

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: January 13, 2005

COUNCIL DISTRICT: 3

SUBJECT: PDC04-044 & PD04-031. PLANNED DEVELOPMENT REZONING FROM R-2 RESIDENTIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW TWO SINGLE FAMILY DETACHED RESIDENCES LOCATED AT THE SOUTHEAST CORNER OF NORTH 15TH STREET AND VESTAL STREET.

RECOMMENDATION

The Planning Commission voted 7-0 to recommend that the City Council adopt an ordinance approving the proposed rezoning, and the Planning Commission voted 7-0 to recommend that the City Council approve the proposed Planned Development Permit, with the condition that the applicant obtain Building Permits for the house at 726 Vestal Street prior to subdivision of the property through the Parcel Map process.

BACKGROUND

On January 12, 2005, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow a reduction in the minimum lot size so that a single 0.245 acre property containing two existing single-family detached residences can be subdivided into two separate properties.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning and the proposed Planned Development Permit, with the condition that the owner obtain valid Building Permits for the house at 726 Vestal Street prior to approval of the subdivision.

Planning Staff had no additional comments. The applicant was not present, and no members of the public spoke on the items. Commissioner Zito asked for clarification of the purpose of the proposed rezoning when all conditions are existing at the site and no construction is proposed. Commissioner Levy explained that these approvals would allow subdivision of the existing

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property. Commissioner Zito then questioned whether owners of nearby properties would be able to use approval of a project such as this one as a basis for subdividing other lots in the immediate vicinity. Staff responded by noting that this lot was unique in that it is a corner parcel and in that it contains two residences that have existed for over 40 years. Subdivision of other lots in the immediate vicinity would necessitate creation of flag lots, and those subdivisions would not meet the criteria found in the City Council Policy on flag lots, therefore, approval of this project would not set a precedent.

PUBLIC OUTREACH

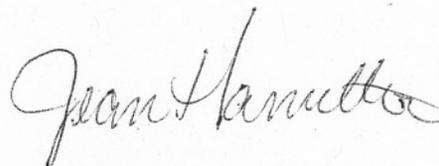
A public hearing notice for the project was published in the San Jose Mercury News newspaper and mailed to all property owners and tenants within 500 feet of the subject site. Staff has been available to discuss the proposal with members of the public. Additionally, prior to the public hearing, an electronic version of the staff report has been made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

COORDINATION

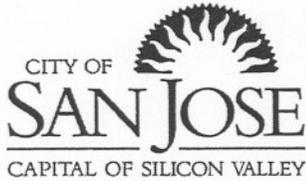
This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environment Service Department and the City Attorney's Office.

CEQA

Exempt under Section 15301(a) of CEQA



STEPHEN M. HAASE
Secretary, Planning Commission



Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: January 5, 2005

COUNCIL DISTRICT: 3

SUPPLEMENTAL

SUBJECT: PDC04-044 & PD04-031. PLANNED DEVELOPMENT REZONING FROM R-2 RESIDENTIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW TWO SINGLE FAMILY DETACHED RESIDENCES LOCATED AT THE SOUTHEAST CORNER OF NORTH 15TH STREET AND VESTAL STREET.

RECOMMENDATION

As noted in the full staff report, Staff recommends that the Planning Commission forward a recommendation to the City Council to approve the subject Planned Development Rezoning and Planned Development Permit, with the added condition that the owner obtain building permits for the residence at 726 Vestal Street and no subdivision of the property occur until such permits are obtained.

BACKGROUND

Staff's original analysis concluded that both residences at the subject property were legally constructed. After further review, Staff concluded that no Building Permit records are present for the 726 Vestal Street residence. Assessor's records indicate that the existing residence at 726 Vestal Street was constructed circa 1961.

A variety of residential parcel sizes exist in the immediate area. Within 200 feet of the subject site, parcel sizes range from approximately 4,625 square feet to 10,800 square feet. .

GENERAL PLAN CONFORMANCE

Because Building Permits were not obtained for the second residence at the site, General Plan conformance cannot be found using the criteria involving developed parcels of two acres or less. Alternately, General Plan conformance can be found with the Housing Goals and Policies within

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the General Plan text. The General Plan text states that “the intent of the Housing Goals and Policies is to help improve San Jose’s existing housing resources and to meet the housing needs of all segments of the community.” The proposed project furthers this intent in that it legalizes the existing residential use, thereby maintaining an additional housing unit. From the General Plan text, “conservation and rehabilitation of the existing housing stock is an important means of meeting the objective of providing housing opportunities for all San Jose residents.” The General Plan text calls the “rising cost of purchasing housing” as a continuous housing problem in the City, and the subdivision of the subject property will allow for the purchase of the residences separately, will encourage owner occupation, and will also encourage investment to rehabilitate the existing properties. The proposed lot sizes are consistent with those in the immediate vicinity.



STEPHEN M. HAASE

Director of Planning, Building, and Code Enforcement

