



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** September 22, 2005

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**COUNCIL DISTRICT:** 6

**SUBJECT: PDC05-031. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT DISTRICT TO ALLOW FOUR SINGLE-FAMILY DETACHED RESIDENCES ON A 0.39 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF CURTISS AVENUE, APPROXIMATELY 350 FEET SOUTHERLY OF WILLOW STREET.**

**REASON FOR THE SUPPLEMENTAL**

This project was heard by the Planning Commission on September 14, 2005 and is scheduled to be considered by the City Council on October 4, 2005. At the September 14 Planning Commission Hearing, neighbors presented an alternative site plan that was discussed by the Planning Commission, but was not submitted to staff or included with the Planning Commission memorandum on the project. Since the Commission hearing, staff has obtained a copy of the plan (see attached) and is transmitting it for review by the Council.

*for* *Akoni Danielson*  
STEPHEN M. HAASE  
Secretary, Planning Commission



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** September 15, 2005

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**COUNCIL DISTRICT:** 6

**SUBJECT: PDC05-031. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT DISTRICT TO ALLOW FOUR SINGLE-FAMILY DETACHED RESIDENCES ON A 0.39 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF CURTISS AVENUE, APPROXIMATELY 350 FEET SOUTHERLY OF WILLOW STREET.**

## RECOMMENDATION

The Planning Commission voted 6-0-1, (Commissioner Campos absent) to recommend that the City Council approve the proposed rezoning with staff's recommended draft development standards, with the following modifications (see attached revised draft development standards):

- 1) Change the maximum number of stories for the western-most house from two stories to one.
- 2) Modify the setbacks for the western-most house to require a 5-foot setback from the south property line and a 20-foot setback from the west property line for the residence and a 5-foot setback for an attached or detached single-story garage.

## BACKGROUND

On September 14, 2005, the Planning Commission held a public hearing to consider a Planned Development rezoning from R-1-8 Single Family Residence District to A(PD) Planned Development District to allow four single-family detached residences on a 0.39 gross acre site.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Staff provided a brief response to a letter received after completion of the staff report from Gail Seed and David Fox, neighbors of the project site. The letter expressed concern about the proposed density and the impact of the proposed project on the privacy of the adjacent rear yard and pool. Staff clarified that the General Plan designation of the subject site is Medium High Density Residential (12-25 DU/AC) and that the density of the proposed project, just over 10 units per acre, does not conform to the minimum density. Due to the small size of the project site and the fact that the adjacent property to the south is designated Medium Low Density

Residential (8 DU/AC), staff indicated that the use of the Two Acre Rule to lower the density was appropriate. Staff clarified that the project met the recommended setbacks of the Residential Design Guidelines, explained that the applicant was proposing second-story windows designed to protect the neighbor's privacy and that staff would address these issues further at the Planned Development Permit stage.

Rodger Griffin, the architect, spoke on behalf of the applicant and noted that the project proposed to preserve and rehabilitate the existing early-twentieth-century house at the front of the site and that the three new houses were dimensioned to fit into the existing neighborhood and met all applicable design standards of the City. Mr. Griffin proposed to construct a trellis structure along the south property line of the proposed western-most house to protect the privacy of the adjacent pool.

Gail Seeds, David Fox and Pat Panzica, all adjacent neighbors of the project site, expressed concern that the project would impact the privacy and views of the adjacent rear yards. They presented a proposed revised design that limited the western-most residence to a single-story and modified the proposed setbacks to allow a larger building footprint.

The Commission expressed support for the single-story proposal and inquired if the applicant would be willing to revise the design to include a larger-footprint, single-story house at the west end of the site. The applicant expressed a willingness to revise the design.

The Planning Commission then closed the public hearing.

Commissioner Zito made a motion to approve the project as recommended by staff with the provision that the rear house on the property be only a one-story home and that the setbacks for this house be revised to reflect the neighbor's proposed design.

### **PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. A community meeting for this project was held at 6:00 p.m. on Monday, November 8, 2004 at the 525 W Alma Avenue. Notification of the meeting was sent to residents within a 500-foot radius of the site. Neighborhood residents in attendance at the meeting generally supported the proposal; however, they expressed concern that that the two-story rear unit would have an impact on the privacy of the adjacent rear yards. Concern was also expressed about parking and traffic in the area. The staff report was available on the Planning Department web site one week prior to the original Public Hearing date. Staff has been available to discuss the project with interested members of the public.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

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**CEQA**

Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) this project is found to be exempt in that it consists of the construction of fewer than four single-family residences in an urbanized area.

*Susan Walton*  
for STEPHEN M. HAASE  
Secretary, Planning Commission

c: Lawrence Guy, Willowshire LLC, 20120 Orchard Meadow, Saratoga, CA 95070



DRAFT

**PDC05-031 – 1163 Curtiss Avenue**

As Recommended by Planning Commission

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council.

**DRAFT DEVELOPMENT STANDARDS**

Uses

Single-family detached uses

Development Standards

Maximum Number of Units: up to 4  
Minimum Residential Lot Size: 3,250 square feet  
Height: 30 feet  
Stories: 1 Story for western-most residence  
2 stories for all other residences

Minimum Building Setbacks\*

From Perimeter Lot Lines:

East: 25 feet  
South: 15 feet. A single story garage element may extend to within 5 feet of the property line. The single story, western-most residence may extend to within 5 feet of the property line.  
North: 25 feet.  
West: 20 5 feet for residence, 5 feet for attached or detached single-story garage

From Interior Lot Lines:

Front (to edge of sidewalk on private street)  
house: 8 feet  
porch: 3 feet  
Side  
Interior 0 feet

\* All setbacks shall be measured from the property line, unless otherwise noted.

Note: Minor architectural projections, such as chimneys and bay windows, may project into any setback by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, no more than 20% of the building elevation length.

Pools, spas, decks and accessory structures may be allowed within the rear yard areas per the R-1-8 Residence Zoning District Standards.

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

Parking Requirements:

Per Unit 2 covered spaces\* and 1 guest space

Units with a driveway apron less than 18 feet in length (or which otherwise cannot accommodate parking) shall provide 1.3 guest spaces. The length of driveway aprons shall be 18 feet or greater or 10 feet or less.

\* A single covered parking space is allowed in conformance with the requirements of Title 20 through a Planned Development Permit. Tandem parking is permitted only in a garage configuration.

Private open space:

Minimum 450 square feet per residential unit (which must include a usable area with a minimum dimension of 15 feet by 15 feet)

Fences

As per Zoning Code.

Common Ownership

The driveway, guest parking, park-strips and sidewalks shall be located on a commonly owned parcel.

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

**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.

**Tree Mitigation**

Trees to be removed shall be mitigated at the following ratios:

- Each tree less than 12" in diameter will be replaced by a one 15-gallon tree
- Each tree 12"- 17" in diameter will be replaced by two 15-gallon trees
- Trees greater than 18" in diameter shall not be removed without a tree removal permit and shall be replaced with four 15-gallon trees.