



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 27, 2007

COUNCIL DISTRICT: 6
SNI AREA: None

SUBJECT: PDC06-118. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT REQUESTING TO SUBDIVIDE ONE LOT WITH AN EXISTING SINGLE-FAMILY DETACHED RESIDENCE INTO TWO LOTS. THE EXISTING RESIDENCE WOULD REMAIN AND A NEW TWO-STORY SINGLE-FAMILY DETACHED RESIDENCE WOULD BE CONSTRUCTED ON THE NEW LOT FACING CARMEL DRIVE ON A 0.24 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 5-0-2, with Commissioners Dhillon and Platten absent, to recommend that the City Council approve the proposed Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to two single-family detached residences on two parcels on a 0.24 gross acre site as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to two single-family detached residences may be built on the subject 0.24 gross acre site, consistent with the Development Standards for the subject rezoning. This future development would be subject to additional Development Permits and subdivision maps.

BACKGROUND

On April 25, 2006 the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-1-8 Single Family Residence to A(PD) Planned Development Zoning District to allow up to two single-family detached residences on two separate parcels on a 0.24 gross acre site. The Director of Planning recommended approval of the project.

The item was pulled from the Consent Calendar by Commissioner Zito and by one member of the community. Staff made a brief report acknowledging a letter received from the eastern adjacent neighbor (see attached) expressing support of the demolition of the existing structures in the rear

yard of the subject site and indicating these structures might be being used as residences, in violation of the zoning code. Staff clarified that the plan set indicates that each of the structures in the rear yard will be demolished and that during the Planned Development Permit stage, staff would include the demolition of the structures as a Permit Condition.

The applicant made a brief statement and presentation and indicated that the existing structures in the rear yard are legal structures and that one of the larger structures is a hobby room. She clarified that all structures and buildings in the rear yard are slated for demolition, excepting one tool shed, approximately 120 square feet.

Staff reiterated that during the Planned Development Permit stage, conditions would be included in the development permit to ensure that the existing structures would be demolished and that any remaining or proposed structures would meet the requirements of the Zoning Ordinance.

Commissioner Jensen asked that staff confirm the status of the accessory structures to confirm they are uninhabited.

The public hearing was then closed. Commissioner Zito made a motion to recommend approval of the proposal to the City Council as recommended by staff.

ANALYSIS

The subject site is designated Medium Low Density Residential (8 DU/AC) on the City of San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed density level of 8.33 slightly exceeds the maximum density level under the General Plan designation. Staff believes this site can be found to be in conformance with the General Plan based on the Discretionary Alternate Use Policy; Two Acre Rule. This policy allows residential projects on parcels of land of two acres or less to be developed with a higher or lower density than that of the Land Use Transportation Diagram provided the project exceeds the minimum standards of the applicable design guidelines and is compatible with the neighborhood. The project is compatible with the surrounding neighborhood and meets or exceeds the recommendations of the Single Family and Residential Design Guidelines for single-family detached houses.

The project also conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

Additional analysis is in the original staff report.

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 Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Exempt.

for 
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7847.

Attachments: Letter from Diane Ritchie

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
PC 04/25/07 Item:
CC 05/15/07 Item:

File Number
PDC06-118

Application Type
Planned Development Zoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
434-31-105

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: North side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive

Gross Acreage: 0.24 Net Acreage: N/A Net Density: 8.33 DU/AC

Existing Zoning: R-1-8 Single Family Residence Existing Use: Residential

Proposed Zoning: A(PD) Planned Development Proposed Use: Two single-family detached residences on two lots

GENERAL PLAN

Completed by: Rebekah Ross

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

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

DATE APPLICATION SUBMITTED: 11/1/2006

North: Single-family detached Residence R-1-8 Single Family Residence

East: Single-family detached Residence R-1-8 Single Family Residence

South: Single-family detached Residence R-1-8 Single Family Residence

West: Single-family detached Residence R-1-8 Single Family Residence

ENVIRONMENTAL STATUS

Completed by: R.ROSS

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: R.ROSS

Annexation Title: Willow Glen

Date: 10/01/1936

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 04/17/07

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER

ARCHITECT

CONTACT

Avril E. Fountain
701 Willow Glen Way
San Jose, CA 95125-1870
(408) 292-1586

Lorraine Riess - Residential Design Associates
255 North Market Street #275
San Jose, CA 95110
(408) 587-2104

Theresa Blickenstaff
701 Willow Glen Way
San Jose, CA 95125
(408) 292-1586

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: R.Ross

Department of Public Works
See attached memo.

Other Departments and Agencies
None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On November 1, 2006, property owner Avril La Fountain filed a Planned Development Rezoning to rezone the subject property from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of a 0.24 gross acre lot into two 0.12 gross acre lots to accommodate an existing single-family detached residence and the construction of a new single-family detached residence. A Planned Development Zoning is required because the proposed residential development does not conform to the minimum lot size of the R-1-8 Single Family Residence Zoning District.

Site Context and Conditions

The site is located on an interior through-lot parcel that extends from Willow Glen Way to Carmel Drive. The parcel is located on the northern side of Willow Glen Way, approximately 360 feet west of Padres Creek Drive. Single-story and two-story single-family detached residences surround the subject site.

The site is currently developed with one single-family detached residence that fronts onto Willow Glen Way and one unpermitted accessory building and four unpermitted accessory structures. The unpermitted accessory structures and accessory building will be removed from the site as result of this proposal. There is one ordinance size tree and five non-ordinance size trees on the site. No ordinance size trees are proposed for removal at this time.

PUBLIC OUTREACH

The applicant posted a notification sign at the site in conformance with the Public Outreach Council Policy. Notice of public hearings were distributed to the owners and tenants of all properties located within 500 feet of the project site and is posted on the City website. The rezoning was also published in a local newspaper, the Post Record. Staff has been available to answer questions and discuss the proposal with members of public. Staff has not received any correspondence from the community regarding this proposal, except for a couple of inquiries supporting the demolition of the existing accessory building and accessory structures. The Planning Commission's agenda is posted on the City of San Jose's website along with this staff report.

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) 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 in that up to three single-family residences may be constructed or converted under this exemption.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium Low Density Residential (8 DU/AC) on the City of San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed density level of 8.33 slightly exceeds the maximum density level under the General Plan designation. Staff believes this site can be found to be in conformance with the General Plan based on the Discretionary Alternate Use Policy; Two Acre Rule. This policy allows residential projects on parcels of land of two acres or less to be developed with a higher or lower density than that of the Land Use Transportation Diagram provided the project exceeds the minimum standards of the applicable design guidelines and is compatible with the neighborhood. As discussed in the Analysis section below, the project is compatible with the surrounding neighborhood and meets or exceeds the recommendations of the Single Family and Residential Design Guidelines for single-family detached houses.

The project also conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

ANALYSIS

The primary issues associated with this project include conformance to the Single Family and Residential Design Guidelines and neighborhood compatibility.

Setbacks

The Single Family and Residential Design Guidelines recommend that single-family detached houses conform to the standards of the applicable zoning district. The surrounding area is zoned R-1-8 Single Family Residence. The existing residence conforms to the setbacks of this zoning district and the proposed residence will slightly exceed the recommended setbacks of the Residential Design Guidelines for 5,000 to 6,000 square foot lot sizes. The Draft Development Standards have been created to ensure that each unit will have a minimum front setback of 25 feet, side interior setbacks of five feet and a rear setback of 20 feet. These setbacks are consistent with the setbacks of the surrounding residences.

Height

The Single Family Design Guidelines and the Residential Design Guidelines both recommend that new residences be no greater than two stories and 30 feet in height. The Draft Development Standards allow a 30-foot height limit and two-story structures, consistent with the R-1-8 Residence Zoning District. The existing single-family detached residence that fronts onto Willow Glen Way is a single-story house, approximately 13 feet tall. The finished height of the proposed two-story residence that will front onto Carmel Drive is 26 feet. The height of the proposed structure is consistent with the predominant block pattern of the surrounding residences, and no changes are proposed to the height of the existing residence.

Porches, Balconies and Decks

The Design Guidelines recommend that single-family detached residences have a front porch and a distinguished entry feature. The Draft Development Standards are reflective of the R-1-8 Zoning District and allow for front porches to encroach into the 25-foot front setback area by five feet. The project meets the recommendations of the Design Guidelines in that the proposed residence that will front onto Carmel Drive includes a front porch that is designed to be a prominent entry feature, and the existing residence has a front porch oriented toward Willow Glen Way.

The Design Guidelines suggest that second level balconies and decks be no closer than 10 feet to adjacent single-family uses and be designed to protect the privacy of the adjacent properties. The existing residence is a single-story structure with no balconies above grade. The proposed residence on Carmel Way proposes shows a second level balcony that is 13 feet away from the eastern property line of the adjacent residence. The balcony is oriented toward the street and is set back 25 feet from the front property line, and conforms to the Design Guidelines.

Garages and Parking

The Draft Development Standards reflect the existing conditions of the Willow Glen Way residence and the proposed conditions of the Carmel Drive structure. The Residential Design Guidelines recommend that garages be recessed behind the front living area unless a significant entry porch is located in front of the living area. The proposed residence that will front onto Carmel Drive shows a garage that projects in front of the front living area, but with a front porch that extends beyond the two-car garage, making the porch the more prominent feature viewed from the street. The existing residence has a front porch parallel to the façade of a two-car garage.

Each residence will include a two-car attached garage oriented toward the street, with one on-street parking space in front of the house.

Compatibility with Surrounding Area

No alterations are proposed to the existing single-family residence that fronts onto Willow Glen Way. The design of the proposed single-family residence architectural elements to add interest to the design, a softly sloped roof and sufficient second floor setbacks to create an overall style that is compatible and comparable to the surrounding houses.

The proposed two-lot subdivision is generally consistent with the pattern of development. If approved, it will create a consistent lotting pattern in the block and will facilitate a single-family detached house frontier onto Carmel Way to create a continuous row of single-family homes.

Conclusion

Based on the above analysis, staff concludes that the Planned Development Zoning substantially conforms to the Single Family and Residential Design Guidelines and will allow future residential development, compatible with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject rezonings for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8 DU/AC) based on the Discretionary Alternate Use Policy; Two Acre Rule.
2. The proposed rezoning will allow residential development that is compatible with the surrounding land uses.

Attachments

Draft Development Standards
Location Map
Letter from the applicant
Pictures of surrounding area
Exemption
Public Works
Proposed Plan Set

The following development standards shall be placed on the Land Use Plan of the General Development Plan set after the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.

**PDC06-118
Development Standards**

PLANNED DEVELOPMENT PERMIT REQUIRED:

- A Planned Development Permit is required in accordance with Section 20.100.910 of Title 20, as amended.
- After a Planned Development Permit is approved, all modifications to either residential unit require approval of a Planned Development Permit Amendment/Adjustment approved to the satisfaction of the Director of Planning.

PERMITTED USES:

- Permitted uses of the R-1-8 Single-Family Residence District, as amended, unless otherwise specified in these development standards. Uses identified as “conditional uses” or “special uses” may be considered for approval through the Planned Development Permit, Permit Amendment or Permit Adjustment process to the satisfaction of the Director of Planning.

DEVELOPMENT STANDARDS

- Future development on the site will conform to the standards and regulations of the R-1-8 Single Family Residence Zoning District, as amended, unless otherwise specified in these development standards.

MAXIMUM NUMBER OF UNITS:

- Up to two (2) detached residential units as indicated below:
 - **Unit One:** Single-family detached residence that fronts onto Willow Glen Way
 - **Unit Two:** Single-family detached residence that fronts onto Carmel Drive

MINIMUM LOT SIZE:

- 4,900 square feet

BUILDING HEIGHT:

- Thirty feet (30')

PARKING:

- Each unit shall provide two fully enclosed on-site parking spaces.
- All areas not covered by buildings, driveways and parking spaces shall be landscaped.

Private Driveways:

- Minimum length: Per Title 20, as amended
- Maximum width: Sixteen feet (16')
- A minimum three-foot (3') wide landscaping strip is required along the eastern side of the driveway.

PRIVATE OPEN SPACE:

- At least 1,000 square feet of private open space shall be provided for each unit.

ACCESSORY STRUCTURES AND BUILDINGS:

- All accessory structures and buildings shall meet the requirements of the Zoning Ordinance Section 20.30.500, as amended.

FENCING:

- All fencing and gates on the subject site shall meet the requirements of Zoning Ordinance Section 20.30.600, as amended. Gates that limit/restrict vehicular access to the site are not permitted.

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. The approving authority may impose substantive conditions designed to decrease sanitary sewage associated with any land use approval.

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.

WATER QUALITY:

- Prior to commencement of construction activities, including, but not limited to grading, the project developer shall file for and obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the State Water Resource Control Board.

STREET TREES:

- The Public right-of-way shall be planted with street trees as directed by the City Arborist.

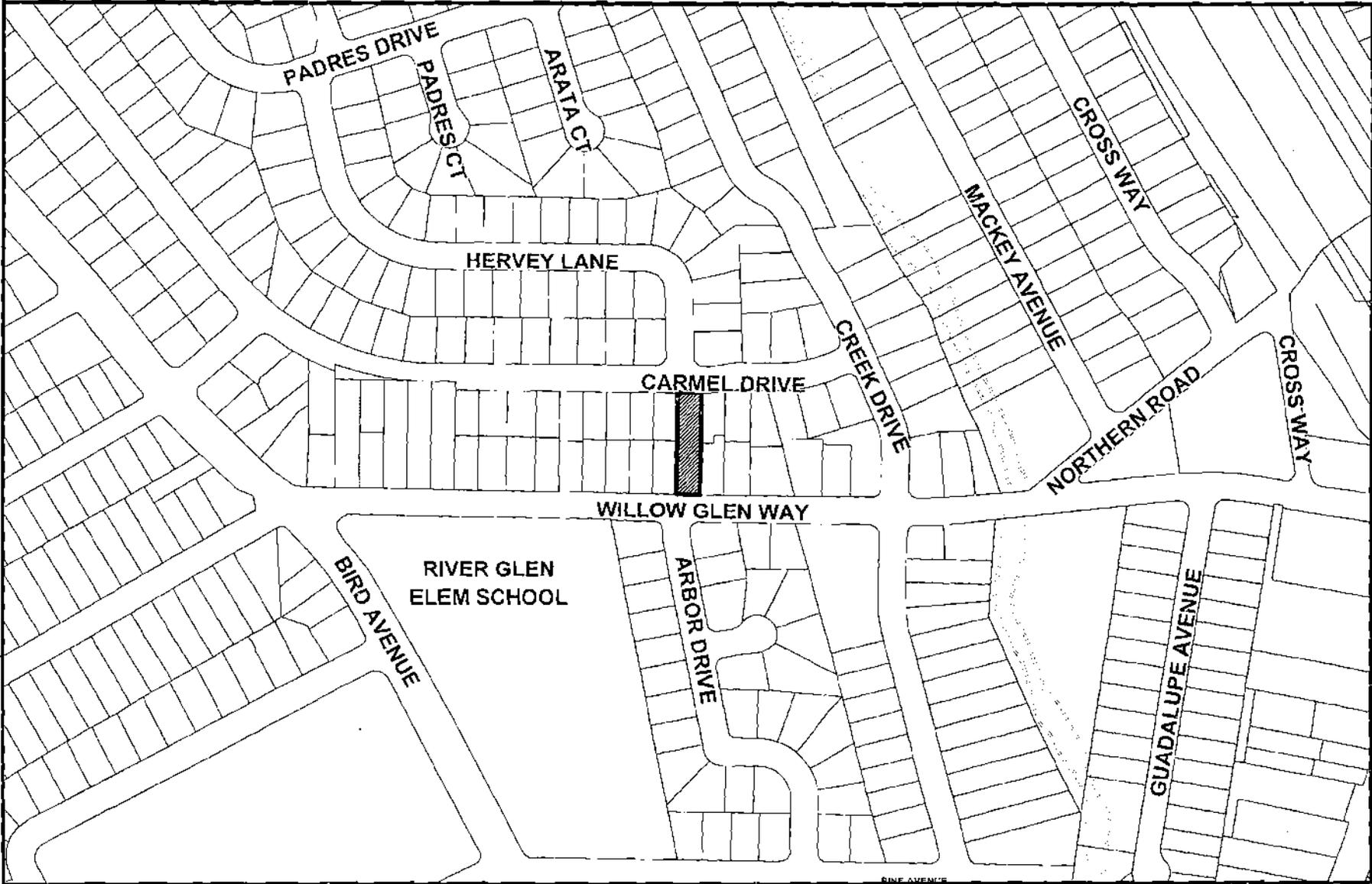
PARK IMPACT FEES & PARKLAND DEDICATION ORDINANCE:

- The applicant shall comply with the requirements of the Park Impact Ordinances, pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San Jose, Municipal Code) and the project shall comply with the Parkland Dedication Ordinance.

TREE REMOVALS

- **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Planned Development Permit Amendment issued by the Director of Planning.
- Any future trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

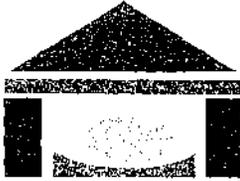


Scale: 1"= 300'
Map Created On: 11/01/2006
Noticing Radius: 500 feet

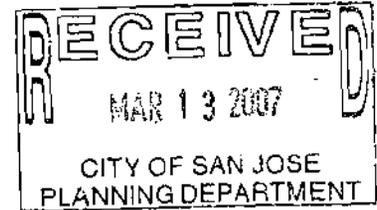
File No: PDC06-118

District: 6

Quad No: 99



RESIDENTIAL
DESIGN ASSOCIATES
DESIGN ▼ PLANNING ▼ DRAFTING



March 8, 2007

To: **City of San Jose Planning Dept.**
att: Rebekah Ross
GENERAL PLAN CONFORMANCE REPORT

Re: La Fountain-Blickenstaff Residence
701 Willow Glen Way
San Jose, CA
PDC06-118

This report is in response to a request by Rebecca Ross to provide reasons why this project should be approved in light of exceptional design qualities. This is required because the proposed density of 8.33 is slightly more than the General Plan requirement of 8.0. We are requesting the use of the Discretionary Alternate Use Policy, i.e. the Two Acre Rule to allow this construction. We provide herewith the following exceptional design features:

This house is designed in the context of other homes on the block, more specifically the newer homes to the west that are typical of the direction that many remodels in Willow Glen have recently taken. The existing homes are two story, much of those have the upper floor protruding close to the footprint of the lower floor with a variety of siding (horizontal, brick, stucco, etc.) The general height on these homes appear to be in the 25-27 foot height range.

We have exceeded these homes with a better design by means of providing a more articulated upper floor roof line along with a variety of vertical wall placement that allows a more interesting lower roof line as well.

There is a regularity of window header heights, sizes and a horizontal trim detail that is informed by a more classical and restrained approach to housing design. We have emphasized a more horizontal than vertical appeal in the architectural details. The windows will have exterior grids to help flesh out the style and the roof will be a thicker composition shingle with shadow lines to give the house texture and depth.

The upper floor balcony is a feature that allows the family to watch fireworks and the wrought iron railing and stucco columns are of a complexity that mitigates the volume of the upper floor.

The porch is brought forward of the garage with detailed columns and balustrade and a gabled peak to clearly define the entry. This porch feature is a common regional design element that harks back to summer evenings on a sheltered porch that faces north to catch the afternoon breeze.

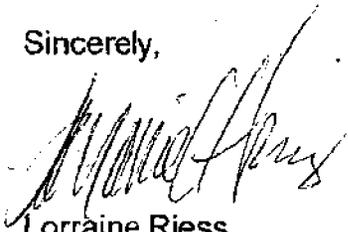
The north side of the upper floor is stepped back to provide a measure of privacy to the neighbor, yet still follows the compact rythm of urban dwellings.

The height of the house is 26 feet at the peak, a modest and fitting hipped roof at the entire upper floor lessens the volume of the roof.

We feel that the design quality of this home has features that would easily fit in to a more densely planned community. This home has elements that are less pretentious than much of the development that has occurred in Willow Glen in recent years under the guise of "remodels". For these reasons we request that you favor our project with your approval.

Thank you for your time and consideratiion.

Sincerely,



Lorraine Riess
Professional, AIBD

Theresa Blickenstaff
Mark LaFountain
Avril Lafountain
homeowners

* Picture Comparison *



*1623 Carmel, 2636 sf SFR w/ 445 sf Garg.



*1623 Carmel & 1619 Carmel



* 1619 Carmel - 3000 sf SFR w/400 sf Garg.



*1619 Carmel & 1615 Carmel side view

** ALL HOMES WITH AN ASTERISK (*) ARE PART OF CARMEL ESTATES TRACT 8864, Est. 1996/1997.
PRIOR TO THAT ALL PROPERTIES WERE SIMILAR TO THE PROPOSED PROJECT.



*1615 Carmel - 3044 sf SFR w/580 sf Garg.
** BALCONY SPANS ACROSS MASTER BEDROOM **



1614 Carmel - House directly across from 1615 w/Balcony



*1619 Carmel & 1615 Carmel (side view)



*1611 Carmel - 2940 sf SFR w/440 sf Garg.



*1607 Carmel - 2736 sf SFR w/489 sf Garg.



*1581 Carmel - 2313 sf SFR w/400 + sf Garg.



1632 Carmel (East next door neighbor to proposed site)



701 Willow Glen Way - CARMEL SIDE (BACKYARD)
Proposed SFR Site



** PROPOSED BALCONY VIEW (This view is NOT INTRUSIVE, looks into street, not homes across the street or side view.



ROOF VIEW/HOMES - 1623, 1619, 1615 Carmel



823 Jansen - New SFR under 2 yrs. old, Balcony looks into house across street



1190 Willow Glen Way (Featured in Better Homes/Gardens BALCONY LOOKS INTO HOMES ACROSS STREET & SIDE/BACK YARD)



ALL HOMES ABOVE ARE RECENT-NEW CONSTRUCTION WITH BALCONIES THAT LOOK INTO HOMES FACING THEM ACROSS THE STREET.

MY PROPOSED BALCONY DOES NOT LOOK INTO ANY HOMES FRONTAL OR SIDE VIEW UNLIKE ALL HOMES WITH BALCONIES IN THE WILLOW GLEN NEIGHBORHOOD.

MY PROPOSED BALCONY FACES OUT INTO AN OPEN PUBLIC STREET.

STATEMENT OF EXEMPTION

FILE NO. PDC06-118

LOCATION OF PROPERTY North side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive (701 Willow Glen Way)

PROJECT DESCRIPTION Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District to allow the subdivision of one lot with an existing single-family detached residence into two lots. The existing residence would remain and a new two-story single-family detached residence would be constructed on a new lot facing Carmel Drive on a 0.24 gross acre site.

ASSESSOR'S PARCEL NUMBER 434-31-105

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.

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

15303(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, Director
Planning, Building and Code Enforcement


Deputy

Date April 11, 2007

Project Manager: Rebekah Ross

TO: Rebekah Ross
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 04/13/07

PLANNING NO.: PDC06-118
DESCRIPTION: Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District requesting to subdivide one lot with an existing single-family detached residence into two lots. The existing residence would remain and a new two-story single-family detached residence would be constructed on the new lot facing Carmel Drive on a 0.24 gross acre site.
LOCATION: North side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive
P.W. NUMBER: 3-18159

Public Works received the subject project on 03/19/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) 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. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Map:** A 10' public service easement is required along project frontage along Carmel Drive.
2. **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.
3. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes 2 Single Family detached units.

4. **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.

5. **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.

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. **Street Improvements:**

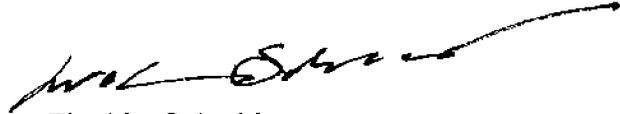
- a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- b) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- c) Repair, overlay, or reconstruction of asphalt pavement 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. To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions 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 20 working days.

9. **Street Trees:**

- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- b) Contact the City Arborist at (408) 277-2756 for the designated street tree.

- c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings.

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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Ross, Rebekah

From: Diane Ritchie [dianeritchie@igc.org]
Sent: Wednesday, April 25, 2007 12:49 PM
To: rebekah.ross@sanjoseca.gov
Subject: Hearing Tonight PDC06-118

Rebekah Ross:

I am writing to you because I may not be able to attend a Public Hearing tonight. The Public Hearing is scheduled before the Planning Commission at 6:30pm regarding PDC06-118, at 701 Willow Glen Way, San Jose 95125. My next door neighbor, Avril LaFontain, is applying to build another house on the back of her lot. I am concerned because the Public Hearing Notice says "the existing residence would remain." There are at least 2 existing residences at this point. My understanding was that all of the houses in the backyard were going to be removed.

I want to make sure that the 3 nonconforming small houses in the back yard will be removed, before allowing a new house to be built. The only residence that will remain will be the main residence, in the front, opening on Willow Glen Way. If there will still be people living in any of the small houses in the back yard, then it will be too crowded. It's too crowded now. Everyone living in the back yard has to use the narrow walk way, which is less than 5 feet from my window. I would like to make sure that at the end of the project there will only be one house on the Willow Glen Way side, one house on the Carmel Drive side, and no other buildings on the lot.

If the Planning Commission decides to allow the 3 nonconforming small houses in the back yard to remain, then I want to be able to challenge the decision in court. Does this Email fulfill the requirement of "written correspondence delivered to the city at or prior to the public hearing?" If not, then please provide me with your fax number, so I can fax you a letter.

Thanks,

Diane Ritchie
691 Willow Glen Way
San Jose, CA 95125
408 294-4868

4/27/2007