



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 23, 2006

COUNCIL DISTRICT: 6

SUBJECT: PDC05-073. PLANNED DEVELOPMENT REZONING FROM R-2 TWO-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT DISTRICT OF A 0.37 ACRE SITE LOCATED ON THE SOUTH SIDE OF WEST TAYLOR STREET APPROXIMATELY 200 FEET NORTHEAST OF ELM STREET (846 WEST TAYLOR STREET)

RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioners Pham and Zito absent) to recommend that the City Council approve the proposed rezoning as recommended by staff.

BACKGROUND

On February 22, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development District to allow four single-family detached houses.

The item was heard as part of the consent calendar and there was no separate discussion of the item.

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 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.

HONORABLE MAYOR AND CITY COUNCIL

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CEQA

Mitigated Negative Declaration adopted on February 21, 2006.


 JOSEPH HORWEDEL
Secretary, Planning Commission

cc: Eugene Sakai, Studio Squared Architecture, 19 North Second Street, Suite 205, San Jose, CA 95113
Chong and Mi Kim, 5530 Cooney Drive, San Jose, CA 95123

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E Santa Clara St, 3rd Floor
San José, California 95113-1905

Hearing Date/Agenda Number
P.C. 2-22-06 Item: *3C*
C.C. 3-7-06

File Number
PDC05-073

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-08-079

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: South side of West Taylor Street approximately 200 feet northeast of Elm street (846 West Taylor Street)

Gross Acreage: 0.37

Net Acreage: 0.37

Net Density: 11 DU/AC

Existing Zoning: R-2 Two-Family Residence District

Existing Use: Single-family residence

Proposed Zoning: A (PD) Planned Development

Proposed Use: 4 single-family detached residential units

GENERAL PLAN

Completed by: ELM

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Duplex and single-family residence

R-2 Two-Family Residence District

East: Single-family residence

R-2 Two-Family Residence District

South: Single-family residence and apartment building

R-M Multiple Residence District

West: Duplex

R-2 Two-Family Residence District

ENVIRONMENTAL STATUS

Environmental Impact Report found complete

Exempt

Negative Declaration circulated 1-31-06

Environmental Review Incomplete

FILE HISTORY

Annexation Title: College Park/Burbank Sunol

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: *February 14, 2006*

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER/DEVELOPER

Chong and Mi Kim
5530 Cooney Drive
San Jose, Ca 95123

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: ELM

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached Fire Department memorandum.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants, Chong and Mi Kim, are requesting a Planned Development Rezoning from R-2 Two-Family Residence District to A (PD) Planned Development to allow four new single-family detached residences on 0.37 gross acres. The subject site is rectangular in shape, with 100 linear feet of frontage on West Taylor Street. The site is currently developed with a single-family residence with a detached garage. The site is surrounded by a duplex and a single-family residence to the north, a duplex to the west, a single-family residence to the east, and a single-family residence and apartment building to the south.

A Planned Development Rezoning is required because the proposed residential development does not conform to the lot size, setback and other standards of the conventional residential Zoning Districts. A Planned Development Permit and Tentative Map would be necessary to implement the zoning and allow project construction.

Existing Conditions

The existing single-family residence was constructed in 1910. An historic report was submitted that considered the property under all four criteria of the National Register of Historic Places and the California Register of Historic Resources. The residence was not found to be significant in regard to architectural heritage or history of San Jose and the report concluded that the property was not eligible for the City's Historic Resources Inventory.

The site contains two ordinance-size trees and three non-ordinance size trees. The applicant is proposing to retain a redwood tree, approximately 72 inches in circumference, at the center of the site, and a non-ordinance size cedar tree, approximately 51 inches in circumference, along the western edge of the site. Other trees, including an ordinance-sized cedar and two non-ordinance sized trees would be removed.

Project Description

The project proposes to demolish the existing house and garage and to construct four single-family detached residences in a courthome configuration. The courtyard takes access from Taylor Street and the two-car garages serving each unit are accessed from the courtyard with no garages visible from Taylor. The front two units facing Taylor Street incorporate prominent porches oriented toward the street, while entries to the rear two units are provided from a central landscaped common area adjoining the courtyard

near the center of the site. The existing redwood tree is the centerpiece of the common area and would be the dominant natural feature of the site visible from both the courtyard and Taylor Street. The proposed houses are designed to be less than 25 feet in height and are two stories. The project includes four guest parking spaces within the courtyard, and incorporates private yards for each of the units. Two guest parking spaces would be accommodated on Taylor Street.

COMMUNITY OUTREACH

Notices of the Mitigated Negative Declaration and the public hearings were distributed to the owners and tenants of all properties located within 500 feet of the subject site. The staff report is made available on the Planning Department's website prior to the Planning Commission hearing. Consistent with the City Council Policy on Public Outreach, staff requested that the applicant post a sign on the site informing the public of the development proposal. The applicant installed a sign on the property, but the sign did not include the information specified on the sign provided by staff. Staff has been available to discuss the project with interested members of the public.

ENVIRONMENTAL REVIEW

A Draft Negative Declaration was circulated for this project based on an Initial Study, which concluded that the project would not result in a significant environmental impact. Mitigation has been included in the project to ensure that the proposed development does not result in impacts relative to noise, water quality, and air quality.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium Density Residential (8 to 16 dwelling units per acre) on the San Jose 2020 General Plan Land Use/Transportation diagram. The proposed project has a density of 11 units per acre, which falls within the General Plan's density range. The project provides for infill housing on an underutilized site within an established neighborhood in support of the General Plan's Growth Management and Housing Major Strategies. Further, the project proposes to retain two mature, healthy trees consistent with the General Plan's Natural Resources and Urban Forest policies.

ANALYSIS

The primary issue for this project is consistency with the Residential Design Guidelines. The primary issues for this project relative to the Residential Design Guidelines include perimeter setbacks, parking and open space.

Perimeter Setbacks

The RDG recommend perimeter setbacks based on adjoining uses to ensure that new projects maintain the continuity of existing development patterns, provide sufficient buffering between adjacent uses, and facilitate landscape opportunities to improve the streetscape. The RDG recommend that courthomes be set back 12 feet from the front property line and that porches be set back 10 feet. The applicant is proposing a 10-foot building setback to match the adjoining single-family residence to the south. Staff believes that the proposed front setback of 10 feet is acceptable and consistent with the pattern of development along the south side of Taylor Street, where there are many existing structures in the vicinity that are set close to the street. The applicant is proposing porches that are six feet deep and therefore set

back four feet from Taylor Street. While the proposed setback is less than the 10 feet specified by the RDG, staff believes that the proposed setback will allow sufficient space for landscaping in the front yards of the units while providing an appropriate interface with Taylor Street.

The Residential Design Guidelines recommend that two-story residences be set back 5 feet from adjacent residential side yards. The project proposes and the Draft Development Standards include a 5-foot setback from the adjacent residential side yards to the west and east, in conformance with the RDG. The RDG recommend that two-story residences be set back 20 feet from the rear yard of an adjacent residence. The applicant is proposing a 15-foot setback along the southern property line adjoining the rear yard of a single-family residence; the Draft Development Standards include a 15-foot setback for the first floor and a 20-foot setback for the second floor in this area in substantial conformance with the RDG.

The placement and design of the unit in the southeast corner of the site is the greatest challenge for the project due to the adjoining single-family rear yard to the east. In recognition that the location of this unit is somewhat constrained due to the Redwood tree proposed for preservation at the center of the site, staff has included setbacks in the Development Standards that are slightly less than typical but that staff believes are consistent with the intent of the RDG. The applicant is proposing a five-foot setback which staff believes is appropriate for the first story but unacceptable for the second story. Staff is proposing that the Draft Development Standards allow the five-foot setback for the first floor but require that the second story be set back 15 feet. Staff believes that these setbacks will achieve sufficient buffering between the project and the adjacent single-family residential rear yard.

Parking

The Residential Design Guidelines' (RDG) recommendation for parking for courthomes is two covered spaces per unit plus 1.3 additional off-lot parking spaces for each unit with a driveway less than 18 feet in length. All of the proposed driveway aprons are less than 18 feet. The RDG indicate that off-lot parking can be accommodated as on-street parallel parking in front of the new units or on the site. The proposed project includes fourteen parking spaces in conformance with the RDG, including two covered parking spaces per unit in the form of a conventional attached garage, four on-site guest parking spaces within the courtyard that are not visible from Taylor Street, and two parking spaces along the Taylor Street frontage.

Open Space

The Residential Design Guidelines recommend 400 square feet of private open space per unit for detached single-family residential units with lot sizes up to 3,000 square feet. The RDG further recommend that private open spaces are sized with a minimum dimension of 15 feet. The project proposes approximately 450 square feet of private open space for two of the units. The open space is in the form of a private yard (350 square feet) and porch. Two of the units have approximately 900 square feet of private open space each, in the form of a private yard (750 square feet) and porch. The Draft Development Standards include a requirement for 400 square feet per unit with at least one open space area with a minimum configuration of 15 by 15 feet in conformance with the RDG.

Conclusion

Based on the above analysis, staff concludes that the project is in substantial conformance with the *Residential Design Guidelines*, is compatible with surrounding land uses, and provides for infill housing and tree preservation in support of General Plan goals.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the subject rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC).
2. The project furthers the goals and objectives of the City's infill housing strategy.
3. The project is consistent with the *Residential Design Guidelines*.
4. The project preserves two mature trees which contribute to the City's urban forest and to the scenic beauty of the site and the surrounding area.

Attachments

cc: Eugene Sakai, Studio Squared Architecture, 19 North Second Street, Suite 205, San Jose, CA 95113

Minimum Building Separations

Between structures/buildings

6 feet

* all setbacks measured from project site's perimeter property line unless otherwise noted. 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 project into setback areas by up to six feet. All buildings must comply with the Building Code.

Tree Protection

The existing trees identified for preservation shall be protected prior to, during, and after construction in conformance with the arborist's report by Barrie Coate and Associates.

Vehicle Gate

The private driveway/street shall not be gated.

Parking Requirements:

Per Unit

2 covered spaces and 1.3 guest spaces

The parking requirement for a unit with a driveway apron of 18 feet may be reduced to one guest parking space per unit subject to issuance of a Planned Development Permit. Tandem parking may be permitted in a garage configuration through issuance of a Planned Development Permit.

Private Open Space:

400 square feet per unit with one area with a minimum dimension of 15 feet by 15 feet and 350 square feet

Fences and Accessory Structures

Fence height and accessory structures shall conform to the requirements of Chapter 20.30 of the San Jose Municipal 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.

General Notes

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.

Parkland Dedication Ordinance

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter.

Tree Replacement

Trees to be removed shall be mitigated at the following ratios:

- Each tree less than 12" in diameter will be replaced by a one 15-gallon tree
- Each tree 12"- 17" in diameter will be replaced by two 15-gallon trees
- Trees greater than 18" in diameter shall not be removed without a tree removal permit and shall be replaced with four 15-gallon trees.



Scale: 1" = 200'
Noticing Radius: 500 feet

Map Created On:
07/14/2005

File No: PDC05-073

District: 6

Quad No: 82



Memorandum

TO: Erin Morris
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 01/30/06

PLANNING NO.: PDC05-073
DESCRIPTION: Planned Development Rezoning from R-2 Two-Family Residential Zoning District to A(PD) Planned Development Zoning District to allow four single-family detached residences on a 0.37 gross acre site
LOCATION: south side of West Taylor Street approximately 230 feet easterly of Elm Street (846 W. Taylor Street)
P.W. NUMBER: 3-16916

Public Works received the subject project on 1/27/06 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, 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 15 units of Single Family detached or less.

3. **Grading/Geology:**
 - a) A grading permit is 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. **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.

6. **Undergrounding:**
 - a) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to West Taylor St. prior to issuance of a Public Works clearance. 100 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.)
 - b) The Director of Public Works may, at her discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to West Taylor St. Developer shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

7. **Sanitary:** Submit a sanitary sewer plan at construction stage if construction of new laterals is proposed.

8. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Proposed driveway width to be 26'.
 - c) Close unused driveway cut(s).
 - d) Reconstruct half street along W. Taylor St. frontage including curb, gutter, sidewalk, and pavement sections.
 - e) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any

necessary pavement restoration will be included as part of the final street improvement plans.

9. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to the following:
 - a) 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.
10. **Electrical:** Installation, relocation or relamping of electrolier(s) along project frontage may be required.
11. **Landscape:**
 - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
 - b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Andrew Turner, at (408) 535-6899 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division