

CITY OF SAN JOSÉ, CALIFORNIA
Planning, Building & Code Enforcement
Plan Implementation Division
200 East Santa Clara Street
San Jose, CA 95113-1905

Hearing Date/Agenda Number
PC 11/07/07 Item: 4.d.
CC 12/04/07 Item: 11.1(a)

File Number
PDC07-022

Application Type
Planned Development Rezoning

Council District: 6

Planning Area
South San Jose

Assessor's Parcel Number(s)
459-05-003, -004

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Michelle Stahlhut

Location: South side of Hillsdale Avenue, approximately 360 feet easterly of Foxworthy Avenue

Gross Acreage: 0.45 Net Acreage: 0.40 Net Density: 15.0 DU/AC

Existing Zoning: A Agricultural Existing Use: Two single-family detached residences

Proposed Zoning: A(PD) Planned Development Proposed Use: Up to six (6) single-family attached residential units

GENERAL PLAN

Completed by: MS

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: MS

North: Multi-Family Residential R-M Multiple Residence

East: Multi-Family Residential A(PD) Planned Development

South: Multi-Family Residential A(PD) Planned Development

West: Multi-Family Residential A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: MS

Negative Declaration circulated on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: MS

Annexation Title: Robertsville No_56

Date: 11/04/1986

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 10/29/07

Approved by: *Jean Hamilton*
 Action
 Recommendation

OWNER/APPLICANT/ DEVELOPER

Hamid Abtaht
10650 S. Tantau Avenue
Cupertino, CA 95014

Tom Ronning
10650 S. Tantau Avenue
Cupertino, CA 95014

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: MS

Department of Public Works

Please see attached memorandum.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On April 17, 2007, the applicants, Hamid Abtaht and Tom Ronning, filed a Planned Development Zoning from A Agricultural District to A(PD) Planned Development District to allow up to six single-family attached residences on a 0.45 gross acre site located on the south side of Hillsdale Avenue approximately 360 feet east of Foxworthy Avenue. A Planned Development Rezoning is required because the proposed project would subdivide and develop the property in a configuration that is inconsistent with any of the City's conventional residential zoning districts and subdivision ordinance.

The subject site is currently developed with two (2) single-family detached residences built circa 1950. Planning staff evaluated the structures and determined they were not historically significant because they would not qualify for the California Register of Historic Resources or as City Landmarks. Surrounding land uses include multi-family residential to the north, and multi-family residential apartments with associated parking lots and carports to the east, south, and west.

Project Description

The proposed project would construct up to six attached single-family residences. It would take access from Hillsdale Avenue by one driveway located on the west side of the site. One building containing four attached units would be located on the east side of the site adjacent to the private driveway. A second building containing two attached units would be located at the rear of the site adjacent to the private driveway where it curves to the east. Each unit entry would be oriented to the private driveway, except the unit adjacent to Hillsdale Avenue that would face the street. Each unit would take vehicular and pedestrian access via the common driveway.

Perimeter setbacks would be a minimum of 15 feet front and rear, and 5 feet on sides. Maximum building height is 2 stories and 30 feet. The proposed project would contain four 4-bedroom units, and two 3-bedroom units that range in size from 1,343 to 1,624 square feet of living area. Two-car tandem garages will be provided for each unit, as well as six off-lot parking spaces. The proposed project would provide an average of 445 square feet of private open space in the form of private rear yards and balconies ranging in size from 315 to 799 square feet. Landscaping would be located within the front setback on Hillsdale Avenue as well as in front of each unit along the common drive, and along the western property line for the length of the driveway.

GENERAL PLAN CONFORMANCE

The subject property is designated Medium High Density Residential (12-25 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed project is consistent with this designation because it has a net residential density of 15.0 DU/AC.

The project also conforms to the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services, because the subject site is an infill location within the Urban Service Area. It also conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, because it would provide single-family attached for-sale housing units

ENVIRONMENTAL REVIEW

The project was found to be exempt from environmental review under Section 15303(b) of the CEQA Guidelines, which exempts construction and location of limited numbers of new, small facilities or structures. The numbers of structures described in this section are the maximum allowable on any legal parcel. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

ANALYSIS

The proposed Planned Development Rezoning would facilitate redevelopment of an underutilized parcel into six (6) single-family attached units on individual lots. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regard to site design, perimeter setbacks, open space, and parking.

Site Design

The site design orients the buildings to the private driveway. The end unit adjacent to Hillsdale Avenue would orient the entry to the street. All garage doors would be substantially hidden from view from the public street because they take access from the private driveway. The private driveway would be well landscaped on both sides. Porches and front doors would be visible and easily accessed from the common area. All areas not covered by buildings, streets, driveways or parking would be landscaped.

Setbacks

This project conforms to the standards set forth for rowhouse as recommended in the City's Residential Design Guidelines. It is the intent of the guidelines to promote the development of new residences that will blend into the existing surroundings as well as protect the adjacent residences from negative impacts.

In general, sensitive interfaces are considered to be those areas where a new development will have a direct visual impact or affect quality of life of adjacent properties and/or residents. Generally, the rear yard areas of adjacent properties are considered to be the most sensitive interface of concern for this type of project. Carports for multi-family residences surround the subject site to the west, south, and east.

The Residential Design Guidelines recommend a 20-foot setback from collector streets. The project proposes a 16-foot setback from the front property line on Hillsdale Avenue to the living room. Staff is supportive of this setback given that the unit is side on, and the setback is compatible with front setbacks of adjacent properties on Hillsdale Avenue. Finally, the project complies with the recommended rear setback of 15 feet and side setback of 5 feet.

Open Space

The proposed project requires 400 square feet of private open space per unit, with a minimum width of 15 feet. No common open space is required for rowhouse projects of under 20 units. The project proposes private open space ranging in size from 315 to 799 square feet per unit in the form of a rear yard and balconies. This average of 557 square feet meets the design guidelines. Two units in the project provide a total private open space of less than 400 square feet in size. Although additional private open space could be provided in the rear of the units by moving the residential units forward, staff believes that maximizing landscaping in the front of the units along the driveway is a preferable strategy for meeting the intent of the design guidelines, which is to minimize the impact of the automobile and garage and establish the presence of living area and landscaping along streets and drives.

Parking

The Residential Design Guidelines recommend 2.95 on-site parking spaces for each four bedroom residential unit with a two-car tandem garage, and 2.8 spaces for each three bedroom residential unit. The table below shows a breakdown of unit types and parking required:

Unit Size	All Open Parking	1-Car Garage	2-Car Garage	2-Car Tandem Garage
Studio	1.4	1.3	2.2	2.4
1 Bedroom	1.5	1.7	2.3	2.5
2 Bedroom *	1.8	2.0	2.5	2.7
3 Bedroom *	2.0	2.2	2.6	2.8
3 Bedroom +; add per Bedroom	0.15	0.15	0.15	0.15

The proposed project would have four 4-bedroom units, and two 3-bedroom units. Based on the ratios in the Residential Design Guidelines, 18 parking spaces are required. The proposed project provides on-site a total of 16 parking spaces and has available on-street two parking spaces for a total of 18. The 16 parking spaces on-site include 12 parking spaces in tandem garages and four surface parking spaces. The two on-street parking spaces are in front of the subject site. The 18 parking spaces available meet the parking recommendations from the Residential Design Guidelines.

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 and posted on the City website. A sign was posted on-site to notify neighbors of the proposed development. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

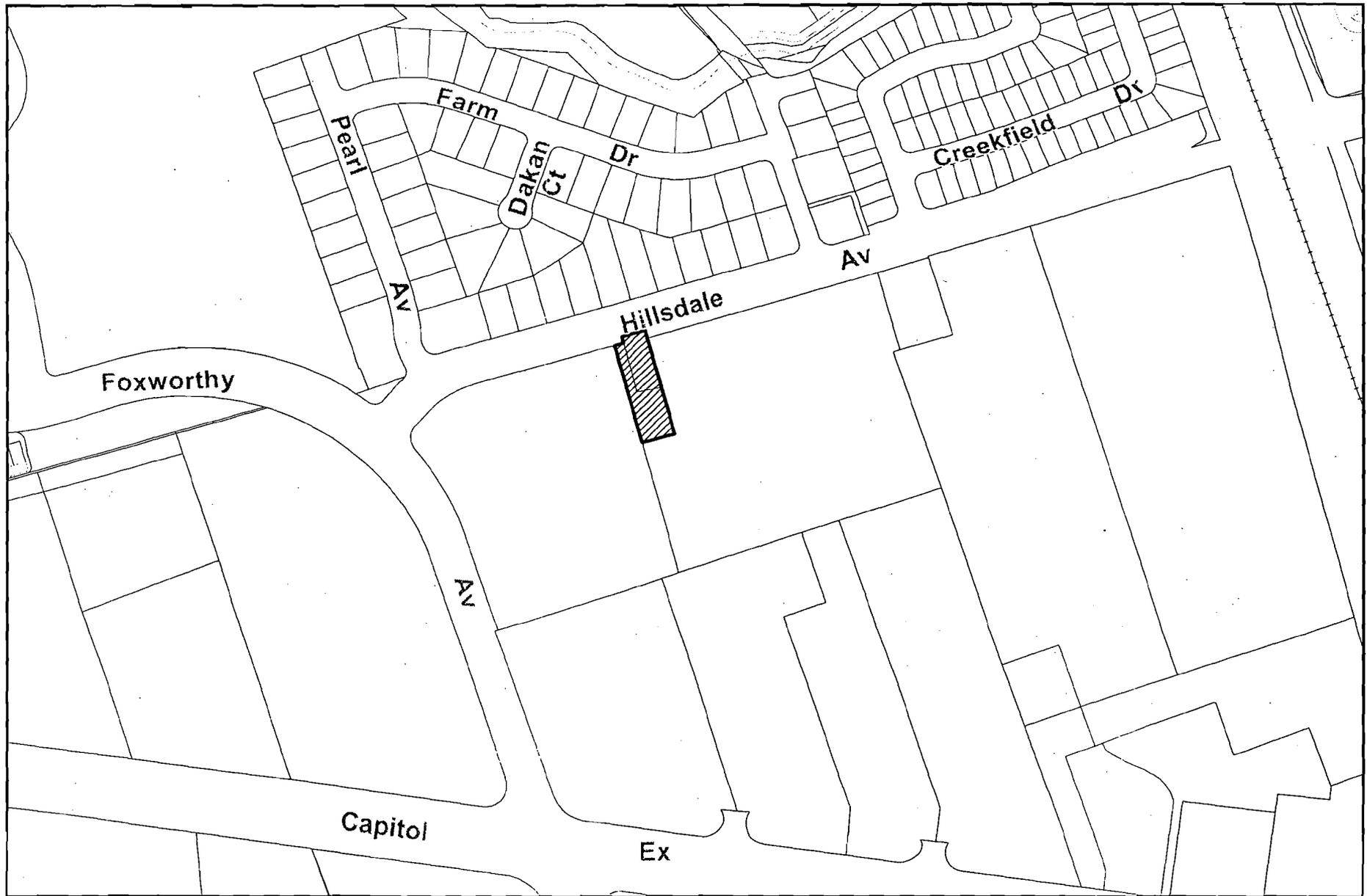
RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium High Density Residential (12–25 DU/AC) and supports several of the General Plan goals and policies as well as major strategies, including housing and growth management.
2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
3. The proposed project is in conformance with the Residential Design Guidelines.

Attachments:

- Location Map
- Development Standards
- Mitigated Negative Declaration



Scale: 1"= 300'
Noticing Radius: 500 feet

File No: PDC07-022

Council District: 6

Quad No: 114

**PDC 07-022
DRAFT DEVELOPMENT STANDARDS**

1. **PERMITTED USE:** Up to 6 single-family attached residential units
2. **MINIMUM LOT SIZE:** 0.397 acres, one lot condominium
3. **BUILDING SETBACKS:**
 - North: 15 feet (Hillsdale Ave.)
 - East: 5 feet
 - South: 15 feet
 - West: 5 feet
4. **MAXIMUM HEIGHT:** 30 feet, two stories
5. **OPEN SPACE:**
 - Private Open Space: 400 square feet per unit
 - Common Open Space: Not required
6. **PARKING:**
 - Two car tandem garage: 2.6 spaces per unit

STATEMENT OF EXEMPTION

FILE NO. PDC07-022

LOCATION OF PROPERTY South side of Hillsdale Avenue, approximately 460 feet easterly of Foxworthy Avenue

PROJECT DESCRIPTION Planned Development Zoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow up to six single-family attached residences on a 0.45 gross acre site

ASSESSOR'S PARCEL NUMBER 459-05-003, -004

CERTIFICATION

Under the provisions of Section 15301 (e)(2) 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.

15301. 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 from 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:

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Ron Eddow

Date October 22, 2007

Deputy

Project Manager: Michelle Stahlhut

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTH SIDE OF HILLSDALE AVENUE, APPROXIMATELY 460 FEET EASTERLY OF FOXWORTHY (866 HILLSDALE) 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. PDC06-028, and said Exemption was approved by the Director of Planning on October 26, 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-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Darya Townhouse Development," **last revised October 24, 2007.**

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. PDC07-022 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 December, 2007 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk