



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: June 28, 2007

COUNCIL DISTRICT: 3
SNI AREA: 13th Street

SUBJECT: PDC07-004. PLANNED DEVELOPMENT REZONING FROM R-2 & R-1-8 TO R-2(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 2 SINGLE FAMILY DETACHED RESIDENCES AND 1 DUPLEX, AT THE SOUTHEAST CORNER OF EAST HEDDING STREET AND NORTH 17TH STREET ON A 0.30 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 6-1-0 (Jensen absent) to recommend that the City Council approve the proposed Planned Development Rezoning from the R-2 & R-1-8 Residential Districts to the R-2(PD) Planned Development District to allow two single-family detached residences and one duplex on a 0.3 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the existing two single-family detached residences and the duplex could be subdivided in the future into three separate lots through a subsequent Planned Development Permit and Tentative Map process. No new construction is proposed.

BACKGROUND

On June 27, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The applicant, Lou Bini, was present to answer questions regarding the project. The item was approved on the consent calendar with no further discussion from the Planning Commissioners or general public.

ANALYSIS

The proposed rezoning furthers the Historic, Archaeological and Cultural Resources goal of the General Plan. This goal is intended to support preservation of structures or places that promote a sense of "historic awareness and community identity" in order to enhance the "quality of urban living." The proposed Planned Development Rezoning will support retention of these residences, which are over 60 years in age, because the single family residences and duplex will be able to be sold off individually as three separate parcels. See Staff Report for additional information.

EVALUATION AND FOLLOW-UP

Not Applicable. The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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 1000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. A community meeting was held on April 19, 2007 at the Watson Park Community Center. 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 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.

HONORABLE MAYOR AND CITY COUNCIL

Date: June 28, 2007

Subject: PDC07-004

Page 3

COST SUMMARY/IMPLICATIONS

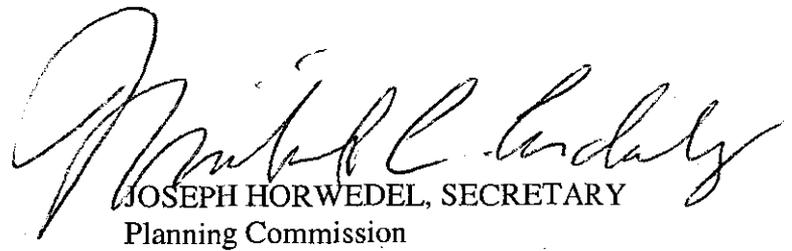
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Exempt.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Mike Enderby at 408-535-7843.

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
6/27/07-P.C. CC 8/14/07
Item # 3a

STAFF REPORT

File Number
PDC07-004

Application Type
Planned Development Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
249-16-015

PROJECT DESCRIPTION

Completed by: RVM

Location: Southeast corner of East Hedding Street and North 17th Street

Gross Acreage: 0.3

Net Acreage: 0.3

Net Density: 13.2 DU/AC

Existing Zoning: R-2 & R-1-8

Existing Use: Two single family residences and one duplex

Proposed Zoning: R-2 (PD)

Proposed Use: no change

GENERAL PLAN

Completed by: RVM

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8.0 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: RVM

North: Single family residence

R-2 Two Family Residence

East: Single family residence

R-1-8 Single Family Residence

South: Single family residence

R-2 Two Family Residence

West: Single family residence

R-2 Two Family Residence

ENVIRONMENTAL STATUS

Completed by: RVM

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

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: RVM

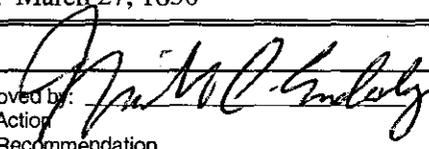
Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: June 11, 2007

Approved by: 
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Louis Bini
1393 Santa Clara Street
Santa Clara, CA 95050-5336

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RVM

Department of Public Works

See Memo

Other Departments and Agencies

Not Applicable

GENERAL CORRESPONDENCE

Not Applicable

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The applicant, Lou Bini submitted a Planned Development Rezoning application on January 11, 2007 to rezone the property at the southeast corner of East Hedding Street and North 17th Street for purposes of allowing a reduction in the minimum lot sizes and setbacks to reflect the existing two residences and duplex on the subject property. The majority of the property is currently located in the R-2 Two-Residence District, and approximately 1/4 of the property at the easterly edge is located in the R-1-8 Residence District. The rezoning will allow for the future subdivision of the single property into three separate lots, as shown on the attached plan set, through a subsequent Planned Development Permit, Tentative Map, and Parcel Map process. Proposed lot sizes would range from approximately 3,378 to 5,410 square feet.

The site is currently developed with two single-story, single-family detached residences, one duplex, and three associated detached garage accessory structures. Evidence including Sanborn Maps, photographs, and PG&E service documents verify that the residence at 890 North 17th Street was constructed circa 1922 and its associated garage was constructed prior to 1950, that the residence at 824 East Hedding Street was constructed circa 1940 and its associated garage was constructed prior to 1966. The duplex at 886 & 884 North 17th Street was constructed with a building permit in 1949 as a single family residence, but the structure and its associated garage are shown on the 1966 Sanborn Map, and that residence is labeled as a duplex. Prior to September 3, 1970, no planning approval was required for conversions of single family residences into duplex uses, therefore, the current duplex use at 886 & 884 North 17th Street is legal.

Residential uses surround the subject site on all sides. No changes to the subject site or structures are proposed, and the permitted uses would allow for a maximum of two single-family detached residences and one two-family duplex structure. The proposed development standards would allow for a future second story addition on either of the single family residences, up to a maximum height of 30 feet, upon issuance of a Planned Development Permit Amendment. Additional accessory structures would be permitted by right, provided that they meet the criteria set forth in Part 5 of Chapter 20.30 of the SJMC pertaining to such structures. Off street, covered parking spaces shall be required consistent with the existing circumstances. One covered

parking space is provided for the residence on 824 East Hedding Street, two covered parking spaces are provided for the residence on 890 North 17th Street, and one covered parking space is provided for each unit in the duplex on 886 & 884 North 17th Street.

ENVIRONMENTAL REVIEW

The Director of Planning, Building, and Code Enforcement found the proposed project to be exempt from environmental review under Section 15301(a) of the CEQA Guidelines, which exempts existing facilities for which no or negligible expansion in use is proposed. The project qualifies for this exemption because no additions, modifications, or expansions of the existing uses are proposed.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The General Plan text states that "since parcels of two acres and less in size may be too small to be separately identified on a map the scale of the official Land Use/Transportation Diagram, any developed parcel of two acres or less is deemed to be in conformance with the General Plan regardless of how it is designated." The existing density of the four units on the subject site is 13.2 dwelling units per acre. The proposed project may be considered consistent with the General Plan because the site is currently developed with two single-family detached dwelling units and one duplex, and no additional units would be allowed under the proposed PD Rezoning, so the existing density would not be impacted by this rezoning.

In addition, the proposed rezoning furthers the Historic, Archaeological and Cultural Resources goal of the General Plan. This goal is intended to support preservation of structures or places that promote a sense of "historic awareness and community identity" in order to enhance the "quality of urban living." The proposed Planned Development Rezoning will support retention of these residences, which are over 60 years in age, because the single family residences and duplex will be able to be sold off individually as three separate parcels. The added Staff recommended development standard requiring a Planned Development Permit Amendment for approval of any proposed expansions will also ensure that any future alterations are done sensitively to respect the historic integrity of the structures.

ANALYSIS

Given that the two residences, duplex, and accessory structures have existed in their current configuration for at least 40 years, the primary project issues analyzed for this rezoning are related to the proposed development standards and their ability (1) to meet the applicant's intent for future subdivision and (2) to provide reasonable expansion opportunities for the existing residences. Given the age of the single family residences, staff is recommending that any unforeseen future expansions of the existing residences be subject to a Planned Development Permit Amendment.

The proposed Planned Development Zoning is intended to allow the future subdivision of the existing property into three separate lots, so they can be leased, sold, or financed separately. Based on the current zoning districts of the R-2 Two-Family Residence & the R-1-8 Residence,

the minimum lot size would be 5,445 square feet per lot. The subject parcel as it exists contains approximately 13,222 square feet. Therefore, a Planned Development Zoning is required to allow the proposed three separate lots approximately 4,434, 5,410, and 3,378 square feet in size because each is under the minimum lot size of the R-2 & R-1-8 Zoning Districts. The development standards on Sheet 2 specify that the exact area of each parcel is to be determined by land survey, so the minimum lot sizes would ultimately be determined at the Planned Development Permit and Tentative Map stages, however, a maximum of three lots would be allowed.

The development standards provide flexibility for upwards expansions with second stories for both of the single-family residences and the duplex, and the development standards provide the opportunity for rear expansion only for the single-family residences. However, given the site limitations with regards to parking, setbacks, and lot size, Staff recommends a development standard be added requiring the issuance of a Planned Development Permit Amendment for any approval of additional future square footage to either of the single-family residences or the duplex. The Planned Development Permit Amendment requirement would provide Staff with discretionary review of any proposed expansion, so that Staff could evaluate the compatibility of any proposed additions with the surrounding neighborhood and the sensitivity of that alteration to the historic attributes of the structures.

PUBLIC OUTREACH

Signage has been posted at the site to notify the neighbors and public of the proposed rezoning. Notices of the public hearing before the Planning Commission and City Council were published, posted on the City of San Jose website and distributed to the owners and tenants of all properties located within 500 feet of the project site. This staff report was made available on the Planning Department's website one week prior to the Planning Commission hearing. Staff has been available to discuss the project with interested members of the public. In addition, a community meeting was noticed to residents within 500 feet of the project site and was held during the 13th Street SNI NAC's regular meeting at the Watson Park Community Center on April 19, 2007. No community concerns were raised, only support was communicated for the proposed rezoning.

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 rezoning conforms to the General Plan.
2. The project is compatible with existing residential development in the surrounding area.
3. The proposed development standards accommodate the existing development while providing some flexibility for future expansion, subject to Planning Department review.

Attachments:

Plan Set

Vicinity map

Environmental Exemption

Public Works Memo

Location Map



N

Map Created On:
1/11/2007

Scale 1 in = 300 ft 1:3600
Noticing Radius: 500 ft

0 200 400
feet

File Number: PDC07-004
District: 3
Quad No: 67

WDW

STATEMENT OF EXEMPTION

FILE NO. PDC07-004

LOCATION OF PROPERTY Southeast corner of E. Hedding St and N. 17th St. (890 N 17TH ST)

PROJECT DESCRIPTION Planned Development Rezoning from R-2 to R-2(PD) Planned Development Zoning District to allow 2 single family detached residences and 1 duplex. No new construction is proposed.

ASSESSOR'S PARCEL NUMBER 24916015

CERTIFICATION

Under the provisions of Section 15301 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.

Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

This project qualifies in that no new construction is proposed as part of the rezoning. The project would result in no expansion of the existing uses at the site.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Date June 18, 2007

Project Manager: Reena Mathew

(Rev. 4/11/07)

Memorandum

TO: Reena Mathew
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 06/15/07

PLANNING NO.: PDC07-004
DESCRIPTION: Planned Development Rezoning from R-2 to R-2(PD) Planned Development Zoning District to allow 2 single family detached residences and 1 duplex. No new construction is proposed.
LOCATION: Southeast corner of E. Hedding St and N. 17th St.
P.W. NUMBER: 3-18189

Public Works received the subject project on 02/07/07 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. **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. **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.
3. **Street Improvements:** Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
4. **SNI:** This project is located within the 13th Street SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.

Planning and Building

06/15/07

Subject: PDC07-004

Page 2 of 2

Please contact the Project Engineer, Norman Mascarinas, at (408) 535- 6812 if you have any questions.

 MICHAEL LIW FOR
Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

ES:nm

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