COUNCIL AGENDA: 03-18-08
ITEM: 11.5

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 25, 2008

Approved Paul Krutko Date 3/8/08

COUNCIL DISTRICT: 9
SNI AREA: N/A

SUBJECT: C07-087 & T07-087. Conforming Re-Zoning from the R-1-2 Residence Zoning District to the R-1-8 Residence Zoning District and subdivision to reconfigure two parcels into five lots for 5 single-family detached residences, on a 0.9 gross acre site.

RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning and Tentative Map for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation designation of Medium Low Density Residential (8.0 DU/AC), in that the proposed density is
2. The proposed zoning and subdivision is compatible with existing uses on the adjacent and neighboring properties.

BACKGROUND & DESCRIPTION

The property owner, Abdy Mirzadegan, is requesting a conforming rezoning of the subject 0.99 gross-acre site, at the northwest corner of Los Gatos-Almaden Road and Warwick Road, from R-1-2 Single Family Residential Zoning District to R-1-8 Single Family Residential Zoning District. The intent of the rezoning is to facilitate a subsequent Tentative Map application to allow a future subdivision of the two existing lots to five lots. The site is currently developed with two single-family detached residences and is surrounded by single-family residences on all sides. As the subdivision is being reviewed through the Tentative Map process, this Conforming Rezoning only evaluates the change in the zoning of the site.

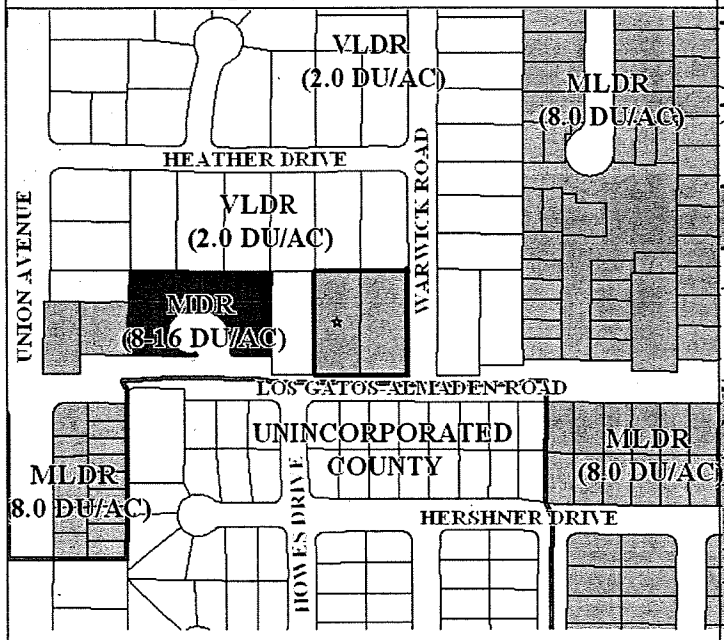
A General Plan Amendment, GP04-09-01, was approved on April 17, 2007 to modify the Land Use/Transportation Diagram from Very Low Density Residential (2.0 DU/AC) to Medium Low Density Residential (8.0 DU/AC). The City Council approved the General Plan Amendment, recommending that the properties be developed with no more than five units in order to conform to the existing patterns of development in the neighborhood.

AERIAL MAP

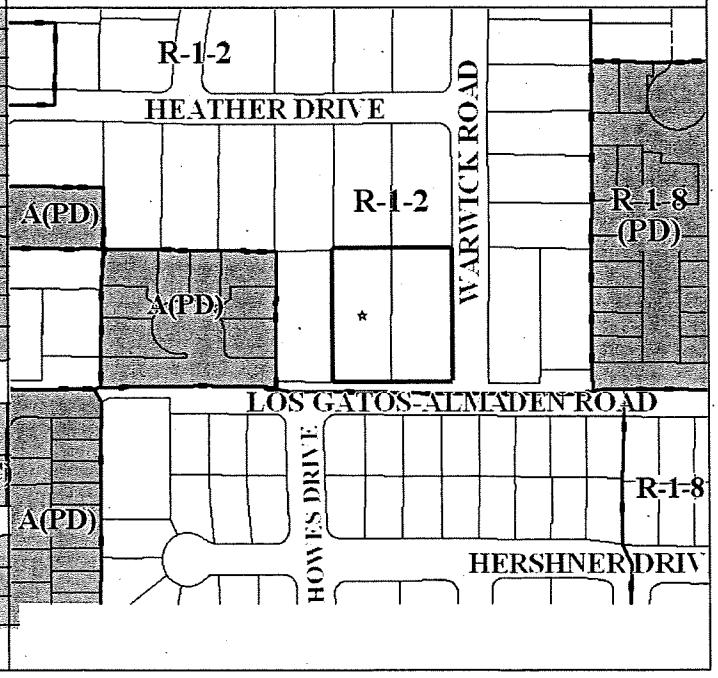
SITE INFORMATION

Existing Zoning	R-1-2
Proposed Zoning	R-1-8
General Plan	MLDR (8.0 DU/AC)
Council District	9
Annexation Date	02/01/1986
SNI	None
Historic Resource	No

GENERAL PLAN



ZONING



ANALYSIS

The proposed R-1-8 Single Family Residential Zoning District allows single-family residential uses. The proposed rezoning to R-1-8 Single Family Residential Zoning District would conform to the General Plan and would facilitate implementation of development that is both consistent with the General Plan Land and compatible with surrounding uses. If this conforming rezoning is approved, the property owner will be able to develop the property with a subdivision of no more than five residential lots, which requires a Tentative Map from Planning and a Final Map from Public Works.

Approval of this rezoning would facilitate the Tentative Map application on file for a subdivision of the two existing lots to five single-family residential lots, which would result in a density of approximately 5.1 DU/AC.

Assuming that any future proposed single-family residence does not trigger the requirements for a Single-Family House Permit (greater than 30 feet in height, more than two stories or greater than 45% Floor Area Ratio); no additional Planning Permits would be required.

Environmental Review

The environmental impacts of the rezoning portion of the project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

Under the provisions of Section 15332(a) of CEQA, the subdivision 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. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

General Plan Conformance

The site is designated Medium Low Density Residential (8.0 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Single Family Zoning District is consistent with this designation because it would allow single-family detached residential uses at a density of dwelling units per acre, consistent with the surrounding residential uses.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**

☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. 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.

COORDINATION

This project was coordinated with the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan goals and policies as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

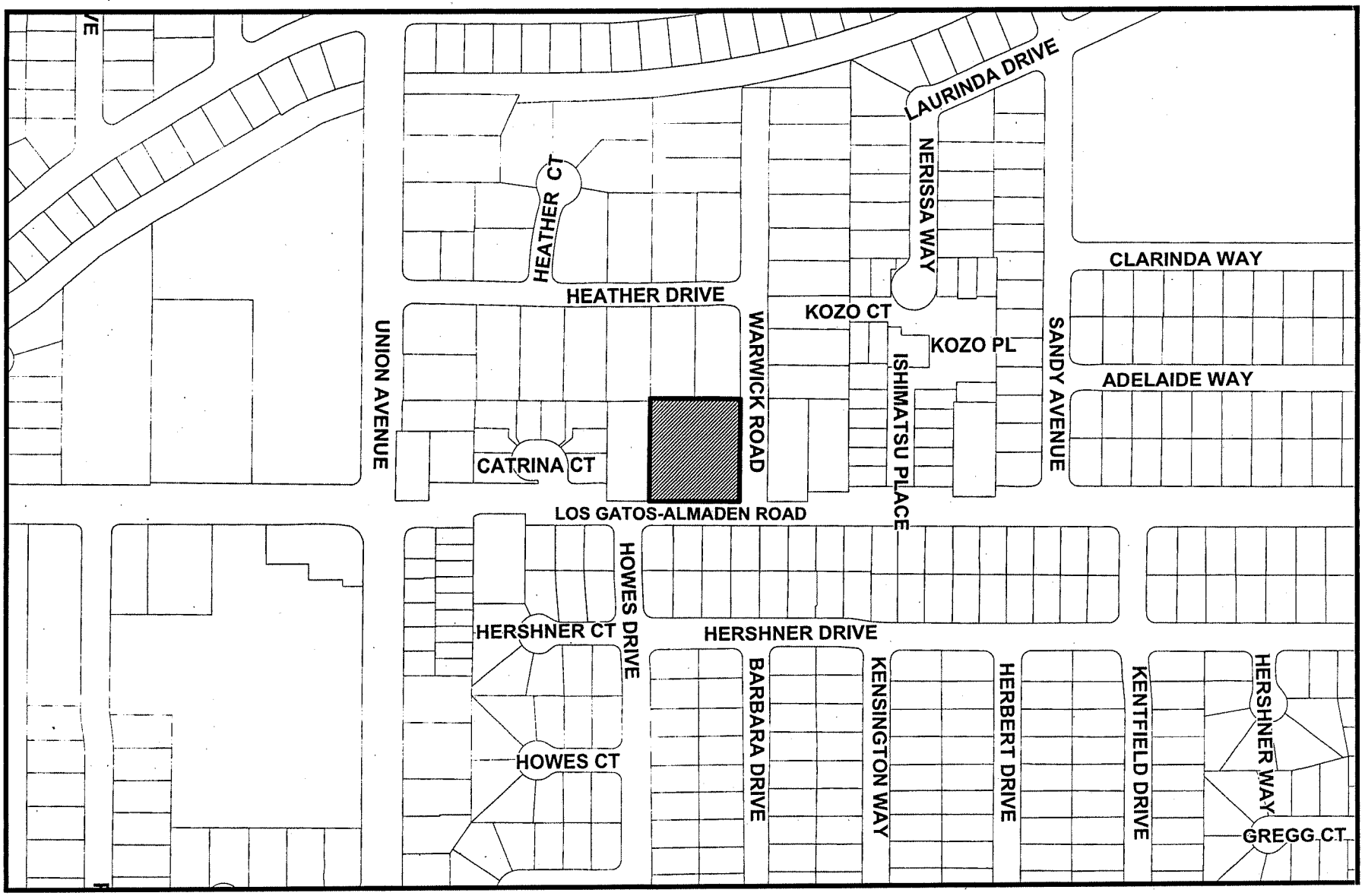
Not applicable.

BUDGET REFERENCE

Not applicable.

Project Manager: Avril Baty **Approved by:** Susan Walton **Date:** 2/27/08

Owner/Applicant:	Attachments:
ABDY MIRZADEGAN 14431 FRUITVALE AVE. SARATOGA, CA 95070	Location Map Re-Use of 2020 EIR (rezoning) Exemption (subdivision) Tentative Map



N

Scale: 1"= 300'

Map Created On: 10/23/2007

Noticing Radius: 500 feet

File No: C07-087, T07-087

District: 9

Quad No: 127

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C07-087. Conforming Re-Zoning from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses for a project located at northwest corner of Los Gatos-Almaden Road and Warwick Road on a 0.99-gross-acre site.
Council District: 9. County Assessor's Parcel Number 419-34-005 & -006

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. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

No additional site specific environmental analysis was necessary for this project.

Avril Baty
Project Manager

1/17/08
Date

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Deputy

Document21

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

STATEMENT OF EXEMPTION

FILE NO.	T07-087
LOCATION OF PROPERTY	Northwest corner of Los Gatos-Alamaden Road and Warwick Road
PROJECT DESCRIPTION	Tentative Map to reconfigure two parcels into five lots for five single-family detached residences on a 0.99 gross acre site.
ASSESSOR'S PARCEL NUMBER	419-34-005 & -006

CERTIFICATION

Under the provisions of Section 15332(a) 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.

Section 15332(a) states that In-Fill Development Projects are projects characterized as in-fill development meeting the conditions described in this section.

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Date January 17, 2008

Deputy

Project Manager: Avril Baty

FIVE NEW SINGLE FAMILY HOMES

Tentative Parcel Map

FOR MERGING TWO EXISTING LOT AND

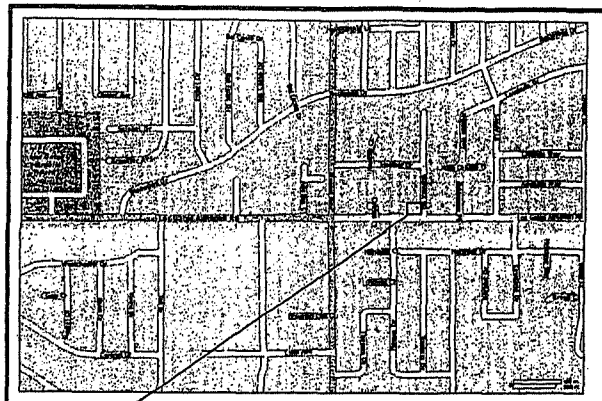
FIVE (5) LOT SUBDIVISION

BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 1 WEST, M.D.B. & M.
AS DESCRIBED IN GRANT DEED RECORDED ON 8/20/2004, AS DOCUMENT NO. 17959482, AND
GRANT DEED RECORDED ON 8/20/2004, AS DOCUMENT NO. 17959476, SANTA CLARA COUNTY OFFICIAL RECORDS.

LYING ENTIRELY WITHIN THE
CITY OF SAN JOSE COUNTY OF SANTA CLARA STATE OF CALIFORNIA

OCTOBER 2007

SMP ENGINEERS
1534 CARDB LANE
LOS ALTOS, CA 94024



LOCATION MAP
N.T.S.

LEGEND AND ABBREVIATIONS:

—— ℄ ——	STREET CENTER LINE
— — — —	EXTERIOR BOUNDARY LINE
————	NEW LOT LINE
— — — —	EXISTING LOT LINES
— — — —	PROPOSED SETBACK LINES
EXISTING	(E)
RIGHT OF WAY	R/W

BENCHMARK

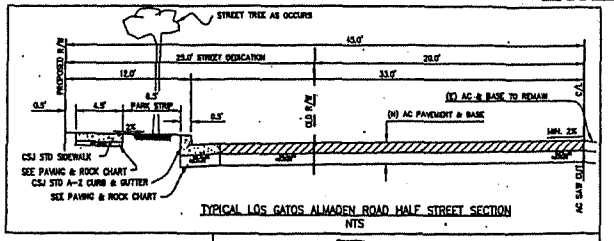
BASIS OF ELEVATION IS THE TOWN OF LOS GATOS BENCHMARK REFERENCE NUMBER LG23 WITH ELEVATION 282.81

BASIS OF BEARINGS

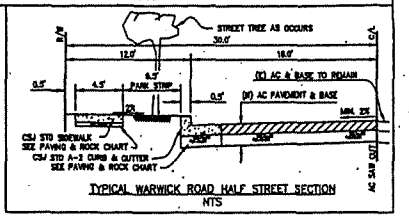
BASIS OF BEARINGS, THE BEARING BETWEEN MONUMENTS ON E. SAN ANTONIO ST. WAS TAKEN AS N 89°00'00"E, PARCEL MAP FILED ON DECEMBER 13, 1996 IN BOOK 806, AT PAGE 12, SANTA CLARA COUNTY RECORDS.

GENERAL NOTES

1. OWNERS AND SUBDIVIDERS/DEVELOPERS:
   MCVAY STEVEN & NANCY
   860 STONEHURST WAY
   CAMPBELL, CA 95008
2. APPLICANT:
   SAME AS ABOVE.
3. EXISTING ZONING: R-1B
4. EXISTING APN: 419-34-005 AND 419-34-006
5. EXISTING USE: RESIDENTIAL
6. PROPOSED USE: RESIDENTIAL, SINGLE FAMILY HOMES
7. EXISTING WELLS: NONE
8. FLOODING: NONE
9. STREETS: ALL PROPOSED STREET MODIFICATIONS WILL BE DEDICATED & IMPROVED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS
10. EXISTING USE OF ADJACENT PROPERTIES: RESIDENTIAL
11. WATER: SAN JOSE WATER COMPANY
12. FIRE PROTECTION: SAN JOSE/SANTA CLARA COUNTY FIRE DEPARTMENT
13. STORM/ SANITARY SEWER: CITY OF SAN JOSE
14. POWER AND GAS: PACIFIC GAS AND ELECTRIC
15. TELEPHONE: SBC
16. STREET TREES: ANY NEW STREET TREES IN PUBLIC RIGHT-OF-WAY TO BE PLANTED IN ACCORDANCE WITH CITY OF SAN JOSE STANDARDS. THIS SUBDIVISION WILL CONFORM TO THE STREET PLAN OF THE CITY OF SAN JOSE.
17. AREA TO BE SUBDIVIDED: 39,520 SQ.FT. (0.907 ACRES)
18. CONTOUR ELEVATION: LOCAL DATUM AND MONUMENTS
19. ALL DIMENSIONS ARE IN FEET AND DECIMAL THEREOF.
20. ALL EXISTING STRUCTURES ON THE SITE ARE TEMPORARY AND WILL BE REMOVED AS THE PROJECT IS DEVELOPED, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.
21. NO NEW STREET NAME .
22. ALL BIO-SWALES, INLETS & DRIVEWAYS WITHIN THE PROPERTY TO BE MAINTAINED PRIVATELY BY OWNER/RESIDENCE.
23. EASEMENTS: NO EXISTING OR PROPOSED EASEMENT WITHIN PROPERTY.
24. DEDICATION: 25' WIDE STREET DEDICATION ALONG LOS GATOS ALMADEN ROAD FRONTAGE AND CURB RETURN AT INTERSECTION OF WARWICK ROAD TO BE DEDICATED TO THE CITY OF SAN JOSE.



TYPICAL LOS GATOS ALMADEN ROAD HALF STREET SECTION
NTS

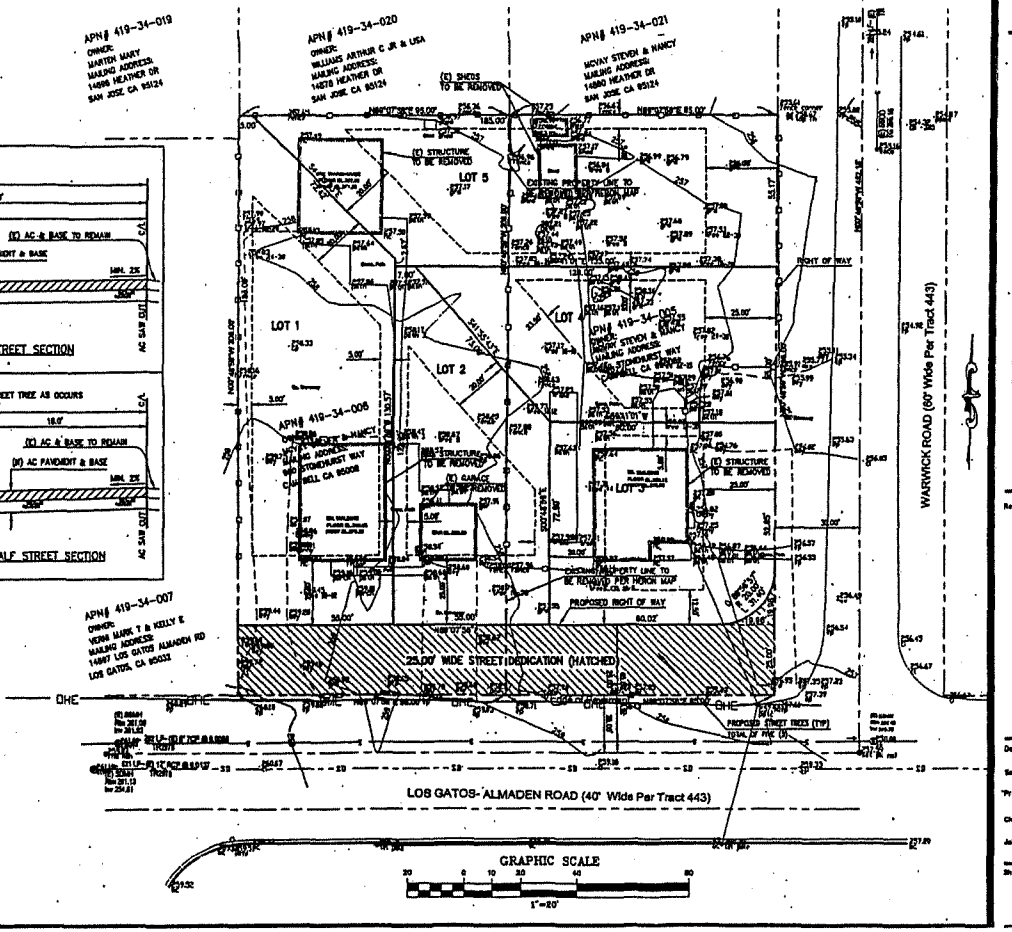


TYPICAL WARWICK ROAD HALF STREET SECTION
NTS

LOT AREA TABLE

PROPOSED LOTS	SQ. FT.	ACRES
LOT 1	8,754	0.201
LOT 2	5,716	0.131
LOT 3	5,744	0.132
LOT 4	5,720	0.131
LOT 5	8,750	0.201
STREET DEDICATION	4,836	0.111
TOTAL	39,520	0.907

EXISTING PARCEL	SQ. FT.	ACRES
APN: 419-34-005	19,760	0.454
APN: 419-34-006	19,760	0.454
TOTAL	39,520	0.907



SMP ENGINEERS
CIVIL ENGINEERS

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LOS ALTOS, CA 94024
TEL: (650) 941-8055
FAX: (650) 941-8733
E-MAIL: SMPENGINEERS@YAHOO.COM

OWNER:

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SMP ENGINEERS
CIVIL ENGINEERS

TENTATIVE PARCEL MAP
14861 AND 14879 Los Gatos Almaden Rd.
SAN JOSE, CA 95032
APN# 419-34-005 AND 419-34-006

Revisions:
C07-087
T07-087

Date: OCTOBER 8, 2007
Scale: 1"=20'
Prepared by: V.G.
Checked by: S.R.
Job #: 27123

Sheet: TM
1 OF 1