

11-16a)

P.C. Agenda: 08/20/08
Item: 2.3

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC08-008

Submitted: 02/07/08

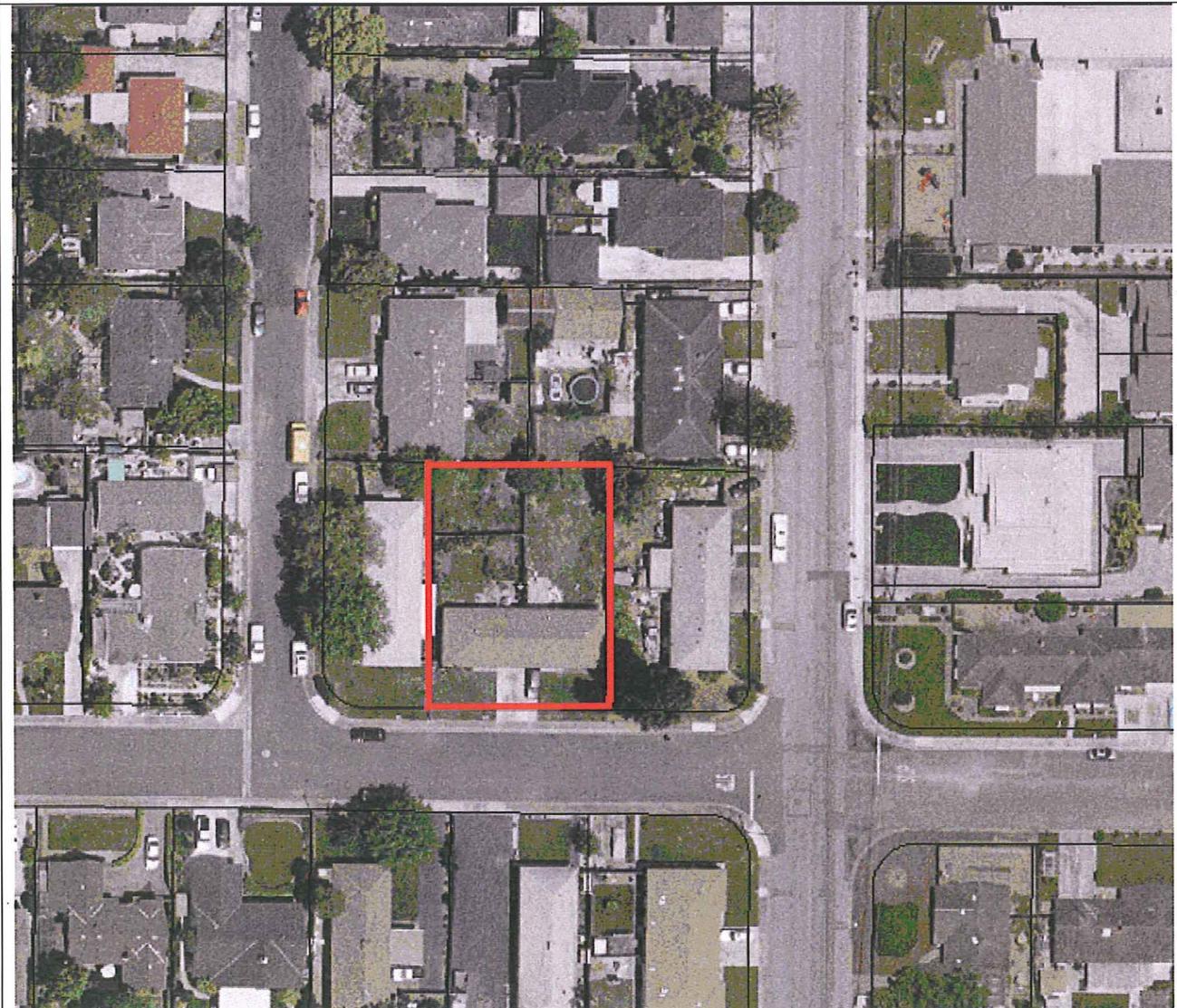
PROJECT DESCRIPTION: Planned Development Rezoning from County to R-2(PD) Planned Development Zoning District to allow up to three single-family residences on a 0.24 acre site.

LOCATION: North side of Olsen Drive, approximately 100 feet west of Cypress Avenue (3515 Olsen Drive)

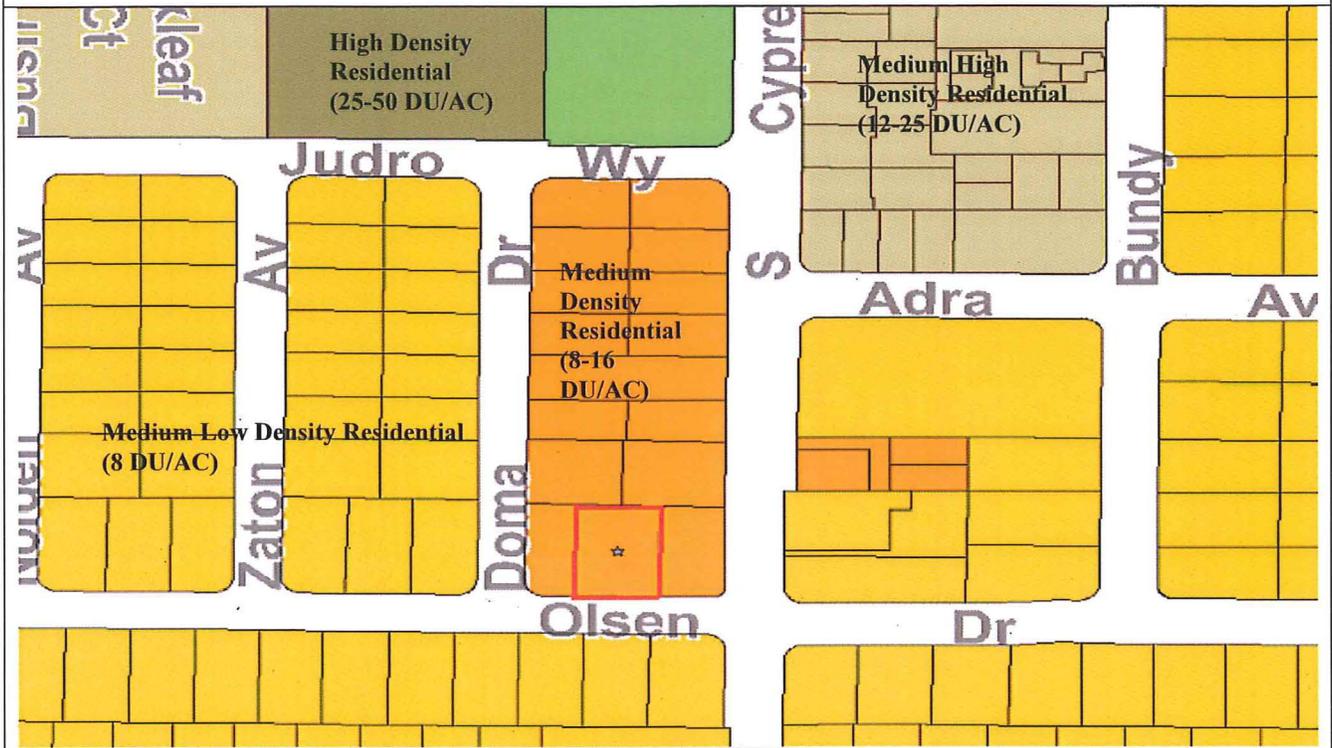
Existing Zoning	Unincorporated County
Proposed Zoning	R-2(PD)
General Plan	Medium Density Residential (8-16 DU/AC)
Council District	1
Annexation Date	Pending
SNI	N/A
Historic Resource	No
Redevelopment Area	No
Specific Plan	No

Aerial Map

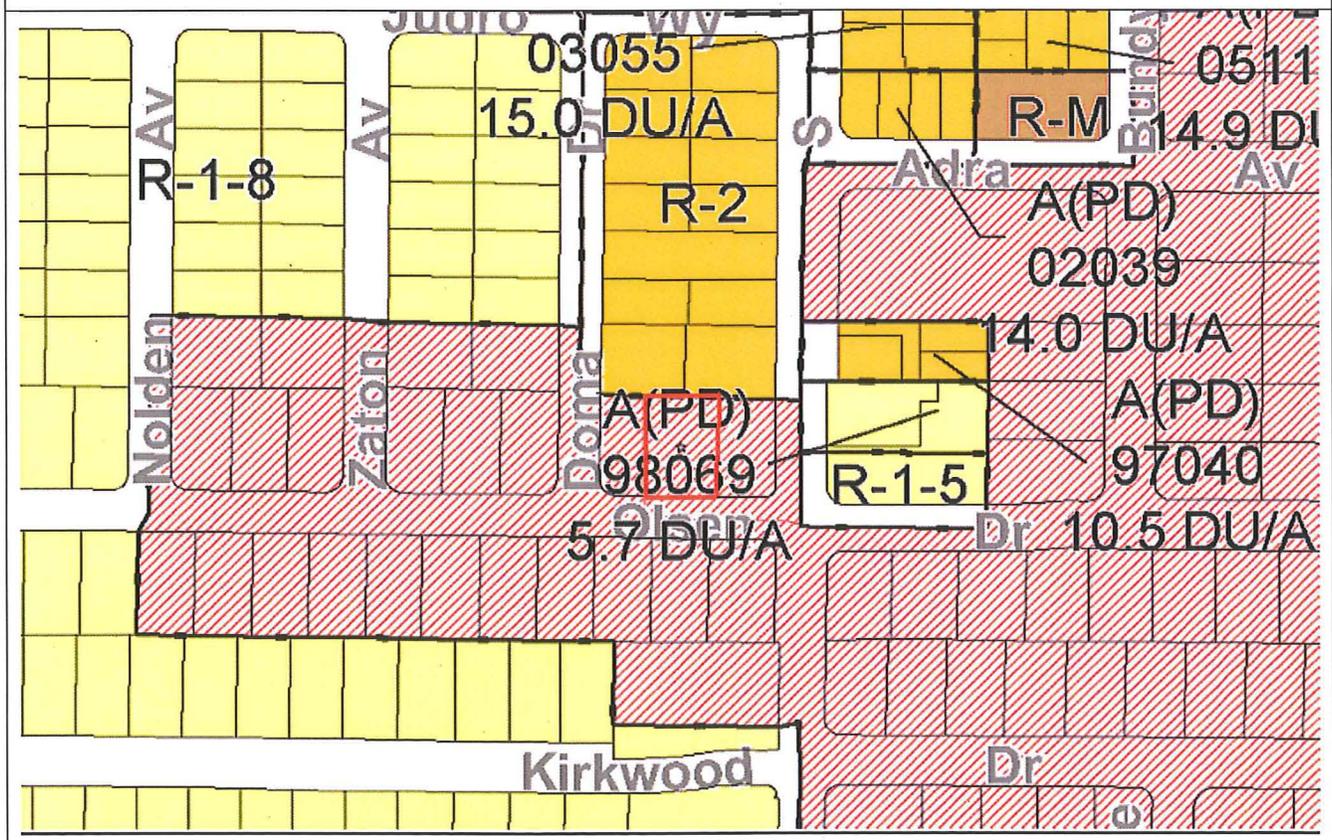
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GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The proposed project is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 dwelling units/acre).
2. The proposed project supports several General Plan goals and policies as well as Major Strategies, including Housing and Growth Management.
3. The proposed project is in conformance with the Residential Design Guidelines.
4. The proposed prezoning is compatible with the existing uses on the surrounding and neighboring properties.

BACKGROUND & DESCRIPTION

The subject property is located in the Winchester 1-1 County Pocket currently pending annexation to the City. The City, prior to annexation, must prezone the parcels within the County Pocket. The property owner proposed a privately initiated Planned Development prezoning in February 2008 to allow for up to 3 single-family residences on the 0.24 gross acre site in lieu of prezoning the site to the R-2 Residential Zoning District proposed by the City.

A Planned Development prezoning is required for the project because the developer proposes to subdivide and develop the property in a configuration that is not supported in any of the City's conventional zoning or subdivision regulations. Specifically, the project proposes lot sizes and setbacks that are smaller than what is allowed by conventional residential zoning districts and required by the City's Subdivision Ordinance, Title 19.

The subject site is currently developed with a duplex that was found not to be historically significant. There are two non-ordinance size fruit trees on the site proposed for removal. Surrounding land uses include predominantly single-family residences and duplexes.

The proposed prezoning would facilitate redevelopment of the existing site to allow up to three single-family residences arranged similar to a courthome configuration. All units obtain vehicular access via a common driveway proposed in the middle of the parcel. The two front units have direct access to Olsen Drive. The entrance to the rear unit will be visible from the street and accessed via the common driveway. The units are all approximately 1,850 square feet. Two-car garages will be provided for each unit, and an additional two off-street parking spaces are proposed for guests. All units will provide at least 500 square feet of private open space. Landscaping is proposed throughout the project and along the common driveway to enhance the view from Olsen Drive.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(a), New Construction or the Conversion of Small Structures, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is exempt from the environmental review requirements of Title 21 of the San Jose Municipal Code, implementing the California Environmental Quality Act of 1970 as amended in that the project is located in an urbanized area and is not designed for more than three single-family residences.

GENERAL PLAN CONFORMANCE

The San Jose 2020 General Plan Land Use/Transportation Diagram designation for the subject site is Medium Density Residential (8-16 dwelling units per acre). This land use designation allows a mixture of single-family unit types within the overall density limits. The designation is typically located on the edge of single-family neighborhoods and other infill sites and is planned as a transition between lower and higher density residential. This project proposes three single-family residences on a 0.24-acre site for a density of 12.5 dwelling units per acre, well within the density limits of the Medium Density Residential designation. The subject site is an infill site that is part of a larger area that is a buffer between planned lower density single-family residential to the south and west and higher-density residential to the north and east.

General Plan Major Strategies

The project is consistent with the San Jose 2020 General Plan Housing Major Strategy and Growth Management Major Strategy.

Growth Management Major Strategy - The purpose of the Growth Management Major Strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of services. In an effort to achieve this delicate balance, the Growth Management Major Strategy identifies the importance of infill development within urbanized areas where urban facilities and services are already available as a means to reduce the demand on existing urban services and fiscal resources. The proposed project meets the intent of the Growth Management Major Strategy in that it would allow for the redevelopment of an infill site in an urbanized area that will provide additional housing units while minimizing the overall demand on urban services and costs to fiscal resources.

Housing Major Strategy - The Housing Major Strategy seeks to provide a wide variety of housing opportunities to meet the needs of all economic segments of the community in neighborhoods, which are stable and have adequate urban services. The Housing Major Strategy also seeks to maximize housing opportunities on infill parcels already served by the City or parcels in which the City is confident that services can be provided. The proposed project is consistent with the intent of this Strategy in that the project would provide a different size, type, and scale of single-family dwelling unit that would contribute to the variety of housing opportunities existing in the surrounding area, and is proposed on an infill site within the Urban Service Area, Urban Growth Boundary, and County Pocket that the City has initiated for annexation.

Goals and Policies

The proposal is consistent with the following Residential Land Use Goals and Policies:

Residential Land Use Goal

- Ensure that lands planned for residential are fully and efficiently utilized to maximize the City's housing supply

Residential Land Use Policy #1: Residential development at urban densities (one dwelling unit per acre or greater) should be located only where adequate services and facilities can be feasibly provided.

Residential Land Use Policy #11: Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreation needs.

ANALYSIS

The proposed Planned Development rezoning would facilitate the redevelopment of an underutilized parcel into three single-family residences on individual lots and is consistent with the Residential Design Guidelines (RDG) as follows:

Setbacks

Setbacks from Adjacent Uses - The project proposes three two-story, single-family residences on individual lots. The adjacent parcels are developed with single-story duplexes to the north, east, and west. All three units are interfaced with the private yards of the adjacent lots. According to the Residential Design Guidelines for perimeter setbacks from adjacent uses, a single-story element/private open space interface should have a 5-foot setback from the common property line. For a second story element/Private open space interface, the Guidelines call for a 10-foot setback from the common property line. The proposed development meets the minimum setback of 5 feet for the first story element and 10 feet for the second story element on all lots. This will help the proposed project maintain the privacy of and the compatibility with the adjacent residential units.

Front Setbacks - The Residential Design Guidelines suggest that the front setbacks of new residential buildings from the street should reflect the front setbacks of the adjacent properties and block pattern. The project engineer's survey of the two adjacent properties determined both have a front setback of 25 feet. Using aerial photos, planning staff determined a block average front setback of approximately 20 feet 6 inches. The proposed project shows a first floor front setback of 22 feet and a second story setback of 25 feet, in keeping with the existing front setbacks of the adjacent properties and block pattern. A first floor bay window would encroach 3 feet into this setback area. Setting back the second story from the first story 3 feet also reduces the massing and scale of the building from the viewpoint of the street improving the overall streetscape and the transition and relationship to the adjacent properties.

Private Open Space

The Residential Design Guidelines indicate the minimum private open space required for single-family units on lots 3,000-4,000 square feet in size is 500 square feet with a minimum dimension of 15 feet. Lot-1 and Lot-2 each provide 585 square feet of private open space with a minimum dimension of 15 feet. Lot-3 substantially exceeds the minimum requirement, providing 1,045 square feet of private open space with a minimum dimension of 18 feet. Common open space is not required for projects such as this with fewer than 20 units.

Parking

The Residential Design Guidelines recommend that single-family residences should provide two covered parking spaces per unit and 1.3 on- or off-lot parking spaces per unit (for units without a driveway apron of suitable length to park at least one car). This equates to a total of 10 required parking spaces for the proposed development (6 covered, 4 open parking). The project complies with the guidelines in that each unit will have a two-car garage, two open parking spaces will be provided on-site, and two parallel parking spaces are provided in front of the units on the street.

Architecture/Design

The proposed project consists of two-story, single-family residences. The architectural style, and features, including attractive porch elements and bay windows, is consistent through the design of all units. The proposed design is also in keeping with the other residences in the surrounding area, mimicking rooflines and features of neighboring properties. The single-family detached residences will be clad in stucco with composition shingle roofs. Additional design and detailing will be evaluated at the Planned Development Permit stage.

PUBLIC OUTREACH/INTEREST

For community outreach, staff followed Council Policy 6-30: Public Outreach Policy. The proposed project was discussed at a community meeting regarding the related pending County Pocket annexation on Wednesday, July 23, 2008. While the focus of this meeting was the larger annexation, comments from the community included concern regarding the scale, massing and compatibility of the proposed development with the surrounding neighborhood.

A sign identifying the proposed project was posted on-site. 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: Rachel Roberts **Approved by:** Andrew Cristofee **Date:** 8-11-08

Owner/Applicant:	Attachments:
Tom Ronning, Owner 10650 S. Tantau Avenue Cupertino, CA 95014	General Development Plan Notes Vicinity Map Environmental Exemption
Aman Dulay, Applicant 5015 Amondo Drive San Jose, CA 95129	

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DEVELOPMENT STANDARDS

Uses Permitted: Up to three (3) single-family detached residences

Minimum lot size: 3,000 square feet

Maximum height/# of stories: 30 feet/2 stories

Minimum Driveway Width: 12 feet

Private Open Space: 500 square feet per unit with a minimum dimension of 15 feet

Parking Standards: 2 covered parking spaces per unit
2 open guest parking spaces shall be provided on-site

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

Fences: All fences on lots shall conform to the development regulations set forth in Part 6 of Chapter 20.30 of the San Jose Municipal Code, as amended.

	Lot-1	Lot-2	Lot-3
Front Setback(s):			
Living area (1 st floor)	22 feet	22 feet	7 feet (facing Olsen)
Living area (2 nd floor-minimum)	25 feet	25 feet	7feet (facing Olsen)
Side Setback(s):			
Living area (1 st floor)	5 feet	5 feet	5 feet
Living area (2 nd floor-minimum)	7 feet	7 feet	10 feet
Rear Setback(s)			
Living area (1 st floor)	3 feet	3 feet	5 feet
Living area (2 nd floor-minimum)	3 feet	3 feet	10 feet

GENERAL NOTES

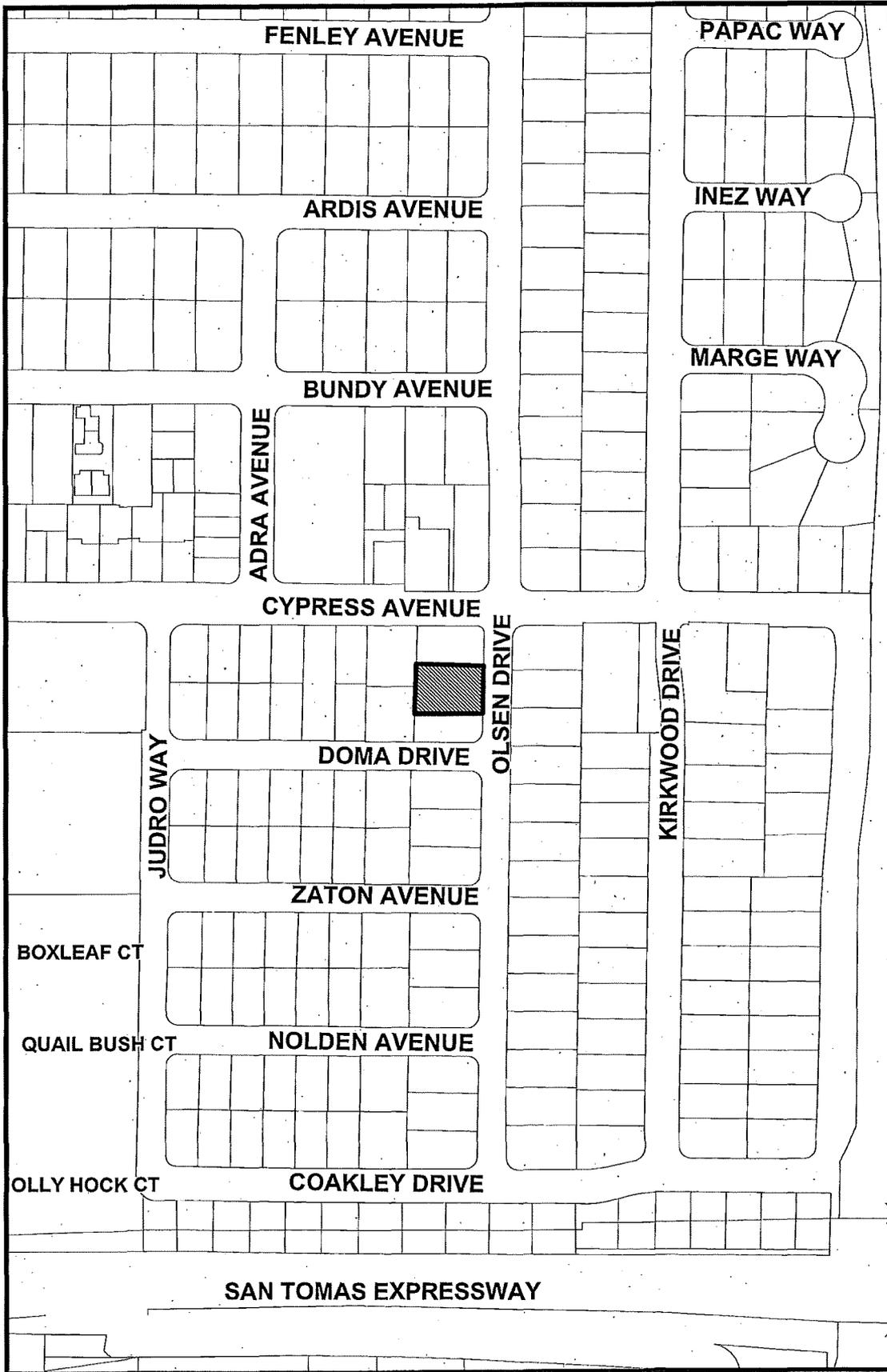
Minor Architectural Projections, including but not limited to, bay windows, chimneys, overhangs, eaves, and canopies may extend up to 3 feet into the front setback area and 2 feet into the side setback area for a length not to exceed 11 feet. Porches may extend up to 4 feet into the front setback area.

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

Landscaping: Minimum of 2 feet of landscape strip on each side along the common driveway

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.

Private infrastructure to meet or exceed public improvement standards.



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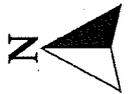
District: 1

Quad No: 82

Approx. Scale: 1" = 300'

Map Created On: 08/05/2008

Noticing Radius: 500 feet





STATEMENT OF EXEMPTION

FILE NO.	PDC08-008
LOCATION OF PROPERTY	north side of Olsen Drive, approximately 100 feet west of Cypress Avenue (3515 OLSEN DRIVE)
PROJECT DESCRIPTION	Planned Development Rezoning from County to R-2(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.24 acres
ASSESSOR'S PARCEL NUMBER	303-30-013

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.

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:

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 proposed project is exempt from environmental review because it would allow for new construction of three single-family detached residences in an urbanized residential area.

Annexation of the subject property to the City of San Jose is reasonably foreseeable. Under the provisions of Section 15319(b) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, the reasonably foreseeable City Annexation 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.

Class 19 consists of only the following annexations:

a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing environmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Date July 29, 2008

Project Manager: Rachel Roberts

(Rev. 4/11/07)