



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 12, 2006

COUNCIL DISTRICT: 6
SNI AREA: None

SUBJECT: PDC02-002. PLANNED DEVELOPMENT REZONING FROM R-2 TWO FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT DISTRICT TO ALLOW TWO EXISTING DETACHED RESIDENCES ON 0.33 GROSS ACRES.

RECOMMENDATION

The Planning Commission voted 6-0-1, with Commissioner Pham absent, to recommend that the City Council approve the proposed Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development District to allow two existing detached single-family residences on 0.33 gross acres as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to two existing single-family residences will be allowed on the site, consistent with the Development Standards for the subject rezoning. The further design of the proposed development would be subject to a Planned Development Permit.

BACKGROUND

On October 11, 2006, the Planning Commission held a public hearing to consider a proposed Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development District to allow two existing detached residences on 0.33 gross acres. The Director of Planning recommended approval of the project.

The project was approved as part of the consent calendar. No one spoke in favor of or in opposition to the proposed project.

ANALYSIS

The proposed rezoning of the site from R-2 Two Family Residence to A(PD) Planned Development Zoning District on a third of an acre is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC), provides an opportunity to further important goals and strategies of the General Plan and is in conformance with the Residential Design Guidelines.

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 the project staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

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BUDGET REFERENCE

Not applicable.

CEQA

Exempt.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7800.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: October 6, 2006

TRANSMITTAL MEMO

COUNCIL DISTRICT: 6
SNI: N/A

SUBJECT: PDC02-002. LOCATED ON THE SOUTH SIDE OF UNIVERSITY AVENUE APPROXIMATELY 100 FEET NORTHERLY OF MYRTLE STREET.

The Planning Commission will hear this project on October 11, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

for 
JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

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
P.C. 10-11-06 Item #. *3a*
C.C. 10-24-06

File Number
PDC02-002

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-12-031

STAFF REPORT

PROJECT DESCRIPTION

Completed by: **Sanhita Mallick**

Location: South side of University Avenue approximately 100 feet northerly of Myrtle Street

Gross Acreage: 0.33 ac

Net Acreage:
0.33 ac

Net Density: 6.1DU/AC

Existing Zoning: R-2 Two Family Residence District

Existing Use: One single-family residence and one detached studio unit

Proposed Zoning: A (PD) Planned Development

Proposed Use: Two detached single family residences

GENERAL PLAN

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

North: Single Family Detached Residences

R-2 Two Family Residence District

East: Single Family Detached Residences

R-2 Two Family Residence District

South: Single Family Detached Residences

R-2 Two Family Residence District

West: Single Family Detached Residences

R-2 Two Family Residence District

ENVIRONMENTAL STATUS

Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)

Negative Declaration circulated on

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Annexation Title: College Park/Burbank Sunol

Date: 12/08/1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date September 27, 2006

Approved by: *Susan Walton*

Action

Recommendation

APPLICANT/OWNER/DEVELOPER

Sharen Dains
970 University Avenue
San Jose CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SM

Department of Public Works

No comments were received from the Department of Public Works.

Other Departments and Agencies

See attached memoranda from the Fire Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Sharen Dains, requests a Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development Zoning District to allow two already existing detached residences on a 0.33 acre gross site. The subject site is located on the south side of University Avenue approximately 100 feet northerly of Myrtle Street. The density of the proposed development would be 6.1 dwelling units per acre (DU/AC).

Two residential units on a lot zoned R-2 Two-Family Residence District can be allowed with a Site Development Permit only if the units are attached to each other. Since the units on the subject site are detached and proposed to remain detached, a Planned Development rezoning is necessary.

Site and Surrounding Uses

The site is surrounded by single family residences on all sides. The area in the vicinity of University Avenue includes single-family and duplex residences. All of the sites immediately surrounding the project site are located in the R-2 Two Family Residence Zoning District.

The site is rectangular in shape and generally flat. It is currently developed with two detached residential units and open space. There are several mature and ordinance sized trees on the site. The front unit, approximately 2,266 square feet in size, was built in 1904 and has been designated as an Identified Structure on the City's Historic Resources Inventory. Among the past inhabitants of the house are Merrit R. Trace, the principal of Hester School and president of County Board of Education (1904 through 1920's) and Hugh Fine, a coordinator of the John Birch Society (1962-1977). The second unit, at the rear of the house, was originally a carport converted into an approximately 640 square-foot recreation room in 1971, without benefit of necessary permits from the City. Subsequently, an approximately 200 square-foot addition including a kitchen and a bathroom converted the carport into a second living unit without the benefit of permits.

Code Enforcement History

The Code Enforcement Division initially became involved with this property in the early 1970's, but that Code Enforcement case was closed in September 1972. In June 2000, as a result of a neighbor complaint that the back unit was being used as a rental unit, a Compliance Order was issued. Subsequently, the property owner filed a Site Development Permit in 2001 to address the

lack of permits, but it was later withdrawn since two single-family detached units are not allowed in the R-2 Residence Zoning District. In 2002, the current Planned Development Zoning application was filed to allow the existing configuration of the two detached units. Staff processing of the application was suspended pending the development of the Second Unit Pilot program which staff believed might have benefited this project. The Second Unit Pilot Ordinance, approved by the Council in December 2005, was found not to be applicable to this project, since the approximately 800 square-foot rear unit exceeds the allowable size of 600 square feet under the Second Unit Pilot Program. Therefore, this Planned Development Zoning is being brought forward for public hearing at this time.

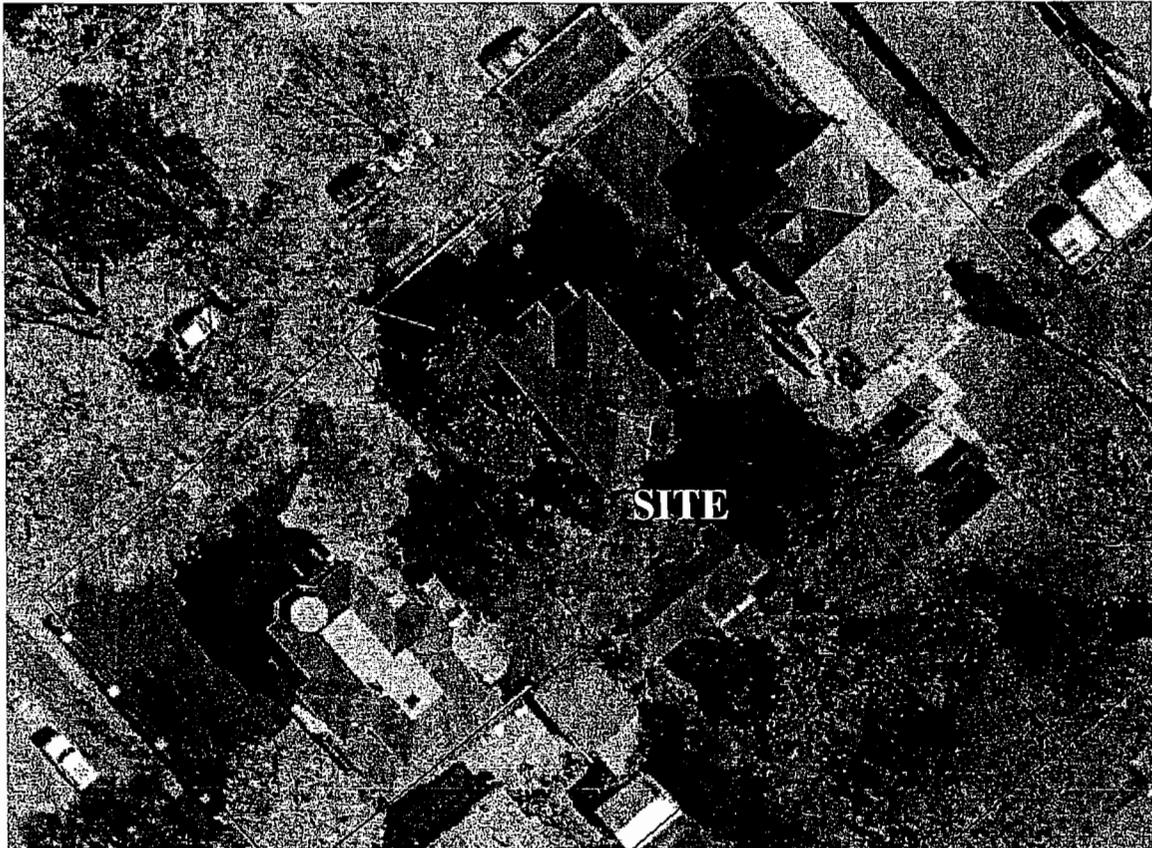


Figure 1. An aerial view of the site and surrounding area

Project Description

The project proposes to allow retention of two existing detached residences on the subject property. The rear unit is set back approximately 120 feet from the street and is screened from view by mature landscaping. Two covered parking spaces are proposed to be provided within an approximately 12 foot by 38 foot parking garage in a tandem configuration. Minor renovations would be necessary to use this existing structure as tandem parking, including an extension of 5 feet to the rear in order to accommodate two cars. This modification could be accomplished at the Planned Development Permit stage. Another open parking space is proposed on the side of the driveway as indicated on the accompanying site plan. On-street parking is available on University Avenue, which is a Residential Permit Parking zone. No alterations are proposed to the historic residence and no trees are proposed for removal.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303 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. This project qualifies for this exemption in that it involves construction of one additional living unit on an urbanized site.

PUBLIC OUTREACH

Notices of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the project with members of the public.

GENERAL PLAN CONFORMANCE

The current General Plan Land Use/Transportation Diagram designation for the site is Medium Low Density Residential (8 dwelling units/acre). The subject project is in conformance with this General Plan Designation in that the project proposes a density of 6.1 dwelling units per acre.

ANALYSIS

The key issues for the proposed project are compatibility with adjoining uses and the surrounding area, and conformance with Residential Design Guidelines.

Compatibility with Surrounding Uses

If approved, the additional residential unit would intensify the use of this property consistent with the General Plan. Although currently there are no permitted two-unit uses on the adjacent properties, these lots are of sufficient size to potentially add one attached unit in conformance with the General Plan and the R-2 Residence Zoning District regulations. Staff believes that while the project proposes a detached second residential unit, which is not currently allowed in the R-2 Residence District, the impact of the resulting land use would be comparable to a duplex. Staff believes that in this case, the addition of the detached unit is more appropriate than a typical attached duplex, which could negatively impact the existing historic residence by altering the structure to accommodate new construction. Under the proposed project, the property would retain its existing single-family character from the street, given the limited visibility of the additional unit tucked behind the hundred year-old house. From this analysis, staff has concluded that the proposed use is compatible with the surrounding uses.

Staff has included a minimum lot size in the Draft Development Standards that reflects the existing lot size, thus limiting any further subdivision of the property.

Conformance with Residential Design Guidelines

The proposal has been compared with the guidelines for duplexes in the Residential Design Guidelines, since, although not attached as a typical duplex, the two units essentially function like a duplex unit. A key point of difference is that single-family detached or paired dwellings would more typically each have individual lots, as opposed to duplex units which share one lot.

Setbacks

The Draft Development Standards mirror the existing setbacks of the buildings which are comparable to the setbacks recommended by the Guidelines. The front setback of 25 feet exceeds the Guidelines recommendation by 5 feet, and is consistent with that of the R-I-8 Residence Zoning District, while the existing side setback for the rear unit is one foot short of the recommended 5-foot setback.

According to Residential Design Guidelines, a minimum of 300 square feet of private rear yard should be provided for each unit. The site includes significantly greater private open space than recommended by the Guidelines in that the front unit has an approximately 1,000 square foot side yard outside of the front setback area, and there is an approximately 4,088 square-foot rear yard located at the back of the property, behind the second unit.

Parking

Three on-site parking spaces have been provided for the proposed project, two of which are in a covered tandem garage while another one is an open parking space along the drive. Parking standards recommended in the Residential Design Guidelines for duplexes are based on bedroom count and the type of parking facility and would result in a requirement of four parking spaces.

Staff believes that three parking spaces, including two covered spaces, will provide sufficient parking for the existing single-family residence and studio unit. The site has a long driveway which can accommodate at least two additional cars in a tandem configuration. Ample on-street parking is available in front of the house on University Avenue given that the area is part of the Residential Permit Parking program. Given the existing location of the units, it is difficult to provide additional covered parking unless the back unit is completely redesigned. In the draft Development Standards, staff has included a requirement that additional parking be provided should the property owner ever wish to expand the rear unit.

From the above analysis, Planning staff has concluded that the proposed project provides for adequate parking.

Conclusion

As previously discussed, staff believes that the proposed development, as revised per staff's recommended Draft Development Standards, proposes adequate setbacks and other design measures to minimize the impact of the building on the surroundings. Based on the above analysis, staff concludes that the proposed project will provide a reasonable intensification of the uses on the property, and by maintaining the integrity of the front house listed on the Historic Resources Inventory, will be compatible with adjoining uses.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the rezoning of the site from R-2 Two Family Residence Zoning District to A(PD) Planned Development Zoning District for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8DU/AC).
2. The proposed project is in substantial conformance with the Residential Design Guidelines.
3. The proposed rezoning, as conditioned, will maintain the integrity of a single family house listed on the Historic Resources Inventory and will be compatible with existing uses on the adjacent and neighboring properties.

Attachments:
Location Map
Memorandum from Fire Department
Plan Set

DRAFT DEVELOPMENT STANDARDS

The following development standards shall be placed on the General Development Plan as soon as the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.¹

Uses Allowed

Up to 2 detached single-family residential units.

Development Standards

1. Minimum Lot Size: 16,060 square feet
2. Maximum Number of Units: 2
3. Maximum Building Height: 35 feet, 2.5 stories
4. Minimum Perimeter Building Setbacks:
Front – 25 feet
Side - 5 feet for front units
4 feet for rear unit
Rear – 25 feet
5. Parking Requirement: 3 parking spaces. Addition of bedrooms/living spaces to the rear unit would require 4 covered parking spaces.
6. Private Rear Yard: At least 300 square feet in size.
7. Building to Building Separation Between Front and Rear Unit: 22 feet

New construction that would otherwise trigger a Single Family House Permit pursuant to Section 20.100.1030 of Title 20 of the San Jose Municipal Code, as amended, would require a PD Permit.

Accessory Structure

Accessory structures may only be permitted between the rear unit and the rear property line. A maximum of 200 square feet of accessory structure is permitted with the issuance of a Planned Development Permit Adjustment. Accessory structures bigger than 200 square feet shall require a Planned Development Permit. Other development standards shall conform to section 20.300.500 of Municipal code.

Fences

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

Fences shall conform to Title 20 of San Jose Municipal Code.

General Notes

Water Pollution Control Plant Notice

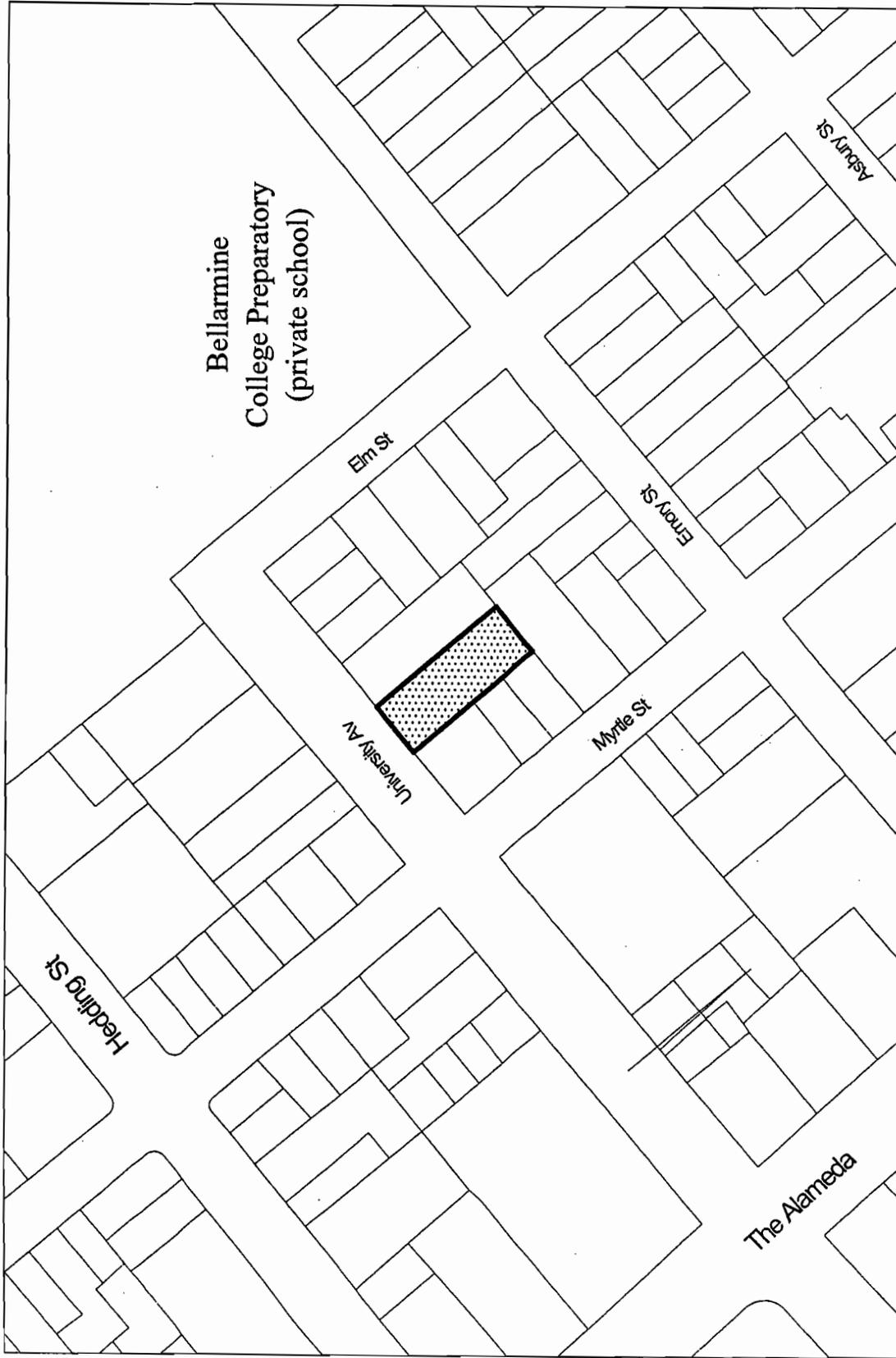
Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Post-Construction Storm Water Treatment Controls

The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

Parkland Dedication Ordinance

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



Bellarmine
College Preparatory
(private school)

Elm St

Errvy St

Astory St

University Av

Myrtle St

Hedding St

The Alameda

File No: PDC02-01-002
District: 082
Quad No: 06

Scale 1 in = 200 ft 1:2400
Noticing Radius: 500 ft



Map Created On:
9/27/2006

WDW

DATE: 09/27/06

TO: Sanhita Mallick
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: PDC02-002

DESCRIPTION: Planned Development Rezoning from R-2 Two Family Residence District to A(PD) Planned Development District to allow two existing residences on 0.33 gross acres

LOCATION: south side of University Avenue approximately 100 feet northerly of Myrtle Street

ADDRESS: south side of University Avenue approximately 100 feet northerly of Myrtle Street (970 UNIVERSITY AV)

FOLDER #: 02 035633 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

- These comments are based on information from drawings dated 11/6/01.

Access on property is not required-all structures are within 150 feet from street frontage.

There is an existing public hydrant (A-06113) across from the property on University.



Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699