

12-4-07
11-1(f)

P.C. Agenda: 11/7/07
Item: 4.g.

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC07-040

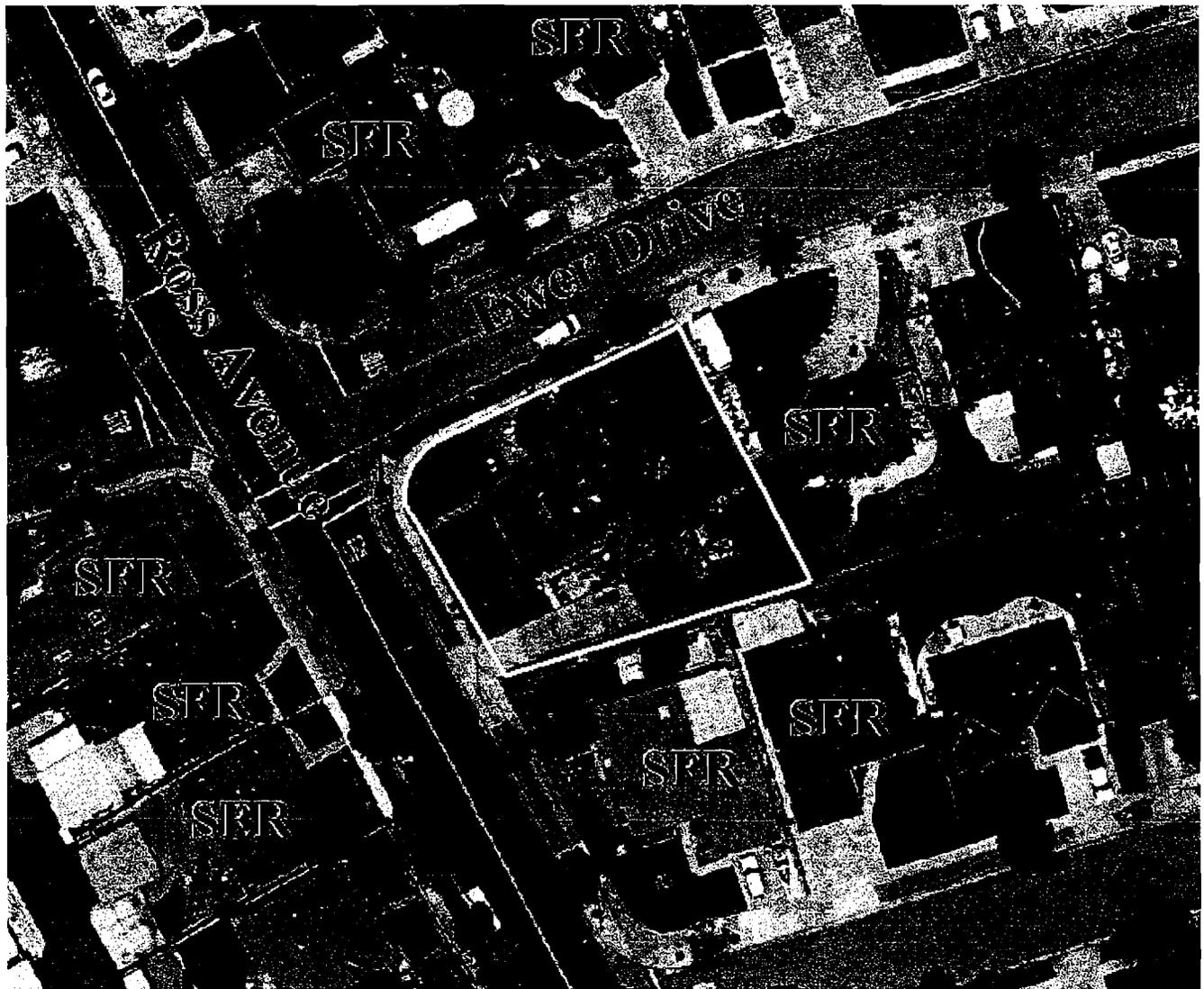
Submitted: 6/11/07

PROJECT DESCRIPTION: Planned Development Rezoning to allow the subdivision of one lot into two lots and the construction of one new single-family detached residence (existing residence to remain) on 0.25 gross acres.

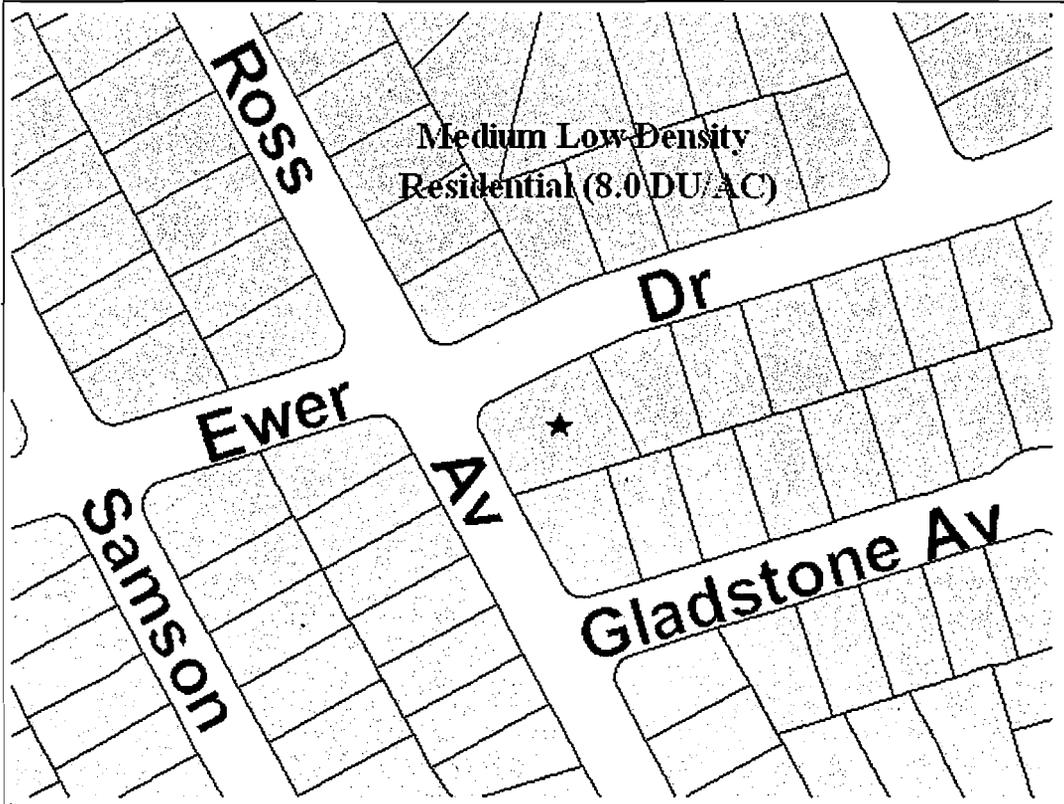
LOCATION: southeast corner of Ewer Drive and Ross Avenue.

Existing Zoning	R-1-8 Single-Family Residence
Proposed Zoning	A(PD) Planned Development
General Plan	MLDR (8.0 DU/AC)
Council District	9
Annexation Date	3/29/1956
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A

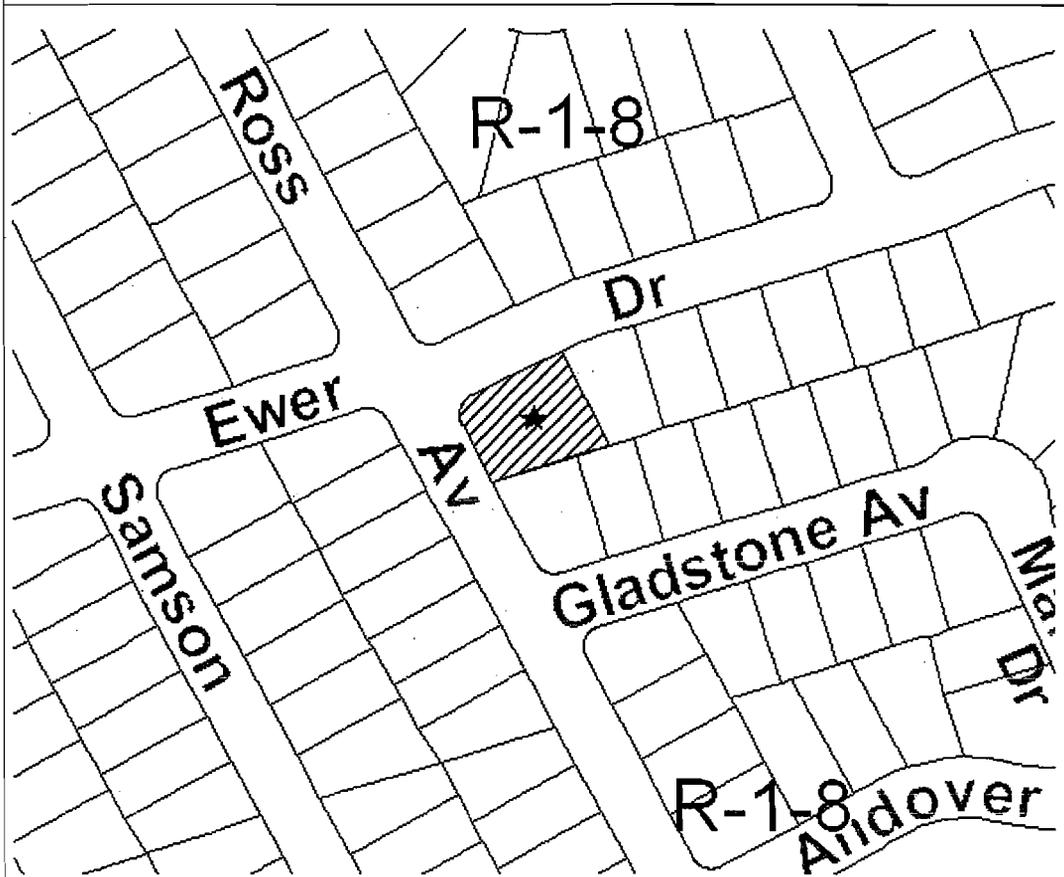
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation with the application of the Discretionary Alternate Use Policy Two-Acre Rule 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.

BACKGROUND & DESCRIPTION

This application is for a Planned Development Rezoning to allow the subdivision of one lot into two lots and the construction of one new single-family detached residence (existing residence to remain) on 0.25 gross acres, at the southeast corner of Ewer Drive and Ross Avenue. A Planned Development Rezoning is required because the developer proposed to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts. Specifically, the project proposes minimum lot areas per living unit that are smaller than what is allowed by conventional residential zoning districts.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(b) of CEQA, this project is 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 it is for a total of two residential dwelling units and there are no significant environmental effects associated with the project or the site.

GENERAL PLAN CONFORMANCE

This site has a designation of Medium Low Density Residential (8.0 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The residential density associated with this application is 8.07 DU/AC. The General Plan contains Discretionary Alternate Use Policies which allow for land uses that do not strictly comply with a site's General Plan Land Use/Transportation Diagram designation. One of those policies, the Two Acre Rule, allows for residential densities above or below the density called for by the site's General Plan Land Use/Transportation Diagram designation if the proposed project exceeds applicable policies. In this instance, the proposed project conforms to all respects of the Residential Design Guidelines, and exceeds minimum recommendations for open space and setbacks. Also, the proposed structure can be constructed as a Build It Green rated project, by such as incorporating recycled materials, installing energy and water efficient systems and appliances, using drought resistant landscaping, and using low VOC finishes and paints.

This proposal is also in conformance with the General Plan Residential Land Use Policies in that 1) the land to be used for the future development will be fully and efficiently utilized to maximize the potential to add to the housing stock, 2) the project is integrated with the surrounding uses to blend in with the neighborhood, 3) consistent architectural themes have been integrated into the design, and 4) the building scale does not overwhelm the neighborhood.

ANALYSIS

The proposed Planned Development Rezoning would facilitate development of an underutilized parcel into two single-family detached units. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regards to site design, setbacks, open space, parking and architecture.

Site Size and Dimensions

As proposed, the new single-family residence would face onto Ewer Drive, duplicating the existing pattern of development in the neighborhood. The proposed lot width of 54 feet is only 1 foot less than would be required, per the Subdivision Ordinance. At 5,401 and 5,358 square feet, respectively, the proposed lot sizes are only slightly smaller than the 5,445 square feet that is the required minimum in the R-1-8 Single-Family Zoning District. The proposed lot widths and sizes of the new lots are comparable to those of the surrounding properties.

Setbacks

The development shall conform to the development regulations set forth in Table 20-60 for the R-1-8 Single-Family Zoning District, as amended. The proposed residence would require setbacks of 25 feet in the front, 5 feet on the side, and 20 feet in the rear. Applicable exceptions and regulations would apply. Also, all accessory buildings and structures shall conform to the development regulations set forth in Table 20-70 of the Zoning Ordinance, as amended. As proposed, the existing single family residence would conform to the development standards of the R-1-8 Single Family Zoning District, and the same standards would apply to future modifications.

Parking

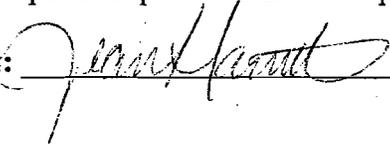
The proposed development would include the construction of two, detached two-car garages. Along with capacity for guest parking in the driveways, there is parking available on the street, in front of each proposed lot. The Zoning Ordinance calls for two covered parking spaces per unit, so the proposed project meets the typical requirement for single-family residences.

Open Space

Each residence would have open space in excess of the 1,000 square feet as recommended by the Residential Design Guidelines. Lot 1 would have approximately 1,200 square feet of private open space and Lot 2 would have approximately 1,400 square feet of private open space.

PUBLIC OUTREACH

A sign was posted on-site to notify neighbors of the proposed development. 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. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

Project Manager: Avril Baty**Approved by:** **Date:** 10-26-07

Owner/Applicant: Arthur Bando 1355 Scott Blvd. Santa Clara, CA 95050	Attachments: Location Map Development Standards Exemption Final Public Works Memo Reduced Plan Set
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06/11/2007

Scale: 1"= 200'
Noticing Radius: 500 feet

File No: PDC07-040

District: 9

Quad No: 128



STATEMENT OF EXEMPTION

FILE NO. PDC07-040

LOCATION OF PROPERTY Southeast corner of Ewer Drive and Ross Avenue
(4232 Ross Avenue)

PROJECT DESCRIPTION Planned Development Rezoning to allow the subdivision of one lot into two lots to allow the construction of one new single-family detached residence (existing residence to remain) on 0.25 gross acres.

ASSESSOR'S PARCEL NUMBER 447-31-053

CERTIFICATION

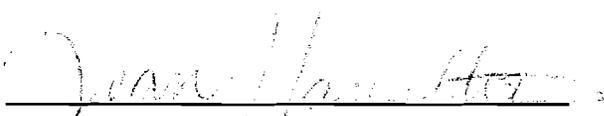
Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

This Section consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples of this exemption include but are not limited to 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.

This project qualifies for this exemption in that it proposes one new single-family residence in an area that is already urbanized and served by public utilities and services.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Date October 18, 2007


Deputy

Project Manager: Avril Baty

PDC07-040 General Development Standards

Permitted Uses: Those permitted uses of the R-1-8 Single-Family Residence Zoning District, as amended. Conditional and Special uses of the R-1-8 Single-Family Residence Zoning District are allowed with the issuance of a Planned Development Permit.

Performance Standards: Performance Standards are per Part 7 of Chapter 20.30 of the San Jose Municipal Code, as amended.

Number of Units: Up to 2 Dwelling Units

Setbacks: Front setback: 20 feet
Other setback regulations are to be those of the R-1-8 Zoning District, as amended. Standard exceptions to the R-1-8 Zoning District, as amended, are applicable.

Minimum Lot Size: 5,300 square feet

Building Height (Feet/Stories) 30 feet/2 stories

Parking: 2 spaces per unit

Tree Removals: Trees 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	
18 inches or greater	5:1	4:1	24-inch box
12 - 18 inches	3:1	2:1	24-inch box
less than 12 inches	1:1	1:1	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage.

Water Pollution Control Plant Note: 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 Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality 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.

Memorandum

TO: Avril Baty
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 10/05/07

PLANNING NO.: PDC07-040
DESCRIPTION: Planned Development Rezoning to allow the future subdivision of one lot into two lots to allow the construction of one new single-family detached residence (existing residence to remain) on 0.25 gross acres
LOCATION: southeast corner of Ewer Drive and Ross Avenue
P.W. NUMBER: 3-18249

Public Works received the subject project on 07/16/07 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. **Public Works Development Review Fees:** An NPDES - C.3 Requirements Review Fee of \$380 is due. Prior to the project being cleared for the hearing and approval process, this fee shall be paid to the Development Services Cashier using the attached invoice.
2. **Map:** An approved Parcel Map is required for subdivision of this lot prior to Public Works Clearance of Building Permits.
3. **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.
4. **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.

5. **Grading/Geology:** A grading permit may be 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.
6. **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.
7. **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.
8. **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.
9. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Proposed driveway shall conform to City Standard Details and shall be located a minimum of 1.5 feet from the property line.
 - c) At PD Permit stage, show existing street tree to be removed at the proposed driveway location.
10. **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.
 - d) Obtain a street tree removal permit for any street trees that are proposed to be removed within the public right-of-way.

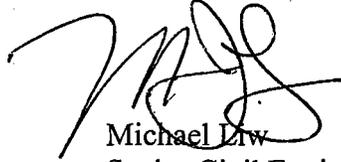
Planning and Building

10/05/07

Subject: PDC07-040

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Please contact the project engineer Norman Mascarinas at (408) 535-6812 if you have any questions.

A handwritten signature in black ink, appearing to be 'MLiw', written over the printed name.

Michael Liw

Senior Civil Engineer

Transportation and Development Services Division

ML:nm

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