



## *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** January 26, 2006

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**COUNCIL DISTRICT:** 6

**SUBJECT: PDC04-095. PLANNED DEVELOPMENT PREZONING FROM UNINCORPORATED COUNTY TO A(PD) PLANNED DEVELOPMENT DISTRICT TO ALLOW 7 SINGLE-FAMILY ATTACHED AND DETACHED RESIDENCES ON A 0.42 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH WILLARD AVENUE APPROXIMATELY 180 FEET SOUTHERLY OF DOUGLAS STREET.**

### RECOMMENDATION

The Planning Commission voted 6-0-1, (Commissioner Pham absent) to recommend that the City Council approve the proposed rezoning with a maximum of 6 single-family attached and detached residences, one fewer than proposed by the applicant.

### BACKGROUND

On January 25, 2006, the Planning Commission held a public hearing to consider a Planned Development prezoning from Unincorporated County to A(PD) Planned Development District to allow 7 single-family attached and detached residential units.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed prezoning.

Steve McVay, the applicant, spoke in support of the project. Brian Ward, a neighborhood resident, spoke in opposition to the project due to concerns about parking impacts on neighborhood streets and adequacy of existing infrastructure to support new development. Mr. Ward expressed his concern that the proposed tandem garages would result in more vehicles on the street. Commissioner James concurred that parking is difficult in the area.

Planning staff distributed copies of the draft Development Standards to the Planning Commission and a copy of a letter from Mr. Ward. Staff stated that the area is still mostly unincorporated and that Public Works staff had verified that there is adequate sewer capacity to support the proposed development. Staff noted that the project proposes one guest parking space per unit instead of the 1.3 spaces per unit recommended by the Residential Design Guidelines.

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The applicant responded that additional guest parking spaces could be provided along the driveway by reducing the proposed landscaping.

Staff commented that the current site design is marginal relative to the amount of landscaping and if more than one parking space is added to the current site design the landscaping would be reduced to an unacceptable level. Staff suggested that elimination of one unit would allow a better balance between parking and landscaping. Commissioner James concurred that one fewer unit is appropriate. Commissioner Levy noted that tandem parking is likely to exacerbate on-site parking problems and that six units are more appropriate to allow sufficient on-site guest parking with adequate landscaping.

The Planning Commission then closed the public hearing.

Commissioner James made a motion to recommend approval of the project with up to six attached and detached single-family residences as recommended by staff. The motion was seconded and there was no further discussion.

### 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. The staff report was available on the Planning Department web site one week prior to the original Public Hearing date. Staff has been available to discuss the project with interested members of the public.

### COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

### CEQA

Mitigated Negative Declaration, File Number PDC04-095.

  
JOSEPH HORWEDEL  
Secretary, Planning Commission

Attachments  
Development Standards

cc: Steve McVay, 960 Stonehurst Way, Campbell, CA 95008



PDC04-095 – 435 South Willard Avenue

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

**DRAFT DEVELOPMENT STANDARDS**

Uses

Single-family attached and detached uses

Development Standards

Maximum Number of Units: up to 7  
Height and Stories: 30 feet and 2 stories

Minimum Building Setbacks\*

*From Perimeter Lot Lines*

East: 17 feet  
South: 5 feet  
North: 5 feet  
West:  
Garages/storage 5 feet  
Living area 10 feet  
From Interior Lot Lines 0 feet

\* All setbacks shall be measured from the property line, unless otherwise noted. All development must conform to the Uniform Building Code.

Note: Minor architectural projections, such as chimneys and bay windows, may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, no more than 20% of the building elevation length. Unenclosed porches may extend up to five feet into setback areas.

Additions that would otherwise trigger a Single Family House Permit pursuant to Section 20.100.1030 of Title 20 of the San Jose Municipal Code would require a PD Permit.

Parking Requirements:

Per Unit 2 covered spaces\* and 1 guest space  
The length of driveway aprons shall be 18 feet or greater or 10 feet or less.  
\* Tandem parking is permitted through a Planned Development Permit.

Private open space: Minimum 300 square feet per residential unit (which must include a usable area with a minimum dimension of 15 feet by 15 feet)

Fences

As per Zoning Code as amended.

**Common Ownership**

The driveway, guest parking, park-strips and sidewalks shall be located on a commonly owned parcel.

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

**Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

**Post-Construction Storm Water Treatment Controls**

The city's national pollutant discharge system ( NPDES ) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning.

**Morris, Erin**

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**From:** Brian Ward [bward@BBGSLAW.com]  
**Sent:** Wednesday, November 16, 2005 12:45 PM  
**To:** erin.morris@sanjoseca.gov  
**Subject:** 435 South Willard

Dear Erin

I was wondering if you had a chance to check in to the sewer capacity for 435 South Willard. My wife says that the home that was on the lot was demolished or burned down sometime in the mid to late 70's, and that there was only one house on that lot.

I am concerned with having the 7 units there and not having the capacity since as I said we typically get sewage overflowing at least twice a year. Additionally, San Jose has come out with their ramjet sewer truck and worked through the manhole covers at Douglas and South Willard about once every three or four months and usually at night. This is unrelated to the sewage backup.

I still have some big concerns regarding Mr. McVay's development. He seems more than happy to be willing to get rid of the driveway and green space but does not want to reduce the number of units. I am also concerned that the tandem parking design would be fraught with the fact that the front of the garage would be used for storage as compared to parking. Despite Mr. McVay's assertions, based on my over 20 years of legal experience, HOA's tend to selectively enforce issues and are not very effective. Additionally, there is a huge accountability issue for outsiders to be able to either find them much less bring issues to them. Case in point, the tree trimming at the townhomes on the side of the house where the HOA decide to have somebody with no tree cutting experience trim the trees and dropped branches on the electrical and cable line to our house as well as noise issues in the past.

Also Preston Pipeline is using the pumping yard as a marshalling yard and they are bringing in trucks that are way too big for the street capacity. On Monday night a truck spent 15 minutes trying to make a left turn onto South Willard before giving up and backing his truck all the way down Douglas to Meridian which not only was dangerous but impeded traffic as the drive was squarely in the middle of Douglas as he back 2/10 of mile and forced several cars to turn off or around, including me.

Sincerely,

Brian Ward  
[bward@bbgslaw.com](mailto:bward@bbgslaw.com)  
(650) 365-7710

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