope of 7%, and therefore would require a subsequent rezoning to the PD Zoning District if the subject site is to be subdivided.

This proposed rezoning from A-Agricultural to R-1-8 would leave the remnant area currently zoned R-1-5 unaffected.

## **PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site as well as published in the San José Post Record. The City Council Agenda, which is posted on the City of San José website, includes a copy of the staff report and City Council Memo for this project. This request is being processed as a conforming rezoning, therefore no public hearing was held by the Planning Commission on this item.

## **RECOMMENDATION**

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

1. The proposed rezoning is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium Low Density Residential (8 DU/AC).
2. The proposed rezoning is consistent with the surrounding neighborhood.

