



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 9, 2008

COUNCIL DISTRICT: 10
SNI AREA: N/A

SUBJECT: PDC08-004. PLANNED DEVELOPMENT REZONING FROM A AGRICULTURE ZONING DISTRICT TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO SUBDIVIDE ONE PARCEL INTO THREE LOTS FOR CONSTRUCTION OF THREE SINGLE-FAMILY DETACHED RESIDENCES ON A 0.9 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt an ordinance approving a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.9 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the subject 0.9 acre parcel would be subdivided into three lots developed with single-family residences, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

On October 8, 2008, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. No members of the community came to speak on the project and it was approved as part of the consent calendar.

ANALYSIS

The project as proposed conforms to the San José General Plan Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC) in that development of three single-family homes on 10,000 square foot lots conforms to the intended residential density and use.

The proposed residential development is compatible with the surrounding area in that the lot width is consistent with the existing lot widths in the immediate area, the density is compatible with that of

the surrounding area (as noted above), and parking will be adequate to serve the units. The height and setback limitations, coupled with the design review afforded by the Planned Development Permit process, will ensure that the residential development is similar in scale and massing to the existing neighborhood.

For further analysis please see attached Staff Report.

EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Policy Alternative #1 – Should the Council not support the development of the property as proposed, denial of the rezoning is an option. The result of a denial would not affect the existing use of the site but would simply preclude subdivision of the property and the development of two additional single family residences.

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.

In addition a noticed community meeting was held on August 28, 2008. Neighbors expressed concern over the potential construction impact of the project and had differing opinions about the architectural styles of the homes. Some architectural details were provided as part of this application, and further refinement will occur with the Planned Development Permit. Construction impact conditions will be incorporated into the Planned Development Permit.

HONORABLE MAYOR AND CITY COUNCIL

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COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

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

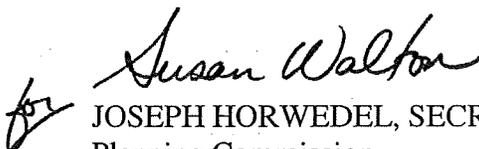
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Exempt


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7800.

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC08-004

Submitted: 06/09/2008

PROJECT DESCRIPTION Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.9 gross acre site.

Existing Zoning	A Agriculture
Proposed Zoning	A(PD) Planned Development
General Plan	Low Density Residential (5 DU/AC)
Council District	10
Annexation Date	March 11, 1974
SNI	No
Historic Resource	No
Redevelopment Area	No
Specific Plan	No

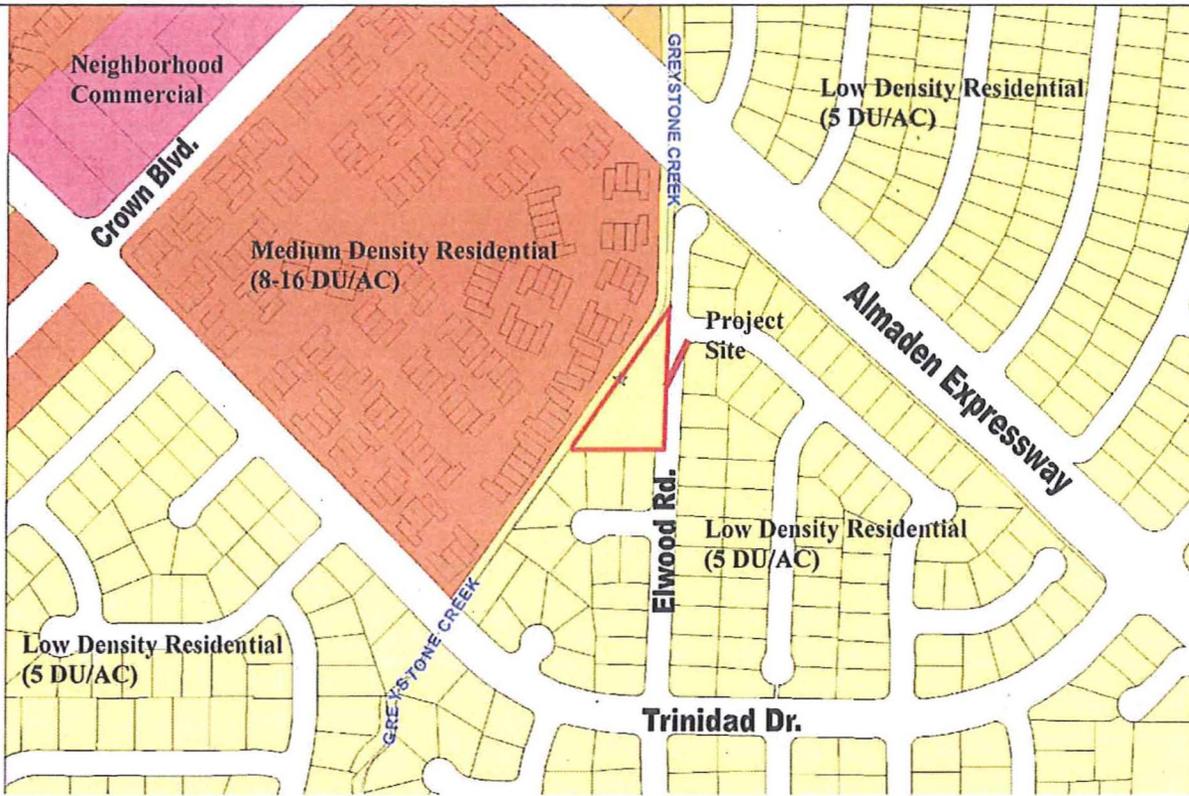
LOCATION: West side of Elwood Road, approximately 750 feet northerly of Trinidad Drive.

Aerial Map

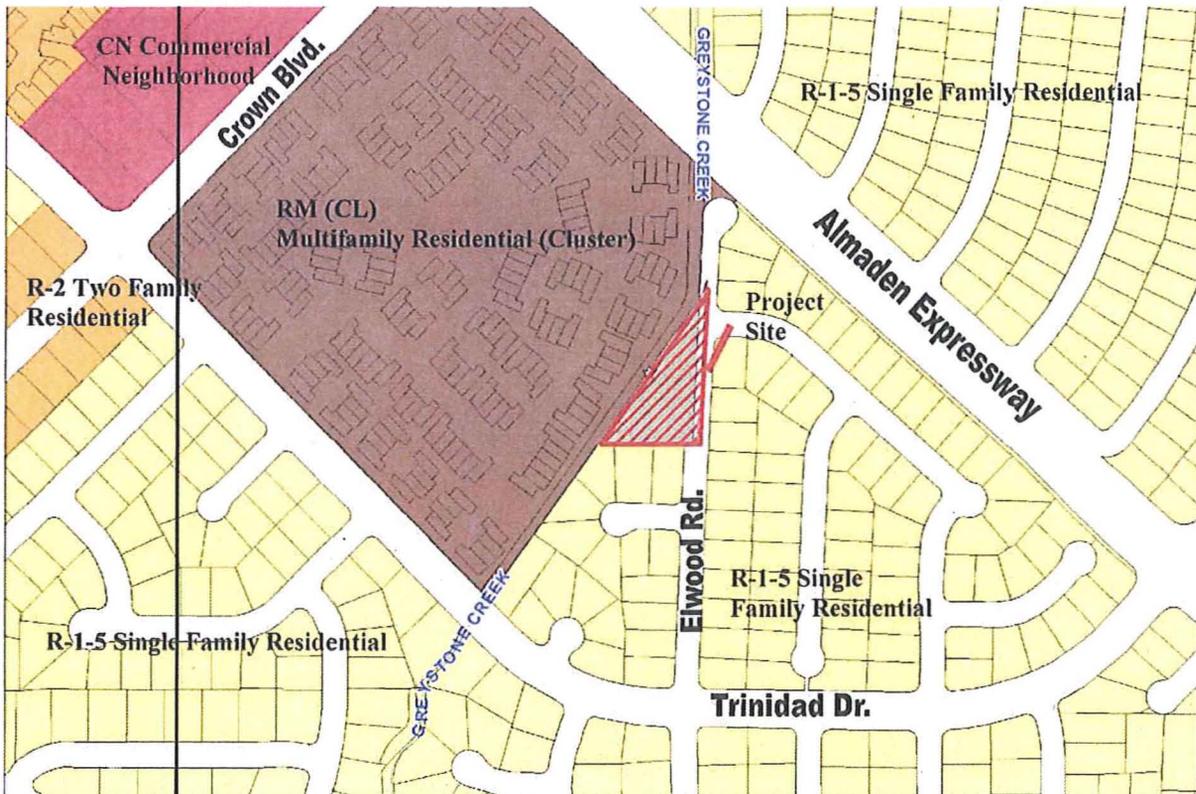
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GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The project conforms to the site's General Plan Land Use Transportation Diagram designation of Low Density Residential (5 DU/AC).
2. The proposed project is compatible with the surrounding land uses.
3. The proposed project conforms to applicable policies of the City's Residential Design Guidelines.
4. The proposed project conforms to the requirements of CEQA.

BACKGROUND & DESCRIPTION

The applicant, Michael Guidry, is requesting a Planned Development Rezoning from A Agricultural to A (PD) Planned Development to allow three detached single family homes on a 0.90 acre site. The project would involve the dedication and improvement of the project frontage to complete the 60' right-of-way along Elwood Drive.

The project site is currently one triangular lot with a single family residence and an unimproved street frontage. The existing house on the site is over 40 years old. A Department of Parks and Recreation historic evaluation was completed for the home and concluded that the house was not historically significant. The site is surrounded by an existing development of single family homes of varying architectural styles. The majority of the houses are single story, however at the northern end of Elwood road, where the project site is located, there are a few two-story residences. Along the rear of the property is Greystone Creek. Across the creek is a large multifamily development of two to three story buildings. The subject project site is a remnant property dating from before the subdivision and development of the surrounding residential neighborhood.

ANALYSIS

The primary issues analyzed as part of this proposal include General Plan conformance, environmental review in accordance with CEQA, and conformance with the applicable Residential and Single Family Design Guidelines.

General Plan Conformance

The project site is designated Low Density Residential (5 DU/AC) on the General Plan Land Use Transportation Diagram. This density is typified by 8,000 square foot lots and is found where site restraints require slightly larger than average lots. This density is common throughout the Almaden Valley. With minimum lot sizes of approximately 10,000 square feet, the proposed project meets the density and lot size requirements of this General Plan designation.

The proposed residential development is compatible with the surrounding area in that the lot width is consistent with the existing lot widths in the immediate area, the density is compatible with that of the surrounding area (as noted above), and parking will be adequate to serve the units. The height and setback limitations, coupled with the design review afforded by the Planned Development Permit process, will ensure that the residential development is similar in scale and massing to the existing neighborhood.

Environmental Review

The main environmental issues evaluated for this proposal were the historic status of the existing residence on the site and the compatibility of the project with the adjacent creek. As noted in the Background section, the existing residence at the site was found to not be historically significant. A discussion of the adjacent creek follows.

Greystone Creek abuts the entire length of the rear property line. The creek bed and banks are comprised of an open-topped concrete channel that is approximately 6 to 8 feet wide and 10 to 12 feet deep. There is no wetland vegetation within the channel. At the top of the channel is the Santa Clara Valley Water District access road to the west and single family rear yards to the east. A riparian assessment, completed by a consulting ecologist, concluded that the vegetation that exists on the site was not riparian in nature because the influence of Greystone Creek is contained within the concrete channel which does not allow for the growth of riparian vegetation. The vegetation existing on the project site is a mix of native and non-native species consistent with the ornamental landscaping in the surrounding suburban development. Based on the condition of Greystone Creek and the lack of riparian biology surrounding it, the proposed project would not result in any significant impacts on biological resources.

With the above information, under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project was 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.

Project Design

The proposed Planned Development Zoning would facilitate the redevelopment of a single parcel into three single-family residences on individual lots. Technically, the Residential Design Guidelines only apply to single-family detached lots of less than 6,000 square feet. They do, however, contain general recommendations that are applicable to lots greater than 6,000 square feet. The project conforms to the applicable Residential and Single Family Design Guidelines as described below:

Setbacks

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 proposed front setback of 25 feet matches the neighborhood standard for single family homes, as observed by staff through the use of aerial photos.

Setbacks from Adjacent Uses - The project is proposing three two-story, single-family detached residences on individual lots oriented towards Elwood road. The adjacent parcels to the south and east are developed with single-family detached residences. Across Greystone Creek to the northwest, single family attached residences are present. The southern property line abuts the rear yards of single family homes that front on a cul-de-sac.

According to the Residential Design Guidelines, in existing neighborhoods, the side setbacks should match existing side to side setback from the common property line. In the surrounding neighborhood the minimum side setback is 5 feet. The Residential Design Guidelines also recommend a 20 foot setback from the common property line where a two story residential structure abuts a single family rear yard. Due the site's triangular shape, a 20 foot side setback would be impracticable because it would require the

development to shift towards the narrow point of the parcel, which becomes to narrow to develop upon for the last seventy feet of its length. To respect both the privacy of the single family rear yards and to maintain the development's consistency with the lot pattern with the houses across the street, staff has included a 10 foot side set back where the side property line is adjacent to rear family yards. The recommendation of a 10 foot side setback takes into consideration the interface with the existing rear yards and the constraints of the subject lots triangular shape. Interior side setbacks would be 5 feet, consistent with the development pattern in the area.

Rear Setbacks – As noted in the Environmental Review section above, Greystone Creek is an entirely concrete channel with no riparian habitat. The Riparian Corridor Policy states that the “guidelines generally do not apply to... modified concrete-rock channels... when these channels contain little or nothing of riparian value.” Therefore, staff did not evaluate the project's setbacks with respect to the Riparian Corridor Policy.

The ecological consultant concluded that in his professional opinion, a 20 foot setback from the top of the bank would be sufficient since there are no biotic resources are present in this segment of the creek. The edge of the creek channel is directly at the property line of the development site therefore the whole of the set back from the creek would have to be on the project site. This 20-foot rear setback is included in the proposed development standards, and the proposed project would retain the existing trees in that setback from the edge of the bank. To provide access and some separation from the creek side, staff's draft development standards would also prohibit accessory structures from the rear 5 feet of setback area.

Parking

The Residential Design Guidelines recommend that single-family residences should provide two covered parking spaces per unit and one off-lot parking space within 150 feet of each unit. The project complies with the guidelines in that each unit will have, at a minimum, a two-car garage. Two of the units are currently proposed with three car garages. All units have at least a 23-foot driveway which can accommodate guests, and more than three parallel parking spaces are available in front of the units on the street which would meet the off-site parking recommendation.

Architecture/Design

The architectural style, and features, of the conceptual designs for the homes are consistent with the Residential and Single Family Guidelines in various respects. The front entryways of the homes are prominent with porches and entryway features and are oriented towards the street. The garage entrances consume less than 50% of the building's total frontage and are set back further from the street than the front entries of the homes, thus reducing their visual impact. The driveways are narrowed in width as they approach the curb to reduce the size of curb cuts and the amount of paving. The façade of the homes are effectively varied and broken up by frequent plane changes and by setting back second floor elements. The roofs of the homes slope towards the property lines and are of a similar hipped or gabled design, consistent with the surrounding development in the neighborhood. Additional design and detailing will be evaluated at the Planned Development Permit stage.

PUBLIC OUTREACH/INTEREST

A noticed community meeting was held on August 28, 2008. Neighbors expressed concern over the potential construction impact of the project and had differing opinions about the architectural styles of the homes. Some architectural details were provided as part of this application, and further refinement will

occur with the Planned Development Permit. Construction impact conditions will be incorporated into the Planned Development Permit.

Public outreach for this project was conducted in conformance with City Council Policy 6-30. A sign notifying neighbors of the proposal was posted on the site. A notice of the public hearing was published in a local paper, and 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. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Ella Samonsky **Approved by:**  **Date:** 10/1/08

<p>Owner/Applicant: Winston Bannister 17601 Elwood Rd. San José CA95120</p> <p>Michael Guidry PO Box 110219 Campbell CA 95011</p>	<p>Attachments: Environmental Exemption Development Standards Plans Public Works Memo Photos of Greystone Creek</p>
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STATEMENT OF EXEMPTION

FILE NO. PDC08-004

LOCATION OF PROPERTY West side of Elwood Road, approximately 750 feet northerly of Trinidad Drive (17601 Elwood Rd)

PROJECT DESCRIPTION Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.74 gross acre site.

ASSESSOR'S PARCEL NUMBER 58114007

CERTIFICATION

Under the provisions of Section 15303 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.

(a) 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 the exemption.

Analysis: The proposed project is for three single family homes on a site that is surrounded by an established neighborhood and is within the Urban Services Boundary. The site abuts Greystone Creek, however the portion of Greystone Creek that runs past the site has been canalized into a concrete trench. Development extends entirely to the edge of this channel. The channel does not have a vegetated slope and does not support a riparian ecosystem. The development of the project site will therefore not have an impact upon a riparian corridor area. An existing single family home is located on the site that is reported to be over 40 years in age. A Department of Parks and recreation historic evaluation form was completed for the home which concluded that it is not historically significant. Demolition of the building will therefore not result in the loss of a cultural resource.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Date August 28, 2008

Project Manager: Ella Samonsky

PDC08-004 DEVELOPMENT STANDARDS

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

Minimum lot size: 8,000 square feet

Maximum height: 30 feet/2 stories

Parking Standards: 2 covered parking spaces per unit

Setbacks:

Front: 25 feet.

Side: 5 feet interior, 10 feet on southernmost property line adjacent to the rear yards of single family residences.

Rear: 20 feet.

The noted setbacks in the Development Standards take precedent over details shown on the General Development Plan. Driveways, for example, can change from the locations shown, as can the building locations, so long as applicable setbacks are met.

Accessory Structures and Buildings: No accessory structures, buildings or impermeable paving are permitted in the rear setback of 5 feet, side setback of 0 feet and front setback of 60 feet.

Minor Architectural Projections: Minor architectural projections including but not limited to, bay windows, chimneys, overhangs, eaves, and canopies may extend up to 2 feet into the front setback area and 2 feet into the side setback area for a length not to exceed 10 feet or 20% of the building length.

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.

Tree Removals: Trees proposed for removals that are 18" diameter or greater shall be replaced at a 4:1 ratio with minimum 15 gallon size trees. Trees proposed for removal between 12" and 18" in diameter shall be replaced at a 2:1 ration with a minimum 15 gallon size trees. Equivalent tree replacement alternatives can be approved by the Director of Planning Building and Code enforcement.

GENERAL NOTES

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.

Memorandum

TO: Ella Samonsky
Planning and Building

FROM: Ryan Do
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 08/22/08

PLANNING NO.: PDC08-004
DESCRIPTION: Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.74 gross acre site
LOCATION: west side of Elwood Road, approximately 750 feet northerly of Trinidad Drive
P.W. NUMBER: 3-18340

Public Works received the subject project on 07/30/08 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. **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.
2. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 15 Single Family detached units.
3. **Grading/Geology:**
 - a) A grading permit is 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.

- b) A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
4. **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.
5. **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.
6. **Street Improvements:**
 - a) Construct curb, gutter, sidewalk and pavement section along Elwood Road frontage. Provide a detached sidewalk (4.5') with a park strip (6.5').
 - b) Dedicate 20' along Elwood Road for street purposes. Elwood Road is a 60' right-of way. With an 18' dimension from centerline to proposed face of curb and a 12' dimension from face of curb to property line. The ultimate curb-to-curb dimension shall be 36'.
 - c) Proposed driveway width to be 20' for 3-car garage and 16' for 2-car garage.
 - d) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - e) 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.
7. **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.
8. **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.
9. **Street Trees:** 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 a park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Contact the City Arborist at (408) 277-2756 for the designated street tree.
10. **Referrals:** This project should be referred to the Santa Clara Valley Water District.

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Please contact me or Keith Gaxiola at (408) 535-6896 if you have any questions.



Ryan Do
Acting Senior Engineer
Transportation and Development Services Division

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Photograph 1. View of the project reach of Greystone Creek looking upstream; project site is on the left and Santa Clara Valley Water District access road on the right.



Photograph 2. View of Greystone Creek looking downstream from Trinidad Drive, approximately 1000 ft upstream of the project site.



Photograph 3. Greystone Creek looking upstream from Trinidad Drive, approximately 1,050 ft upstream of the project site.



Photograph 4. View of central portion of site with Greystone Creek located out of view on left side of wooden fence. Note the mosaic of upland ornamental and native vegetation.