

**STAFF REPORT**  
**PLANNING COMMISSION**

P.C. Agenda: 03/26/2008  
Item No. 4.b.

**FILE NO.:** PDC07-075

**Submitted:** 9/18/2007

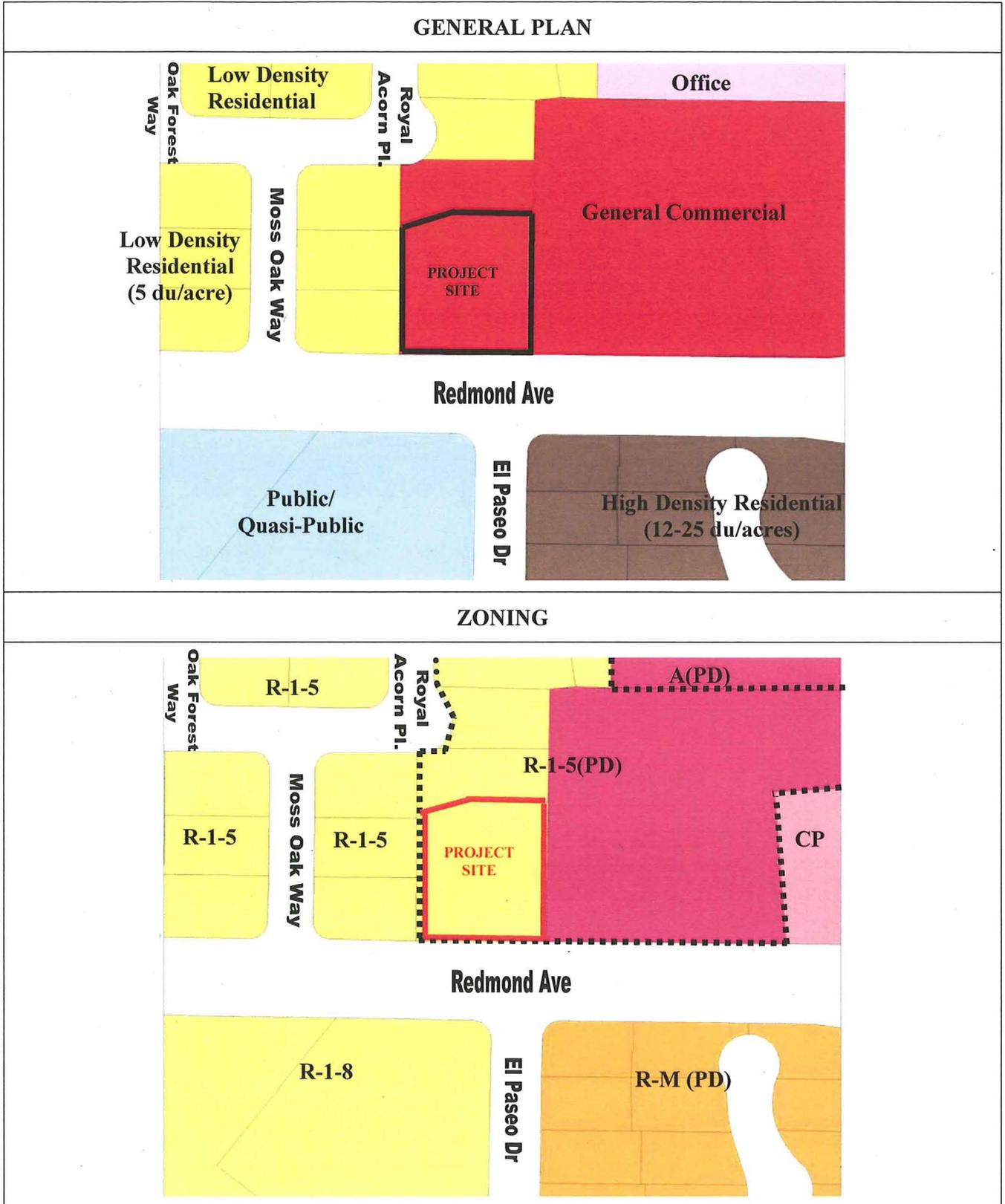
**PROJECT DESCRIPTION:** Planned Development Rezoning from R-1-5(PD) Single Family Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a secondary residential unit containing 1,034 square feet on a 0.56 gross acre site.

**LOCATION:** North side of Redmond Ave, approximately 150 feet east of Moss Oak Way.

|                    |  |
|--------------------|--|
| Existing Zoning    | R-1-5 (PD) Single Family Residential Planned Development |
| Proposed Zoning    | A(PD) Planned Development                                |
| General Plan       | GC General Commercial                                    |
| Council District   | 10   |
| Annexation Date    | 6/17/1975  |
| SNI                | N/A  |
| Historic Resource  | No   |
| Redevelopment Area | N/A  |
| Specific Plan      | N/A  |

Aerial Map





## **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 is consistent with the Growth Management and Housing Major Strategies of the San José 2020 General Plan in that it would provide additional housing options that are compatible in style and scale to the existing neighborhood while retaining the existing housing stock.
2. The proposed project to allow a secondary unit containing 1,034 square feet to an existing single-family residence on a 24,600 square foot parcel would be compatible with existing uses and scale of development on the adjacent and neighboring properties.

## **BACKGROUND**

On September 18, 2007, the applicant, Albert Mancuso, filed a Planned Development Rezoning from R-1-5(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a secondary residential unit containing 1,034 square feet on a 0.56 gross acre site located on the north side of Redmond Avenue, approximately 150 feet east of Moss Oak Way. A Planned Development Rezoning is required because the proposed secondary unit is larger in size and contains a greater number of bedrooms than is currently permitted by the City of San José's Secondary Unit Pilot Program.

The subject site, the Mancuso Residence, is the remnant of a larger property that Mr. Mancuso had rezoned in 1974. The current R-1-5 (PD) Planned Development Zoning on the project site, file number PDC74-059, converted 4.49 acres of R-1-1 Agricultural Residential Zoning District into a horizontally mixed-use development. This zoning encompassed what today includes the project site, five single-family residences to the north of the Mancuso residence, and the 2.1-acre shopping center located on the northwest corner of Redmond Avenue and Almaden Expressway. The property was annexed by the City of San José on June 6, 1975.

### **Project Description**

The proposed project would rezone a 24,600 square foot lot, containing an existing single-family residence, to permit the construction of a 1,034 square foot secondary dwelling unit containing two bedrooms. The secondary unit would be constructed on the east side of the existing residence. The applicants, Albert and Clara Mancuso, propose to build a secondary unit to allow their adult son to live with them while still having the privacy of a separate residence. They desire to build a secondary unit that is larger in size than the 700 square feet, and one bedroom currently permitted by the City of San José's Pilot Secondary Residential Unit Program is to accommodate the extra room for their grandson, who stays with his father part of the time.

## **GENERAL PLAN CONFORMANCE**

This site is designated General Commercial (GC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The Commercial General (GC) land use designation is intended as the non-specialized commercial designation, and as such allows miscellaneous commercial uses. It is intended for both strip and freestanding commercial buildings along major thoroughfares. However, the project site was zoned and developed as a mixed use Planned Development, with the project site retaining its preexisting residential use. Continuing the residential use, the proposal for a secondary unit conforms to the General Plan Growth Management Major Strategy in that the Growth Management Major Strategy

seeks the efficient use of urban services and facilities by locating new development on sites where such services are already available. It also conforms to the General Plan Housing Major Strategy in that the Housing Goals and Policies aim to create a diversity of housing densities, styles, types and tenure opportunities distributed and integrated throughout the cities communities. The proposed project will add a different housing type, style and option into an existing community, while retaining all of the existing housing.

### ENVIRONMENTAL REVIEW

On December 12, 2007, the Director of Planning, Building and Code Enforcement determined the proposed project to be categorically exempt from environmental review under the provisions of Section 15303(a), New Construction or Conversion of Small Structures, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), because in urbanized areas, up to three single-family residences may be constructed under this exemption.

### ANALYSIS

The proposed Planned Development Rezoning would facilitate development of a 1034 square foot secondary unit on a 0.56 gross acre site containing an existing single family home. This project has been evaluated for consistency with the development standards of the City of San José's Pilot Secondary Residential Unit Program, Ordinance number 28149. Per the Secondary Unit Pilot Program a second unit permit shall be issued only if the application for the permit complies with all of the following requirements:

#### Secondary Unit Pilot Program Parameters

|                               | <b>Pilot Program Parameters</b>  | <b>Proposed Project</b>   |
|-------------------------------|--|---|
| <b>Applicable Zoning</b>      | All R-1 Districts and PD Districts with R-1 standards.   | PD Districts with R-1 standards.  |
| <b>Minimum Lot Size</b>       | Detached Unit- 8,000 sq. ft.   | 24,600 sq. ft.  |
| <b>Maximum Unit Size</b>      | ≤ 9,000 sq. ft. lot 600 sq. ft.<br>9,001 to 10,000 lot 650 sq. ft.<br>≥ 10,000 lot 700 sq. ft.   | 1,034 sq. ft.   |
| <b>Bedroom No. and Size</b>   | One bedroom required and maximum allowed.<br>400 sq. ft. maximum   | 2 bedrooms, 141 and 123 sq. ft.   |
| <b>Storage</b>                | 60 sq. ft. maximum   | 60 sq. ft- closet and utility room  |
| <b>Required Parking</b>       | One space (outside front and side setbacks)  | 3 parking spaces-two garages.   |
| <b>Setbacks Detached Unit</b> | Same as primary dwelling except minimum 15 feet rear setback for single-story unit.<br><br>Detached second units shall be located behind the primary dwelling unit and at least 6 feet away from the primary dwelling unit | Rear setback: 56ft.<br><br>Secondary Unit does not project in front of the primary dwelling unit and is located 11'5" away from the primary residence, with a set of stairs extending to 3'6" from the western elevation. |
| <b>Height</b>                 | 18 feet maximum<br>14 feet average   | Maximum height of 13'9"   |

|                        |   |   |
|------------------------|---|---|
| <b>Design Criteria</b> | Exterior materials and roof pitch to match existing house.<br><br>Front door cannot be on same façade as that of primary residence.<br><br>Windows cannot have views of adjacent properties with existing or planned residential use. | Matching materials, <i>similar roof pitch</i><br><br>Front door is on side of secondary unit not facing the street.<br><br>Windows view garage, and commercial property, not adjacent residences. |
| <b>Ownership</b>       | Property owner must certify that he/she occupies existing house at the time of application.   | Albert and Clara Mancuso, occupant owners.  |
| <b>Detached Garage</b> | Secondary unit can be attached to detached garage if both conform to setbacks required of secondary unit.   | n/a   |

The proposed project conforms to the Secondary Unit Pilot Program parameters except for size, and number of bedrooms. The proposed secondary unit is 1,034 square feet in size, which exceeds the maximum square footage for a lot 10,000 square feet in area or greater by 334 square feet. It also has two bedrooms, which is one over the maximum permitted by the secondary unit pilot program. However, the subject lot is three times the minimum lot size in the R-1-5 Single Family Residential Zoning District, and at 24,600 square feet, the lot can accommodate the secondary unit, with adequate setbacks, yard space, and parking that exceed the minimum standards of R-1-5 Zoning District.

The adjacent residential areas are zoned R-1-5 Single Family Residential districts. The setbacks for the R-1-5 Single Family Residential district are; 25 in the front, 5 feet on the side, and 20 feet in the rear. The proposed project has a rear setback of 56 feet, side setbacks of 14 and 32 feet, and a front setback of 64 feet, which well exceed the minimum standards for the R-1-5 Zoning District. In addition, even with the inclusion of the secondary unit, the percentage of lot covered by buildings would be 21%, which leaves the majority of the lot for yard and outdoor space. The two bedrooms, of 141 and 123 square feet in area, although greater in number than the maximum allowed in the pilot program, combine to an area that is less than the 400 square feet of maximum floor area. Given the size of the lot, and the ability of the project to exceed the R-1-5 development standards, the enlarged secondary unit would not overbuild the lot and would be compatible with the density of the surrounding residential neighborhood.

The proposed secondary unit would be compatible with the existing residence through the use of horizontal lap siding and shingle roofing similar to that of the primary residence, and shall be conditioned so that the finish on the secondary unit must identically match the colors of the primary residence. There would be a variation in the style of roof in that the primary dwelling has low-hipped roof and the secondary unit would have a low gabled roof. However, the two roofs should be generally compatible to one another in that the primary residence is a ranch style home, and ranch style homes typically have low hipped or gabled roofs.

### **PUBLIC OUTREACH**

A noticed community meeting was held on December 4, 2007 at the Vineland Branch Library. Four community members and one representative of the District 10 Council office attended the meeting. Community members expressed concern about tenants having to back their cars out onto Redmond Avenue, but were satisfied when adequate space for cars to reverse and make a three point turn was shown on the plans.

A sign was posted on-site to notify neighbors of the proposed development. 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 and staff has been available to respond to questions from the public.

Project Manager: Ella Samonsky Approved by:  Date: 3-18-08

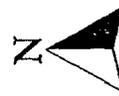
|   |   |
|---|---|
| <b>Owner/Applicant:</b><br>Albert and Clara Mancuso<br>11819 Redmond Ave.<br>San José, CA 95120 | <b>Attachments:</b><br>Location Map<br>Environmental Exemption<br>Final Public Works Memo<br>Draft Ordinance<br>Legal Description<br>Plan Set |
|---|---|



File No: PDC07-075

District: 10

Quad No: 141



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

09/19/2007

# Memorandum

**TO:** Ella Samonsky  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT:** FINAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 02/27/08

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**PLANNING NO.:** PDC07-075  
**DESCRIPTION:** Planned Development Rezoning from R-1-5(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a second unit containing 1,034 square feet on a 0.56 gross acre site  
**LOCATION:** north side of Redmond Ave, approximately 150 feet east of Moss Oak Wy  
**P.W. NUMBER:** 3-08115

Public Works received the subject project on 02/11/08 and submits the following comments and requirements.

## **Project Conditions:**

**Public Works Clearance for Building Permit(s) Approval:** Prior to 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.

1. **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 15 units of Single Family detached residential.
2. **Grading:** A grading permit may be required prior to the issuance of a Public Works Clearance if the project proposes 150 cubic yards or more of cut or fill. 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.
3. **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 to the maximum extent practicable.
4. **Flood: Zone X** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for zone X.

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.

Please contact Maria Angeles at (408) 535-6817 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division



ES:MBA:ew  
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**STATEMENT OF EXEMPTION**

**FILE NO.** PDC07-075

**LOCATION OF PROPERTY** North side of Redmond Ave, approximately 150 feet east of Moss Oak Wy (11819 Redmond Ave.)

**PROJECT DESCRIPTION** Planned Development Rezoning from R-1-5(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and subsequent permit to allow a second dwelling unit, containing 1,034 square feet, on a 0.56 gross acre site

**ASSESSOR'S PARCEL NUMBER** 577-09-056

**CERTIFICATION**

Under the provisions of Section 15303(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.

**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 for 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 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, Director  
Planning, Building and Code Enforcement

*Ron Eddow*

Deputy

Date December 12, 2007

Project Manager: Ella Samonsky

(Rev. 4/11/07)

**DRAFT ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTH SIDE OF REDMOND AVENUE, APPROXIMATELY 150 FEET EAST OF MOSS OAK WAY (11819 REDMOND AVE.) 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. PDC07-075, and said Exemption was approved by the Director of Planning on December 12, 2007; and

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

**WHEREAS**, this Council has considered the Exemption prepared for this proposed rezoning prior to taking any actions on this project.

**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(PD) Planned Development Zoning District. The PD zoning of the subject property shall be that development plan for the subject property entitled, "The Mancuso Residence 2<sup>nd</sup> Unit Addition," **last revised February 6, 2008.**

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. PDC07-075 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            day of March 2008 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

## LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

### PARCEL A:

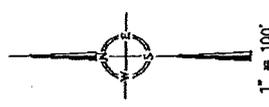
PARCEL 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 29, 2005 IN BOOK 792 OF MAPS AT PAGE 2.

### PARCEL B:

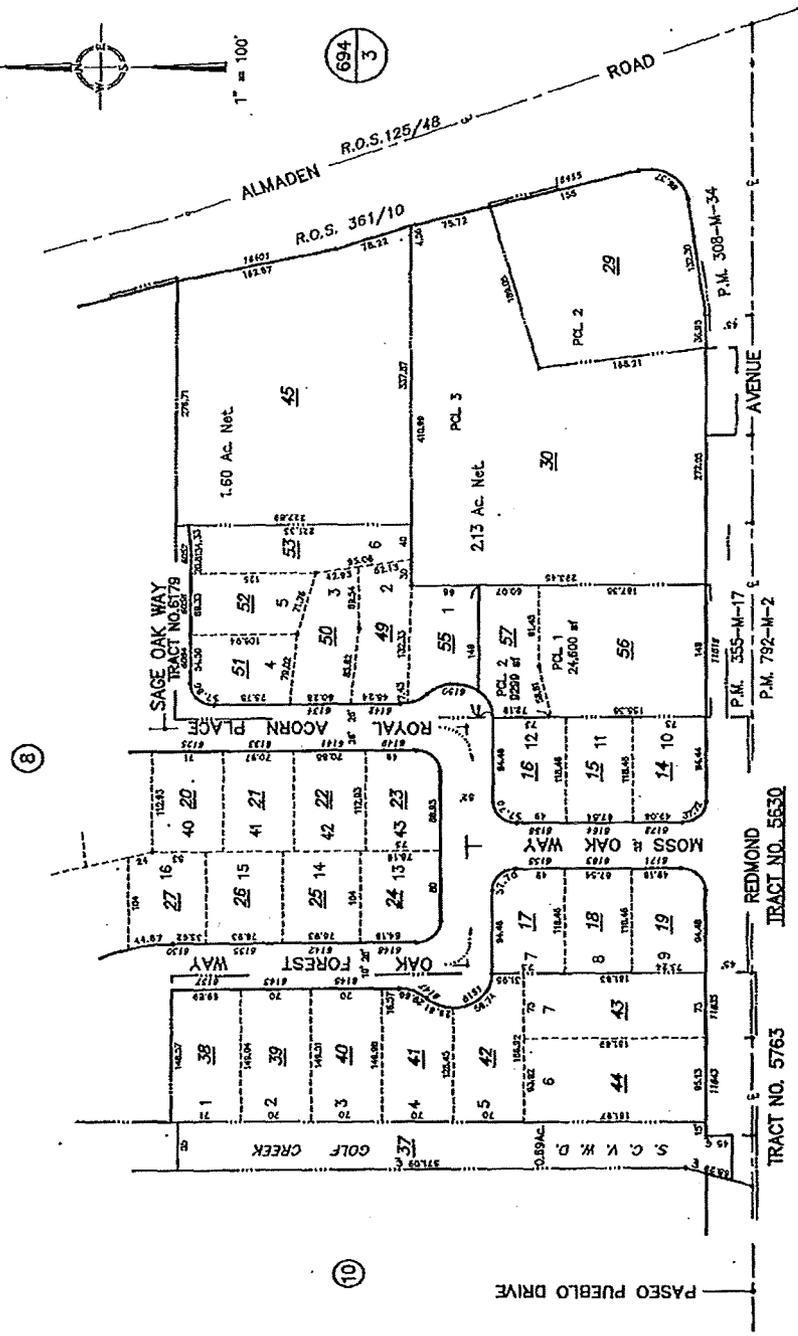
EASEMENT FOR PRIVATE SANITARY SEWER OVER ALL THAT PORTION OF PARCEL 2 DESIGNATED AS "P.S.S.E. FOR THE BENEFIT OF PARCEL 1" AS SHOWN ON THAT MAP WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 29, 2005 IN BOOK 792 OF MAPS, PAGE 2.

APN: 577-09-056

BOOK 577 PAGE 9



694  
3



8

10

15

14

JAMARIE E. STONE - ASSESSOR  
 County of Santa Clara  
 Certificate No. 8, 311, Code Sec. 337  
 Expiration Date: 2008-2007

## PDC07-075 General Development Plan Notes

### Development Standards

|                          |   |
|--------------------------|---|
| Permitted Uses:          | Permitted uses shall be one (1) single-family detached residential unit and (1) detached secondary dwelling unit and those permitted uses of the R-1-5 Single-Family Residence Zoning District, as amended. |
| Minimum Lot Size:        | 8,000 square feet   |
| Parking Requirements:    | (2) covered spaces for the primary dwelling unit and (1) parking space for the secondary dwelling unit.   |
| Primary Residence:       |   |
| Maximum Building Height: | 35 feet and two (2) stories for the as defined in the Zoning Ordinance, as amended.   |

### Setbacks Primary Residence and Secondary Dwelling Units:

|                    |   |
|--------------------|---|
| Front Setback:     | 25 feet , with no part of the Secondary Unit projecting in front of the primary dwelling unit.  |
| Side Setback:      | 5 feet  |
| Rear Setback:      | 20 feet , with the Secondary Unit occupying no part of the rear setback.  |
| Porches and decks: | Unenclosed porches and decks may extend into setback areas not more than five (5) feet and can be covered, subject to the discretion of the Director of Planning. |

### Secondary Dwelling Unit:

|                          |   |
|--------------------------|---|
| Maximum Building Height: | Secondary Dwelling Unit: 18 feet and (1) story with and average roof height of no greater than 14 feet. |
| Number of Bedrooms:      | Maximum of 2 bedrooms, with a maximum combined area of 400 square feet.                                 |
| Building Separation:     | The secondary unit must be a least 6' from the primary dwelling unit.                                   |

**Secondary Dwelling Unit Materials:** The Secondary units shall be constructed with facade materials identical in color, and similar in texture and appearance to the primary dwelling unit, including but not limited to roofing, siding, and windows and doors.

**Water Pollution Control Plant:** 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.

**Parkland Dedication Ordinance:** The project shall conform to the requirements of the Parkland Dedication Ordinance.

**Public Off-Site Improvements:** All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

**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. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.