

STAFF REPORT
PLANNING COMMISSION

COUNCIL AGENDA: 02-26-08
ITEM: 11.2

FILE NO.: PDC07-003

Submitted: 1/5/07

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District to remove one existing single family residence and subdivide one parcel into two lots for 2 single-family detached residences on a 0.23 gross acre site.

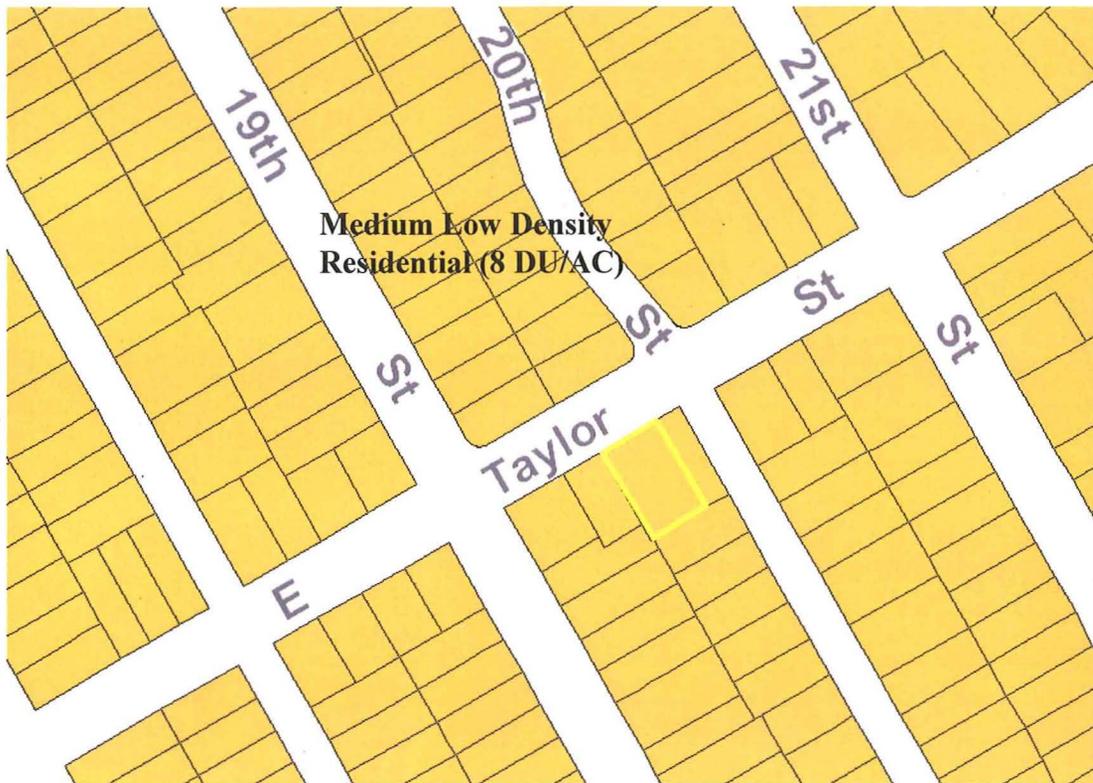
LOCATION: South side of East Taylor Street approximately 90 feet westerly of North 20th Street.

Existing Zoning	R-1-8 Single-Family Residence
Proposed Zoning	A(PD) Planned Development
General Plan	MLDR (8.0 DU/AC)
Council District	3
Annexation Date	3/27/1850
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A

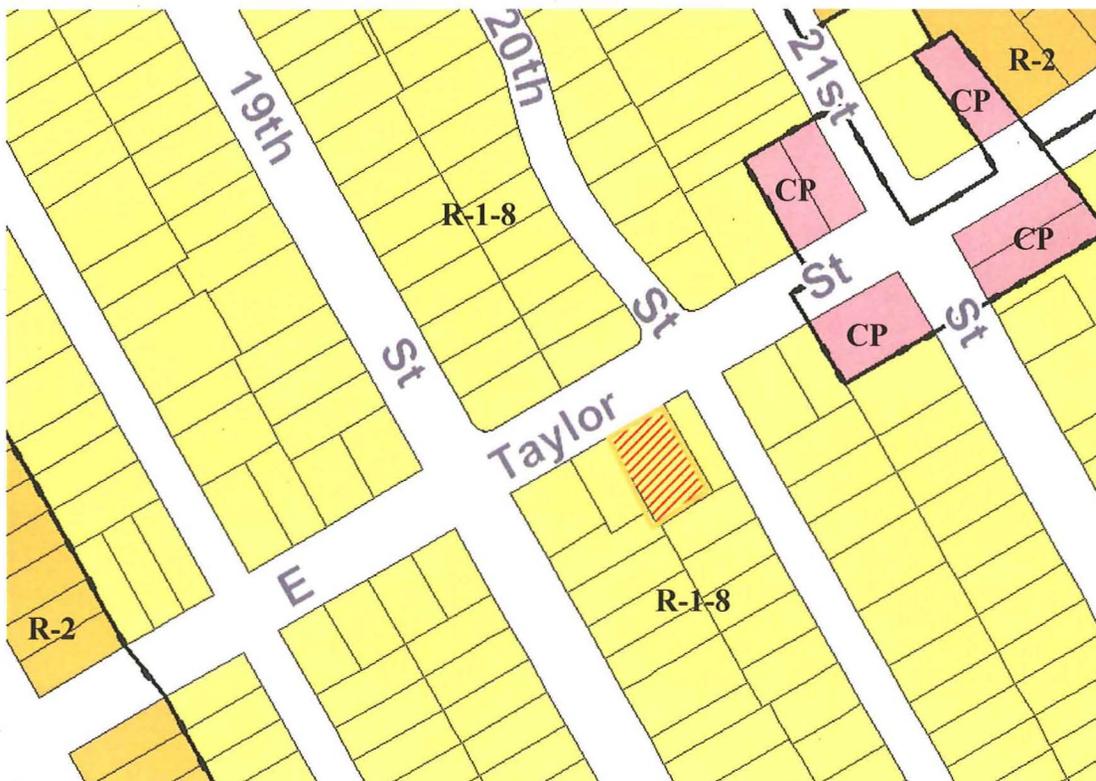
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning for the following reasons:

1. The proposed project, through its site and architectural design, is consistent with the San José 2020 General Plan with the application of the Two-Acre Rule Discretionary Alternate Use Policy.
2. The proposed infill housing project is consistent with the Housing and Growth Management Major Strategies.
3. The proposed zoning for an additional residential unit is compatible with existing uses on the adjacent and neighboring properties.
4. The proposed project design exceeds the standards set by the Residential Design Guidelines.

BACKGROUND & DESCRIPTION

On January 5, 2007, the applicant, Anh David Do, filed a Planned Development Rezoning to remove one existing single family detached residence and subdivide one parcel into two lots and construct two new single-family detached residence on 0.23 gross acres, on the south side of East Taylor Street approximately 90 feet westerly of North 20th Street. A Planned Development Rezoning is required because the developer proposes to develop the property at a density that exceeds the General Plan density.

GENERAL PLAN CONFORMANCE

This site has a designation of Medium Low Density Residential (8.0 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The residential density associated with this application is 8.69 DU/AC. The General Plan contains Discretionary Alternate Use Policies which allow for land uses that do not strictly comply with a site's General Plan Land Use/Transportation Diagram designation. One of those policies, the Two Acre Rule, allows for residential densities above or below the density called for by the site's General Plan Land Use/Transportation Diagram designation if the proposed project exceeds the minimum standards of the Residential Design Guidelines and Zoning Ordinance. In this instance, the proposed project conforms to all respects of the Residential Design Guidelines, and exceeds minimum recommendations for open space and setbacks, as described below. Also, the proposed structure will implement sustainable building features, such as incorporating recycled materials, installing energy and water efficient systems and appliances, using drought resistant landscaping, installing photovoltaic panels on the roof of the south elevation, and using permeable paving for the length of the shared driveway.

This proposal is also in conformance with the General Plan Residential Land Use Policies in that 1) the land to be used for the future development will be fully and efficiently utilized to maximize the potential to add to the housing stock, 2) the project is integrated with the surrounding uses to blend in with the neighborhood, and 3) consistent building materials have been integrated into the design.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(b) of CEQA, in urban areas, up to three single-family detached residential units are exempt from environmental review. This project is 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, in that it is for a total of two residential dwelling units and there are no significant environmental effects associated with the project or the site.

ANALYSIS

The proposed Planned Development Rezoning would facilitate development of a large, underutilized parcel into two single-family detached units. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regards to site design, setbacks, parking, and open space.

Site Size and Dimensions

As proposed, the new single-family residences would face onto E. Taylor Street, duplicating the existing pattern of development in the neighborhood. At 5,052 square feet each, the proposed lot sizes are smaller than the 5,445 square feet that typify the Medium Low Density Residential (8 DU/AC) lot size, but the project still conforms to the Residential Design Guidelines. The surrounding neighborhood has lots of various widths and depths. In general, the width of the proposed lots is smaller than the surrounding neighborhood, but the depth exceeds the neighborhood average.

Setbacks

The Residential Design Guidelines suggest the following as setbacks for single family detached residences on lots between 5,000 and 6,000 square feet: 18 feet in the front for living area, 60 feet in the front for detached garages, 20 feet in the rear for living area, 0 feet in the rear for detached garages, and 5 feet on interior sides. The project proposes setbacks of 19 feet in the front (comparable to the block average), 105 feet in the front for detached garages, 42 feet in the rear, 7 feet on the driveway side, and 5 feet on the side yard side. The rear setback of 42 feet is required in order to facilitate private open space requirements. Future modifications must conform to these setbacks. As proposed, the project meets and exceeds the Residential Design Guidelines for front, side and rear setbacks.

Parking

The Residential Design Guidelines for two covered parking spaces per unit, plus one additional parking space within 150 feet of each unit. The proposed development would include the construction of two detached two-car garages located behind the residences and accessible by a shared driveway paved with permeable paving materials. Along with capacity for three guest parking spaces on each lot in the driveway, there is parking available on the street in front of each proposed lot. The proposed project exceeds the parking requirement suggested by the Residential Design Guidelines.

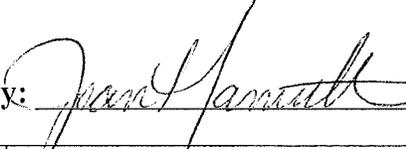
Open Space

For single family detached residences on lots between 5,000 and 6,000 square feet, the Residential Design Guidelines suggest private open space of 1,000 square feet per unit. As proposed, each unit would have just over 1,000 square feet of private open space, which conforms to the Residential Design Guidelines.

PUBLIC OUTREACH

A sign was posted on-site to notify neighbors of the proposed development. The project site is not within a Strong Neighborhoods Initiative area, but is within the range of influence of the 13th Street NAC. The project was referred to the NAC for review, but the NAC declined the offer to have it presented at their

regular meeting. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

Project Manager: Licia McMorrow **Approved by:**  **Date:** 11/26/07

Owner/Applicant: David Do 680 S. 11 th Street San Jose, CA 95112	Attachments: Development Standards Exemption Final Public Works Memo Reduced Plan Set
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PDC07-003 General Development Standards

Permitted Use: up to 2 single family detached residences
Minimum Lot Size: 5,052 square feet

Development standards are site specific:

Minimum Setbacks:

Front: 19'

Rear: 42'

Sides: 5', 7 ½' for sides with shared access driveway

Building Height: 35' maximum from grade and 2 ½ stories

Parking: 2 covered spaces per unit, plus one off-lot parking space within 150' of each unit

Private Open Space: 1,000 square feet per unit

The entire length of the shared driveway between units must be paved with permeable materials.

Photovoltaic panels are required on the roof of the south-facing elevation of each unit.

Memorandum

TO: Steven Rosen
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 04/12/07

PLANNING NO.: PDC07-003 and PD07-004
DESCRIPTION: Planned Development Zoning to construct 2 single-family detached residences on a 0.23 gross acre site
LOCATION: south side of East Taylor Street approximately 90 feet westerly of North 20th Street
P.W. NUMBER: 3-14945

Public Works received revised plans for the subject project on 03/27/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Public Works Approval of Parcel Map: Prior to the approval of the Parcel Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
2. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 25 single family attached units.
3. **Grading/Geology:**
 - a) A grading permit may be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants

(sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.

- b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges.
5. **Flood - Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
6. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
7. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
8. **Undergrounding:** The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to E. Taylor Street prior to issuance of a Public Works clearance. One hundred percent of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)
9. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - c) Close unused driveway cut(s). Construct City standard sidewalk, curb and gutter. New driveway shall conform to City standard detail R-6 and shall align with new driveway access.
10. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

11. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.)

12. **Street Trees:** Replace any missing street trees in park strip along E. Taylor Street. Contact the City Arborist at (408) 277-2756 for the designated street tree. Obtain a DOT street tree planting permit for any proposed street tree plantings. Obtain a DOT removal permit for any street tree removals.

Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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**CITY OF SAN JOSÉ, CALIFORNIA
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
STATEMENT OF EXEMPTION**

FILE NO.	PDC07-003
LOCATION OF PROPERTY	South side of East Taylor Street approximately 90 feet westerly of North 20th Street (944 E Taylor St.)
PROJECT DESCRIPTION	Planned Development Rezoning from R-1-8 Single Family Residence to A(PD) Planned Development to construct 2 single family detached residences on a 0.23 gross acre site.
ASSESSOR'S PARCEL NUMBER	249-25-020

CERTIFICATION

Under the provisions of Section 15303(b) 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.

15303. New Construction or Conversion of Small Structures

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 numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Date October 26, 2007

Row Eddow
Deputy

Project Manager: Licinia McMorrow

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTH SIDE OF EAST TAYLOR STREET APPROXIMATELY 90 FEET WESTERLY OF NORTH 20TH STREET TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT.

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Statement of Exemption was prepared for a rezoning project under File No. PDC07-003, and said Exemption was approved by the Director of Planning on October 26, 2007; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council has considered the Statement of Exemption prepared for this proposed rezoning prior to taking any action on this project; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development Zoning District.

The base district zoning of the subject property shall be A Agricultural Zoning District. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Proposed Two New Two Story Houses on Divided Lot," **last revised September 10, 2007.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC07-003 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 18th day of **December 2007** by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk