

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 8, 2008

COUNCIL DISTRICT: 4
SNI AREA: Not Applicable

SUBJECT: PDC07-088. PLANNED DEVELOPMENT REZONING FROM THE A AGRICULTURE ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 3 SINGLE FAMILY RESIDENTIAL UNITS AND UP TO 31 SINGLE FAMILY ATTACHED UNITS ON A 2.99 GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt an ordinance to approve the subject planned development rezoning from the A Agriculture Zoning District to the A(PD) Planned Development Zoning District to allow 3 single family detached residential units and up to 31 single family attached units as recommended by staff.

OUTCOME

Should the City Council approve the Planned Development Rezoning, three new single-family detached residences and up to 31 attached residences may be built on the subject 2.99 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

On October 27, 2007, the applicants, the Oyama family, filed an application for a rezoning from A Agriculture to A(PD) Planned Development to allow three single-family detached residences and up to 31 single family attached residences on a 2.99 gross acre site. A Planned Development Rezoning is required because the applicant has proposed to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts.

Staff made a brief presentation regarding the project noting one recommended change to the recommended Development Standards. Page two of the development standards sets a limit of 10,000 square feet of building area for the three single family detached residences, however this calculation erroneously did not include the garages, therefore staff is recommending it be amended to set a limit of 12,000 square feet of building area for the proposed single family residences. The revised development standards are attached to this memo.

Mr. Stan Gould, an architect for Green Valley Corporation, spoke on behalf of the applicants. Mr. Gould gave a brief history of the Oyama family, and stated that the purpose of this project was to allow the construction of the three single family residences in a "compound" configuration, set back from the street to allow privacy. Mr. Gould stated that the Oyama family intends live together in this "compound" to take care of each other as they age. Mr. Gould further explained that the General Plan designation of the site did not allow the Oyama family to construct only three single family residences on the site, as it would be below the allowable density prescribed by the General Plan. To accomplish their goal of constructing a family housing complex on the site, they chose to rezone the property to allow up to 31 townhomes and 3 single residences, which conforms to the density for the site prescribed by the General Plan Land Use Transportation diagram. Mr. Gould described the site plan, stating that the townhouse units would face Oyama Drive, not Murphy Avenue, to provide protection from noise generated by Murphy Avenue, that no units would have vehicular access to Oyama Drive, and that the project would create an overall pleasant environment.

Commissioner Zito stated that the allowable density range for the site was 8-12 dwelling units to the acre, and asked Mr. Gould why the applicant was proposing a project at the maximum allowable density if their main objective was to construct three single family residences. Mr. Gould stated that the economics of the project required the density to be maximized on the site. Commissioner Zito stated that he was concerned about the amount of open space provided with the project, but that he would ask staff to respond to this issue.

Commissioner Kamkar asked the applicant to explain the parking proposed with the project. Mr. Gould described the amount of resident and visitor parking for each unit type. Commissioner Kamkar asked if any tandem parking spaces were proposed. Mr. Gould stated that each unit would have a two car side by side garage.

A member of the public, Mr. Alan Fong, spoke regarding his concerns about the proposal. He stated that he had not received notification of the hearing, but that he was not sure if he lived within the 500' noticing radius of the project. He stated that traffic was congested on Oyama Drive, and he was concerned that this project would worsen the situation. He was also concerned about the parking impacts to the neighborhood.

The Commission closed the public hearing. Commissioner Zito stated that he was concerned about the lack of private open space for the project. He asked staff if the project was approved with a reduction in units would that allow more space for open space.

Staff replied that it would allow more area for common open space; however, the provision of additional private open space would be difficult given the constraints of the site. Staff explained that typically units of this product type provide private open space in the form of second floor balconies. This site is directly adjacent to Murphy Avenue, which creates a significant amount of noise, and is adjacent to single family residences; therefore second floor balconies would have privacy and noise impacts. These constraints would make it difficult to provide usable private open space even if the unit count was reduced, which is why staff recommended a reduction in private open space from the Residential Design Guidelines.

Commissioner Zito stated that he understood the rationale for the reduction in private open space, but he was still concerned that the amount proposed with the project would not be adequate. He

asked staff to confirm that a reduction in units would not result in additional private open space. Staff stated that to provide additional open space that was not impacted by noise the type of housing proposed would likely have to be changed. Staff noted that some units could accommodate second floor balconies, but given the noise levels they would be subject to, they would not be counted toward the minimum required private open space. Commissioner Zito stated that he would not recommend the development standards require more private open space than staff recommended, but he would encourage staff to work with the applicant to increase the amount at the PD Permit stage.

Commissioner Kamkar noted that the site was currently fallow agriculture land, and asked staff to explain what type of stormwater retention measures were included with the project. Staff explained that a project of this size was not required to provide stormwater retention, but that the site was required to treat the stormwater so that it was clean before it left the site. The project proposed grassy swales to treat stormwater. Commissioner Kamkar stated that he recalled the threshold for stormwater retention measures was that the project created more than one acre of impervious surface. Staff stated that this was not the case, and that the threshold for requiring stormwater retention was that the site was over 20 acres in size. Commissioner Kamkar asked staff to confirm this with him after the hearing.

Commissioner Kinman made a motion to approve the project as recommended by staff. She noted that the project used a creative use of additional common open space in the center of the site where it would be shielded by noise to make up for the lack of private open space.

Chairman Kalra stated that he would support the motion, but he worried about the proposed density of the townhome portion of the project. He thought that 23-25 townhome units would be more appropriate for the site, and stated that at the PD Permit stage staff should revisit the proposed density of the site. He was concerned that in the future if the portion of the site currently designated for the Oyama family housing complex was no longer in use that it could be redeveloped at a similar density to the rest of the site.

Commissioner Zito stated that he was also concerned about the density of the townhome portion of the site, and he urged staff to look at a reduction in the number of units at the PD Permit stage. He stated that he did not entirely understand the economics of why the site had to be zoned for the maximum allowable density. Chairman Kalra stated that while the proposal conformed in letter to the density prescribed by the General Plan, it did not conform to the spirit of the density.

The motion to approve the project as recommended by staff passed 7-0-0.

ANALYSIS

The proposed Planned Development Rezoning furthers the General Plan Growth Management Major Strategy which is intended to encourage infill development within urbanized areas to achieve the most efficient use of facilities and services, in that the proposed project is located within the Urban Service Area on an underutilized lot surrounded by existing residential and commercial development. It also supports the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, in that it would provide an additional housing option that is compatible in style and scale to the existing single family neighborhood.

For further analysis please see attached Staff Report.

EVALUATION AND FOLLOW-UP

Not Applicable. The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

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.

A community meeting was held for the project on March 13, 2008. Approximately 15 members of the community were present. The primary issue for discussion at the meeting was traffic. The traffic on Oyama Drive is heavily impacted in the morning, as Oyama Drive experiences heavy cut-through traffic of cars that use the road to get to Murphy Avenue then to Interstate 880. The community expressed that traffic moves too fast and that cars that make a left turn onto Murphy Avenue often back up for blocks on Oyama Drive. The original site plan that was presented to the community at the meeting showed sole access for 22 of the units onto Oyama Drive, which the community felt would exacerbate the problem. The site plan was subsequently amended to provide vehicle access for the new units off of Murphy Avenue only.

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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FISCAL/POLICY ALIGNMENT

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

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Resolution No. 72768.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

cc:

Development Standards:

Area A: Townhome Development

Uses Allowed: Up to 31 Attached or Detached Dwelling Units

Required Setbacks (In Feet):	North (Murphy Avenue): 15 foot minimum to building, 6 foot minimum to parking East (Oyama Drive) <ul style="list-style-type: none">- 18 feet to single-family attached residences- 6 feet minimum to porches, balconies, stairs, or other similar encroachments South (Single Family Residences): <ul style="list-style-type: none">- 25 feet minimum to one and two story building elements- Minimum of 25 feet to third story building elements. Elements that are closer than 2 feet of setback for every 1 foot of building height shall provide alternative privacy measures such as high windows, less intensive uses such as bathrooms, hallways, stairways, or closets face the residences, and/or screening to the satisfaction of the Director of Planning, Building, and Code Enforcement.
Private Open Space (Square Feet):	Private open space can be provided through a combination of porches, patios, decks and balconies to the satisfaction of the Director of Planning, Building and Code Enforcement. Minimum of 150 per unit
Common Open Space (Sq. Feet):	Minimum of 200 per unit
Building Height (Feet/Stories)	35 feet/3 stories
Access to Public Streets:	All units shall have automobile access to Murphy Avenue. If automobile access, (other than emergency vehicle access) is proposed to Oyama Drive a traffic analysis is required to analyze existing and future traffic conditions onto Oyama Drive the satisfaction of the Director of Planning, Building, and Code Enforcement.

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

* Units that are designed to function as dual master bedroom units (i.e. bedrooms of similar size, a bathroom immediately adjacent to each bedroom and closets of similar size) should provide extra parking at a rate of .2 parking spaces in excess of recommendation on table.

Open parking, as used in this table, is any parking provided outside of an individually enclosed garage with a door and includes carports and parking garages within or under buildings.

Each driveway apron space (in a private driveway located in front of an enclosed garage only) may be credited for up to 0.15 of a required parking space.

Common area maintenance: A homeowners association (or similar mechanism) shall be established to maintain the common areas within the project.

Area B: Oyama Family Housing Complex

Permitted Uses: Up to 3 single family detached residences

Required Setbacks (In Feet):
 North - Murphy Avenue: 15' minimum
 North - Single Family Residences: 14' minimum
 South: 14' minimum
 East - Single Family Residences and commercial uses: 12' minimum

Building Coverage/Open Space: The aggregate building coverage of the three single family residences shall be a maximum of 12,000 square feet. The remainder of the Oyama Housing Complex portion of the site shall remain as parking, driveways, landscaping, and open space.

Building Height: 20 feet/one story

Parking Required: Two covered parking spaces per unit + One guest parking space per unit.

Accessory Buildings/Structures: Accessory buildings and structures shall be allowed through a permit adjustment. The maximum size for an accessory building or structure shall be 300 square feet and 16 feet in height

General Notes:

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

Minor architectural projections: Minor architectural projections such as fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

Cantilevers and/or balconies may project up to two feet into the site setback area, subject to discretionary approval by the Director of Planning, Building and Code Enforcement.

Porches and stairs can project into required setbacks subject to discretionary approval by the Director of Planning, Building, and Code Enforcement.

Private infrastructure to meet or exceed public improvement standards.

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.

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.

Tree Removals: Trees removed shall be replaced at the following ratios:

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.

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC07-088

Submitted: 10/27/07

PROJECT DESCRIPTION: Planned Development Rezoning from the A Agriculture Zoning District to the A(PD) Planned Development Zoning District to allow 3 Single Family Residential units and up to 31 townhomes on a 2.99 gross acre site.

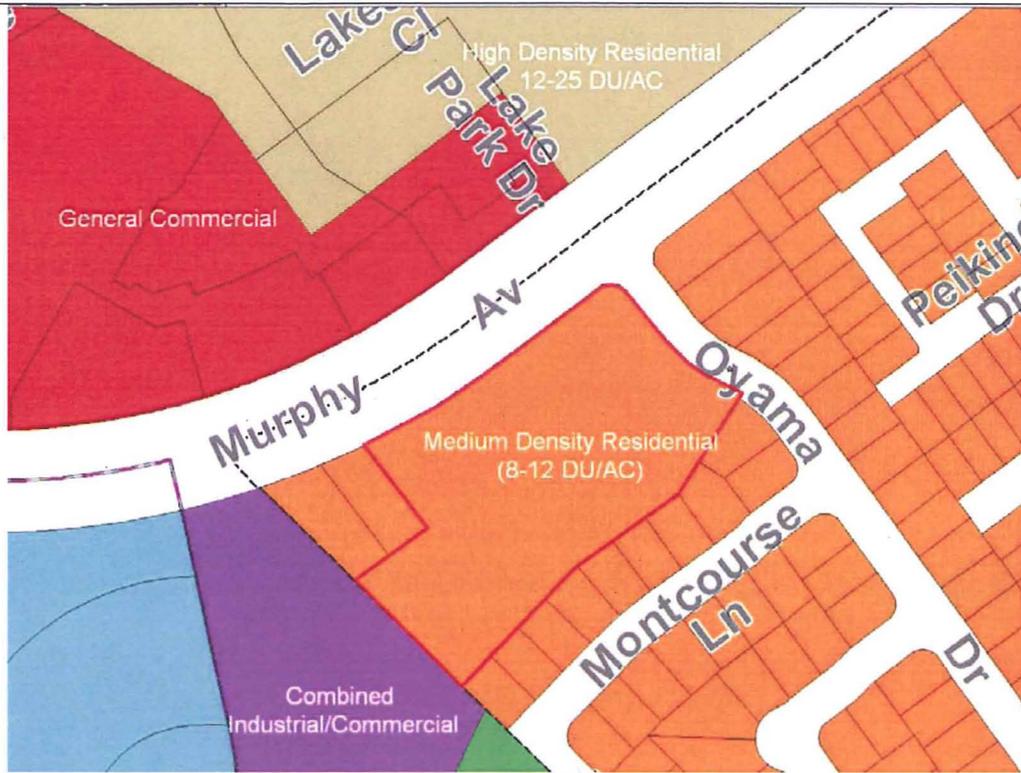
LOCATION: Southwest corner of Murphy Avenue and Oyama Drive.

Existing Zoning	A Agriculture
Proposed Zoning	A(PD) Planned Development
General Plan	Medium Density Residential (8-12 DU/AC)
Council District	4
Annexation Date	8/16/1989
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	Berryessa Planned Residential Community

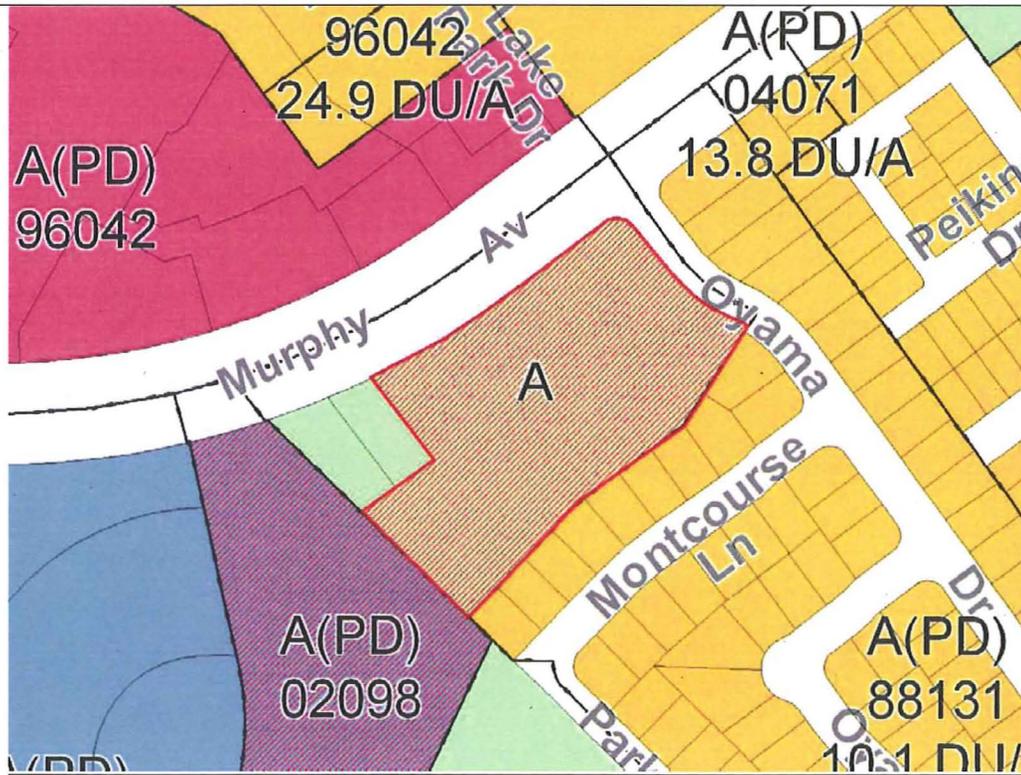
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-12 DU/AC) and to the Berryessa Swap Area Neighborhood Plan.
2. The proposed project is compatible with the surrounding land uses.
3. As recommended by staff, the proposed project substantially conforms to applicable policies of the City's Residential Design Guidelines.
4. The proposed project conforms to the requirements of CEQA.

BACKGROUND & DESCRIPTION

On the October 27, 2007 the applicants, the Oyama family, submitted the subject Planned Development Zoning to allow three single family residences and up to 31 townhomes on the subject 2.99 gross acre site. The site was formerly used for agricultural purposes, and includes two single-family residences and various outbuildings, all of which would be removed as part of this proposal. The uses immediately adjacent to this property are single-family residences to the south and east, commercial uses to the north across Murphy Avenue, and single-family residences and a banquet hall to the west.

Project Description

The project proposes rezoning of the site to allow a complex of three single family residences on the western most portion of the site. These houses would become residences for the Oyama family and are each one story, contain a two car garage, and share driveways and common open space. The remaining portion of the site would be developed with up to 31 single-family attached residential units in a "garden townhome" configuration, which each include a two car side-by-side garage and would be up to three stories in height. The Oyama family intends to apply for a Planned Development Permit to construct the three single family residences immediately after the zoning is approved, and would develop the townhomes at a later time. For this reason the layout and architecture of the townhome portion of the project is conceptual at this stage, and would be further changed and refined at the PD Permit stage.

ANALYSIS

Environmental Review

The project site is located within the boundaries of the North San José Area Development Policy. The Final Environmental Impact Report for the North San José Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared for the project to determine the adequacy of the North San José Final EIR with respect to CEQA clearance. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hazards and hazardous materials, and hydrology. Based on the analysis in the Initial Study, it has been concluded that the North San José Area Development Policy Update Final EIR

adequately addresses the environmental effects of the proposed project, and the project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

General Plan/Berryessa Swap Area Neighborhood Plan Conformance

The project is located in the Berryessa Planned Residential Community, and has a designation of Medium Density Residential (8-12 DU/AC) in the San José 2020 General Plan. The proposal to construct three single family detached residences and 31 single family attached residences would result in a net density of 11.8 DU/AC. The overall density of the project is within the range allowed by the Medium Density Residential General Plan designation and is similar in net density to the adjacent single family residences. The proposal to dedicate up to a third of the site for the Oyama family housing complex which would create a higher density on the townhome portion of the site than exists in the immediately adjacent neighborhood.

The San José 2020 General Plan Land Use/Transportation Diagram and the Berryessa Swap Area Neighborhood Plan include the following recommendations and goals for projects within this Planned Community:

- New residential and commercial development within the Planned Residential Community should incorporate a high standard of architectural and site design quality and detailing.
- Sensitive design treatments may be necessary for many of the properties within the Planned Residential Community that have either direct frontage onto arterial streets or abut the Union Pacific Railroad tracks, or both Consistent with the Noise and Urban Design policies in the General Plan, sound attenuation measures are recommended for development. The use of earth berms and landscaping along residential and nonresidential interfaces are recommended for mitigation of noise and other potential environmental impacts.
- Each individual project should contribute to a sense of community and enhance the overall neighborhood character.
- “Swap Area” projects, while of higher density than the adjacent single family neighborhood, should maintain a scale compatible with the existing single-family homes.
- Individual projects should not become walled enclaves but should remain visually open and oriented to the remainder of the community.

The proposed project, with the recommended development standards, contains design considerations that are in conformance with above recommendations. The recommended development standards would set the standards to guide future refinement of the townhome portion of the project at the future PD Permit phase. The design of the project is discussed in more detail in the “analysis” section of this report.

North San José Development Policy Conformance

This site is located within the North San José Area Development Policy boundaries. This policy provides guidelines for development in North San José through the construction of new roadway improvements and the ongoing utilization of mass transit and other alternative transportation modes, including the following:

- New buildings should be located and oriented on the site to promote access to transit Facilities. Active use areas and building entrances should be oriented toward the nearest primary street.

- Establishing pedestrian connections to the nearest transit station should be given priority in the site design.
- Projects should incorporate new or additional improvements for pedestrian accessibility (e.g. new street-side entrances, pedestrian sidewalk connection oriented toward the nearest transit facility).
- Projects should include clear, safe and comfortable connections to transit and services from the site and building entries. These include pedestrian pathways, landscaping, canopy trees and pedestrian scale lighting.
- Projects should include adequately sized bicycle facilities.
- Projects should incorporate commercial services onsite or in close proximity or include space suitable for future conversion for commercial use.

The strict application of these above criteria would not be possible for this project, as these are intended for the much larger developments within the core area of the North San José Development Policy boundary where extensive transit facilities exist or are proposed. This project is constrained from implementing these measures by the size and location of the site, as the nearest transit facility is a bus route on Oakland Road. However, this project follows the intent of these development guidelines by providing pedestrian connections throughout the development, constructing a new sidewalk on Oyama Drive, and providing adequate storage space within the units for bicycle storage.

Project Design

The attached plan set includes two conceptual site plans; the first site plan is from the original submittal, and the second plan is a redesign of this original plan based on community comments and concerns raised during the outreach process, namely the access of all units off of Murphy Avenue. The below analysis of the project is based on the revised site plan, and staff would anticipate further redesign of the townhome portion of the project at the PD Permit stage. The Oyama family housing complex portion of the site proposes three single-family, single-story residences that would be tucked away from the public right-of-way, would provide ample setbacks to the adjacent uses, and would provide parking in excess of the recommendations of the Residential Design Guidelines; therefore, this analysis will focus on the townhome portion of the project.

Site Design/Setbacks

The conceptual site plan for the townhomes is designed to maximize compatibility with the adjacent single family residences, as well as the Murphy Avenue, which is designated a Major Arterial in the San José 2020 General Plan. Consistent with the recommendations of the Berryessa Swap Area Neighborhood Plan, to protect the units from the noise impacts of Murphy and provide continuity with the existing single-family surroundings, the perimeter units are oriented with porches and entries on Oyama Drive, with the sides of the units facing Murphy Avenue. One building would have a minimum setback of 15 feet to Murphy, where the rest of the townhome structures would have setbacks of at 25 to 60 feet. The use of landscaping, earth berms, and the orientation of units would help protect them from the noise of Murphy Avenue without requiring a sound wall, consistent with the Berryessa Neighborhood Plan.

The majority of the proposed townhomes would maintain at least a 35-foot setback to the adjacent single-family rear yards to the south; however, the proposed townhome on the southeasterly most portion of the site would have a 26-foot setback. This proposal is consistent with the Residential Design Guidelines recommendation of a minimum 20-foot setback for one and two-story-building elements to single-family residences. However, the Guidelines recommend a minimum of two feet of horizontal setback for every foot of building height for the third story setback of the proposed townhomes, where the minimum

setback proposed is only 26'. The intent of this greater third story setback is to protect the privacy of the adjacent residences, therefore staff is recommending that the development standards allow third story setbacks to adjacent single family uses at a minimum of 26', provided that the third story building facades facing the adjacent residences that have setbacks below the 2:1 recommendation of the Guidelines implement alternative design measures to protect the privacy of the adjacent residences. These alternative measures include having either high or obscured windows on this façade, or have less intensive uses such as bathrooms, hallways, stairways, or closets face the residences. Furthermore, staff would recommend at the PD Permit stage that a landscape screen be planted at the southern property line to further protect the privacy of the adjacent residences

The proposed townhomes would have a minimum setback of 18 feet to Oyama Drive, with stairs and porches encroaching to up to 6' from the property line. Any porch or stair encroachments into the required 18 foot setback would be subject to the discretion of the Director of Planning, Building, and Code Enforcement. The building setback is similar to that of the existing single family residences to the south of the site, which have setbacks that range from 15 to 20 feet.

Open Space

The proposed townhomes would provide private open space in the form of porches on the front of each unit. The Guidelines recommend at least 300 square feet of private open space per unit, where this project proposes 160 square feet per unit. Other garden townhouse projects typically increase the square footage of private open space with second floor balconies; however, the noise from Murphy Avenue would severely diminish the quality of such open space for this project. Furthermore, second floor balconies would create privacy impacts to the existing adjacent single-family residences. For this reason, the proposed development standards require a minimum 160 square feet of private open space per unit for the project. To compensate for the lack of private open space the project proposes approximately 6,500 square feet of usable common open space, or 200 square feet per unit, which exceeds the 150 square feet recommended by the Guidelines.

Parking

Each of the three single family houses in the Oyama family complex would have a two car garage, as well as ample driveway aprons for parking. Additionally, 5 on-site spaces for guest parking are proposed within the Oyama complex.

Each of the proposed townhomes would have a two car side-by-side garage, and 19 on-site guest parking spaces are proposed. The Residential Design Guideline's recommend 2.6 on-site parking spaces per three-bedroom unit with a two-car garage, so for this 31-unit project 81 spaces are required. 62 spaces are proposed in the garages, and 19 guest spaces would be provided for the townhome development. Up to 6 parking spaces would be available on Oyama Drive in front of the project; however, per the Residential Design Guidelines these are not included in parking calculations for the project. The draft development standards state that parking shall conform to the Residential Design Guideline standards.

Building Design

The Oyama Family complex would consist of three, one story single family residences. These residences would be set back from the street and landscape screening would be provided so as that they would not be visible from the public right-of-way. These units are designed in a Japanese style, and include metal roofs, skylights, and solar panels.

As discussed previously in this report, the building design for the townhomes is only conceptual at this point, and will be refined at a later PD Permit stage. The conceptual elevations are of three story stucco structures with articulated rooflines and a moderate amount of articulation in the building faces. The maximum height of these units would be approximately 35 feet at the top of the roof, which is not significantly taller than the adjacent existing single-family residences, which are built at approximately 29'-6" at top of roof. Consistent with the Berryessa Planned Community, Residential Design Guideline provisions, and community input, staff will work with the applicant at the PD Permit stage to ensure that the townhomes will be well articulated, compatible with the architecture of the adjacent single-family residences, and of high quality materials and details.

PUBLIC OUTREACH/INTEREST

A community meeting was held for the project on March 13, 2008. Approximately 15 members of the community were present. The primary issue for discussion at the meeting was traffic. The traffic on Oyama Drive is heavily impacted in the morning, as Oyama Drive experiences heavy cut-through traffic of cars that use the road to get to Murphy Avenue then to Interstate 880. The community expressed that traffic moves too fast and that cars that make a left turn onto Murphy Avenue often back up for blocks on Oyama Drive. The original site plan that was presented to the community at the meeting showed sole access for 22 of the units onto Oyama Drive, which the community felt would exacerbate the problem. It was extremely important for the community members that all units take their access off of Murphy Avenue.

After learning the extent of the traffic issue from the community feedback, the applicant created a new site plan where all 34 units would have their sole access off of Murphy Avenue, with emergency vehicle access only on Oyama Drive to ensure that the project will not further contribute to the existing traffic problems. This plan was sent in electronic form to all attendees of the meeting for their review and comment. To address the existing traffic situation, staff sent the community members information regarding the Department of Transportation's Traffic Calming Program, and staff encouraged the community members to contact the Department of Transportation Traffic Engineering Division to request a traffic calming analysis.

Concerns were raised about the density of the proposed townhouses and if they will be compatible with the existing single family houses in the neighborhood. The community also raised concerns about the number of parking spaces provided for guests of the future townhomes. The community had no objections to the proposed single family residences for the Oyama family. As mentioned in the above Background and Analysis sections of this report, the Oyama Family intends to apply for a PD Permit to allow the construction their single-family homes immediately. The townhomes would be developed at a later date, therefore the exact design layout and architecture of that portion of the project would be finalized through a subsequent PD Permit. The PD Permit for the townhomes will require another community meeting to be held so the community can review and comment on the refined townhouse design. The recommended development standards for this Zoning provide the flexibility for the project to be further amended per community comments at that time.

A sign was posted at the site to notify the neighbors of the proposed rezoning. 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.

Project Manager: Martina Davis

Approved by:

Jean Hamilton

Date: 4/29/08

Contact	Owner/Applicant:	Attachments:
Stan Gould Barry Swenson Builder 777 N 1 st Street San Jose, CA 95112	Oyama Family 1254 Murphy Avenue San Jose, CA 95131	Development Standards Plans Public Works Memo

Development Standards:

Area A: Townhome Development

Uses Allowed: Up to 31 Attached or Detached Dwelling Units

Required Setbacks (In Feet):

North (Murphy Avenue): 15 foot minimum to building, 6 foot minimum to parking

East (Oyama Drive)

- 18 feet to single-family attached residences
- 6 feet minimum to porches, balconies, stairs, or other similar encroachments

South (Single Family Residences):

- 25 feet minimum to one and two story building elements

-Minimum of 25 feet to third story building elements. Elements that are closer than 2 feet of setback for every 1 foot of building height shall provide alternative privacy measures such as high windows, less intensive uses such as bathrooms, hallways, stairways, or closets face the residences, and/or screening to the satisfaction of the Director of Planning, Building, and Code Enforcement.

Private Open Space (Square Feet):

Private open space can be provided through a combination of porches, patios, decks and balconies to the satisfaction of the Director of Planning, Building and Code Enforcement.

Minimum of 150 per unit

Common Open Space (Sq. Feet):

Minimum of 200 per unit

Building Height (Feet/Stories)

35 feet/3 stories

Access to Public Streets:

All units shall have automobile access to Murphy Avenue. If automobile access, (other than emergency vehicle access) is proposed to Oyama Drive a traffic analysis is required to analyze existing and future traffic conditions onto Oyama Drive the satisfaction of the Director of Planning, Building, and Code Enforcement.

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

* Units that are designed to function as dual master bedroom units (i.e. bedrooms of similar size, a bathroom immediately adjacent to each bedroom and closets of similar size) should provide extra parking at a rate of .2 parking spaces in excess of recommendation on table.

Open parking, as used in this table, is any parking provided outside of an individually enclosed garage with a door and includes carports and parking garages within or under buildings.

Each driveway apron space (in a private driveway located in front of an enclosed garage only) may be credited for up to 0.15 of a required parking space.

Common area maintenance: A homeowners association (or similar mechanism) shall be established to maintain the common areas within the project.

Area B: Oyama Family Housing Complex

- Permitted Uses:** Up to 3 single family detached residences
- Required Setbacks (In Feet):** North - Murphy Avenue: 15' minimum
 North - Single Family Residences: 14' minimum
 South: 14' minimum
 East - Single Family Residences and commercial uses: 12' minimum
- Building Coverage/Open Space:** The aggregate building coverage of the three single family residences shall be a maximum of 10,000 square feet. The remainder of the Oyama Housing Complex portion of the site shall remain as parking, driveways, landscaping, and open space.
- Building Height:** 20 feet/one story
- Parking Required:** Two covered parking spaces per unit + One guest parking space per unit.
- Accessory Buildings/Structures:** Accessory buildings and structures shall be allowed through a permit adjustment. The maximum size for an accessory building or structure shall be 300 square feet and 16 feet in height

General Notes:

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

Minor architectural projections: Minor architectural projections such as fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

Cantilevers and/or balconies may project up to two feet into the site setback area, subject to discretionary approval by the Director of Planning, Building and Code Enforcement.

Porches and stairs can project into required setbacks subject to discretionary approval by the Director of Planning, Building, and Code Enforcement.

Private infrastructure to meet or exceed public improvement standards.

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.

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.

Tree Removals: Trees removed shall be replaced at the following ratios:

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.

Memorandum

TO: Martina Davis
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 04/22/08

PLANNING NO.: PDC07-088
DESCRIPTION: Planned Development Rezoning from Agriculture zoning district to the A(PD) Planned Development Zoning District to allow 3 Single Family Residential units and up to 31 townhomes on a 2.99 gross acre site
LOCATION: southwest corner between Murphy Ave and Oyama Dr
P.W. NUMBER: 3-18322

Public Works received the subject project on 03/21/08 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. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
 - a) An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose EIR.
 - b) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2008 fee is \$7,709.00 per single-family unit and \$6,168 per multi-family unit and subject to annual escalation of 3.3%. This fee must be paid prior to issuance of public works clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.

- c) A traffic operational analysis may be required at the PD permit stage to improve the project circulation for the townhome portion of the project.

3. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

4. **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. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) At PD permit stage, submit the final Stormwater Control Plan and numeric sizing calculations and address the following:
 - i) The project's preliminary Stormwater Control Plan showing the location and function of all post-construction treatment control measures, and all trees eligible for post-construction treatment control credits.
 - ii) The numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures.
 - iii) Location, size, and identification (including description), of types of water quality treatment control measures such as swales, detention basins, bioretention, etc
 - iv) Location, size and identification of proposed landscaping/plant material.
 - v) Inspection and maintenance information on the post-construction treatment control measures.

- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
5. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
6. **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.
7. **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.
8. **Assessments:** This project is located within the boundaries of Maintenance District 11 which maintains the enhanced street island landscaping along a portion of Brokaw Road and Old Oakland Road. The benefiting properties within the district pay for the maintenance through annual assessments placed on the property tax bills which are adjusted annually by the Consumer Price Index. The 2007-08 assessment for assessor's parcel 241-42-103 is \$910.62 and is calculated at approximately \$305 per acre. A change in use to residential may change the assessment amount. Future year assessments will be apportioned based the new parcel configuration and will continue to be collected through the County property tax bills.
9. **Street Improvements:**
 - a) Construct curb, gutter, and sidewalk along Oyama Drive frontage.
 - b) Close unused driveway cuts.
 - c) Install handicap ramps (2) at opposite returns across Oyama Drive
 - d) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - e) Reconstruct half street along Oyama Drive frontage including curb, gutter, sidewalk, and pavement sections.
 - f) Street improvements will be finalized during the PD permit stage.
 - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for

processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)

10. **Complexity Surcharge:** Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
11. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
12. **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 and in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
13. **Private Streets:**
 - a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
 - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

Please contact the Project Engineer at (408) 535- 6812 if you have any questions.


For Michael Liw
Senior Civil Engineer
Transportation and Development Services Division