



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 26, 2007

Approved

Paul Krutz

Date

11/29/07

COUNCIL DISTRICT: 1

SNI AREA: N/A

SUBJECT: PT07-034. APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE A PLANNED DEVELOPMENT TENTATIVE MAP TO ALLOW 19 LOTS FOR SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL USES AND ONE ADDITIONAL COMMON LOT ON A 1.82 GROSS ACRE SITE AT THE EASTERLY TERMINUS OF DUCKETT WAY.

RECOMMENDATION

Approve a Planned Development Tentative Map allowing 19 lots for single family attached and detached residential units and one additional common lot as approved by the Director of Planning, Building, and Code Enforcement, while allowing an increase in the size of Lot #19 to accommodate the water tower preservation and access to it and while not allowing an increase in the size of Lot #9.

OUTCOME

Adopt a resolution approving the subject Planned Development Tentative Map with conditions.

BACKGROUND

On May 8, 2007, the applicant, Green Valley Corporation, submitted a Planned Development Tentative Map to allow 19 lots for single family attached and detached residential units and one additional common lot. The Director of Planning, Building, and Code Enforcement approved the Planned Development Tentative Map at the October 17, 2007 Planning Director's Hearing.

On November 1, 2007, the appellant, Erik Schoennauer and Green Valley Corporation, submitted an appeal of the Planning Director's decision, citing a desire to increase the size of two of the approved lots.

ANALYSIS

The Permit Appeal submitted by the appellant (see attached) requests an increase to the size of two residential lots, Lot #19 and Lot #9, as shown on the attached plans.

Lot #19 contains the existing single-family detached residence that may be eligible for the California Register of Historic Places. Behind the historic residence is a structure that, at one time, was used as a water tower. The applicant has agreed to preserve the water tower structure and rehabilitate it. To facilitate this change and to continue the association of the water tower structure with the historic residence, staff is supportive of the expansion of Lot #19 in the fashion proposed by the appellant, in order to accommodate the water tower structure and private access rights from the historic residence to the water tower structure.

Lot #9 is also proposed for expansion by the appellant. The area of Lot #9 has been designed to accommodate a single-family detached residence on the property. The appellant has requested that the Planning Director's approval be modified to expand the size of the private yard at the southern end of the residence. Specifically, the appellant has proposed to square off the lot to accommodate a larger private yard area. The lot and private yard was approved as a trapezoid in order to avoid encroachment into the 30-foot minimum riparian setback that was approved by City Council at the Planned Development Zoning stage. Since the setback as approved by the Planning Director only provides for the minimum 30-foot setback/separation between the yard fencing and the riparian corridor, staff does not believe it is appropriate to increase the lot area and further encroach into the minimum setback area. Minimum open space requirements established with the Planned Development Rezoning are met with the trapezoidal shaped yard.

The Riparian Corridor Policy does allow for passive recreational areas to be located immediately adjacent to the riparian corridor, however, these are typically intended to be common or public recreation facilities, not private open space. Inappropriate planting, pesticide use, and light and noise impacts to the riparian area are more difficult to avoid and enforce in a private yard than in a common area. Staff recommends that the rear yard of Lot #9 maintain the trapezoidal shape approved by the Director of Planning in order to maintain the minimum 30-foot setback from the new private open space area.

EVALUATION AND FOLLOW-UP

Not Applicable

POLICY ALTERNATIVES

Alternative: The City Council could approve a plan that expands the size of the yard area of Lot #9.

Pros: This would increase the size of the private open space for the proposed single family residence on Lot #9.

Cons: This would further reduce the riparian setback and potentially result in additional impacts to the riparian habitat.

Reason for not recommending: Minimum open space requirements established with the Planned Development Rezoning are met with the trapezoidal shaped yard. The trapezoidal shaped yard provides adequate open space while meeting the minimum riparian setback established by City Council and while helping to limit additional impacts to the riparian corridor.

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 community meeting was held for this project on August 6, 2007, with approximately 25 members of the public in attendance. The meeting discussion explained the City Council approval of the Planned Development Rezoning, focused on details of the Planned Development Permit, and explained to the community what issues had already been approved and what can still be addressed with the Planned Development Permit and Planned Tentative Map. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. A sign notifying the public of the proposal was posted at the site, and 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 Fire Department, Police Department, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved policies as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

November 26, 2007

Subject: PT07-034 Appeal

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CEQA

CEQA: Exempt.

For 

JOSEPH HORWEDEL, DIRECTOR
PLANNING, BUILDING, & CODE ENFORCEMENT

For questions please contact Jeannie Hamilton at 408-535-7800.

cc: Green Valley Corporation, Attn: Libby Glass, 777 N. 1st St., 5th Floor, San Jose, CA 95112
Erik Schoennauer, 2066 Clarmar Way, San Jose, CA 95128



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

NOTICE OF PERMIT APPEAL

TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER PT07-034	RECEIPT #. <u>474485 & 474480</u>
PROJECT LOCATION 1566 Duckett Way	AMOUNT <u>\$2,232 + \$164 + \$55 = \$2,451</u>
	DATE <u>11/1/07</u>
	BY <u>GD</u>

TO BE COMPLETED BY PERSON FILING APPEAL

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE. THIS FORM MUST BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:
 1566 Duckett Way, San Jose

REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):
 (1) To increase size of Lot #19 yard to include water tower and appropriate space between fencing & structure; and (2) Increase size of Lot #9 to eliminate trapezoidal-like configuration.

PERSON FILING APPEAL

NAME Libby Glass, Green Valley Corporation	DAYTIME TELEPHONE (408) 938-6305
ADDRESS 777 North 1st St., Fifth Floor, San Jose, CA	CITY STATE ZIP CODE San Jose CA 95112
SIGNATURE <i>Libby Glass</i>	DATE
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet) <u>Applicant</u>	

CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)

NAME Erik Schoennauer, The Schoennauer Company		
ADDRESS 2066 Clamar Way San Jose CA 95128		
DAYTIME TELEPHONE (408) 947-7774	FAX NUMBER (408) 295-0632	E-MAIL ADDRESS es@stanfordalumni.org

PROPERTY OWNER

NAME Green Valley Corporation	DATE 11-1-07
ADDRESS 777 North 1st St., Fifth Floor San Jose CA 95112	CITY STATE ZIP CODE San Jose CA 95112

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE 2ND FLOOR OF THE DEVELOPMENT SERVICES CENTER, CITY HALL.

12/18/07 11.3



1" = 100'

TRACT N° 529
H. V. CROSS SUBD.

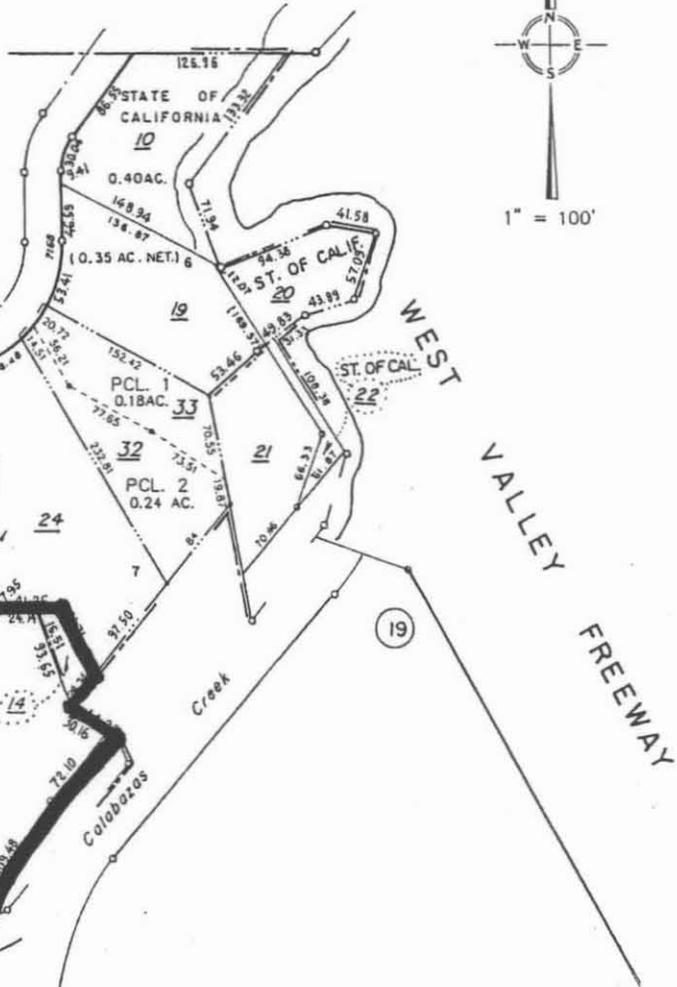
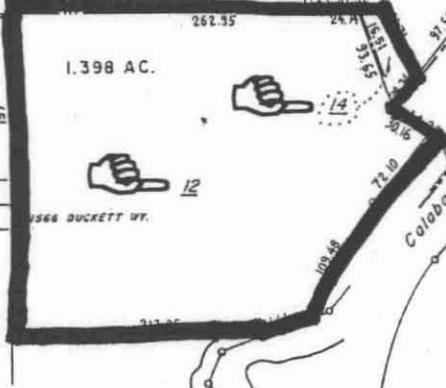
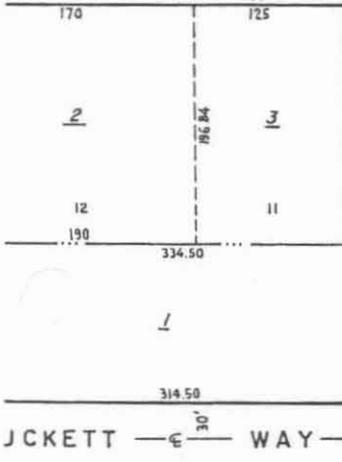
22

TR. N° 8417
SHARON TERRACE

P.M. 685-M-19

SHARON DRIVE

TR. 7719



LAWRENCE E. STONE - ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2004-2005