



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: July 22, 2010

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT: FILE NO. PDC08-065, A PLANNED DEVELOPMENT REZONING FROM A AGRICULTURE ZONING DISTRICT TO A(PD) ZONING DISTRICT TO ALLOW FOR THE DEVELOPMENT OF THREE (3) NEW SINGLE-FAMILY DETACHED RESIDENCES IN ADDITION TO AN EXISTING SINGLE-FAMILY DETACHED RESIDENCE ON A 2.07 GROSS ACRE SITE LOCATED AT THE NORTHERN TERMINUS OF GRAND OAK WAY, APPROXIMATELY 250 FEET NORTHWEST OF HEMATITE COURT.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the A Agriculture zoning district to the A(PD) zoning district to allow for the development of three (3) single-family detached residences in addition to an existing single-family detached residence on a 2.07 gross acre site located at the at the northern terminus of Grand Oak Way, approximately 250 feet northwest of Hematite Court.

OUTCOME

Should the City Council approve the Planned Development Rezoning as recommend by the Planning Commission and staff, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of three (3) new single-family detached residential units at a density of 1.93 DU/AC on the subject site.

BACKGROUND

On June 23, 2010, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed Planned Development Rezoning. Planning staff gave a brief report and stated that additional comment letters were recently received. (These letters are attached to this memo.) The letters are from adjacent neighbor's stating their objections to the project and one of the letters is from the applicant responding to the objections of the adjacent homeowners.

The applicant, Michelle Fisk of Charles W. Davidson Co., representing the property owner spoke on the item and gave an overview of the site planning process for the site by stating that the site plan is laid out as shown as a result of the site's triangular shape and using the existing driveway easement that provides access to the lands of Bruce to reduce the amount of curb cuts on Grand Oak Way. Ms. Fisk indicated that this layout would provide eyes on this easement instead of making it a narrow alley with fences on each side and would also put a greater distance between the existing units on Hematite Court and the new units.

Commissioner Kline asked the applicant why the driveway was not placed on the north side of the property? The applicant responded that there is an existing pool that would need be removed if the drive were located along the northern property line and that an additional curb cut would be created. Commissioner Cahan asked the applicant what the purpose of the easement was for, cows only? The applicant stated it is ingress egress easement that includes anything including vehicles and pedestrians. Commissioner Zito asked the applicant about public street access to the Lands of Bruce property. The applicant responded that the easement was the only access known from a public street for Lands of Bruce.

There were three (3) speakers from the public on the proposed project, all of which were opposed to the project. The speakers spoke as one presentation and stated that they are concerned about the location of the new road (driveway) as it may lead to more homes in the future on the Lands of Bruce, it will decrease privacy and increase noise. The homes on the northern side of the property are set farther back and a driveway along the northern property line would be less of an impact to those homes as it is to the Hematite Court homes.

The Planning Commission then closed the public hearing to discuss the item.

Commissioner Zito stated that the homes on the north side would have more of a buffer from the new driveway than the Hematite Court homes and the new homes would get larger backyards. He then made a motion to approve the project as recommended by staff with the exception that the driveway access to the new units should be located along the northern property line. The motion was approved 7-0-0.

ANALYSIS

For complete analysis please see the original Staff Report (see attached).

EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- Criterion 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)
- Criterion 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 1,000 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.

Also, on January 21, 2010, a community meeting was held at the Evergreen Community Center located on San Felipe Road, at which seven community members were in attendance. This meeting addressed both the General Plan Amendment (considered in May by Council) and the proposed zoning. A majority of those at the meeting expressed that they preferred a single-family detached residential use on the site as opposed to a community assembly use. There were also concerns about the additional traffic that the new units would add to the street network in Evergreen.

COORDINATION

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

HONORABLE MAYOR AND CITY COUNCIL

July 26, 2010

Subject: File No. PDC09-028

Page 4

FISCAL/POLICY ALIGNMENT

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

CEQA

CEQA: Exempt

A handwritten signature in black ink, appearing to read "Joseph Horwedel", written in a cursive style.

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley, Xavier, at 408-535-7852

Dear Planning Commission,

We are concerned about the site plan for the Sidhu property redevelopment (PDC08-065) especially in regards to the road behind the Hematite Court homes and the housing density.

1. Six houses on Hematite Court would have roads on the front and back-side of their property. This would lead to significantly more noise and significantly reduce privacy for the 6 homes.
2. The Rose residence would be surrounded by 3 paved roads
3. Setback from the back of the Hematite Court homes to the new road is approximately 40'. If the road were placed on the North side of the Sidhu property the setback from the Meadowlands homes is approximately 120'. The Meadowlands homes are elevated significantly higher than the road level, eliminating noise and privacy effects.
4. A road on the Hematite Court side means 6 homes are adversely affected vs. 4 homes if the road is built on the Meadowlands side. The road would also be shorter on the Meadowlands side.
5. The road is called a driveway, but the General Development Plan page 1, Statements and Tables, item e. states there are 4 stalls of off-street parking provided as part of the plan. Driveways do not have off-street parking stalls.
6. Density of the homes in surrounding neighborhoods are 2 homes/acre with significant open space allocated. The proposed development of the Sidhu property shows 1 existing single family home on 1 acre and 3 new single family homes on 1.07 acres. No open space is allocated in the plan. If this plan is approved a precedent is set to redevelop additional homes on the site of the 1 acre existing single family home. This would lead to increased traffic and noise for the Hematite Court homes.
7. If the current development plan is approved, we request that future development be frozen on the Sidhu property to prevent further erosion of home density in the area.
8. The front of homes #3 and #4 on the development plan face the backyards of the Hematite Court homes. Typically homes have backyards facing each other. The 6th home on Hematite Court have 2 front yards against its backyard. This further negatively affects privacy of this home.

We request that the existing development plans be modified to move the road to the North side of the Sidhu property and reduce home density. We think the project needs further review and consideration to take into account the issues outlined above.

Thank You!

Dana Rose	David Tow	Anil Mallipeddi	Linda Burhanudin
Carmen Rose	Margaret Tow	Sireesha Mallipeddi	Chris Burhanudin
Craig Clemens	Eulogid Avila	Shabbir Chowdhury	Kathleen Helsing
Jacqueline Clemens	Manuel Avila	Suraiya Chowdhury	George Holmes

Dear Planning Commission,

We are concerned about the site plan for the Sidhu property redevelopment (PDC08-065) especially in regards to the road behind the Hematite Court homes and the housing density.

1. Six houses on Hematite Court would have roads on the front and back-side of their property. This would lead to significantly more noise and significantly reduce privacy for the 6 homes.
 - The traffic from 2 homes will not lead to significant noise to any adjacent lots.
 - There is an existing unpaved driveway at the rear of all the lots along Hematite Ct. The 2 proposed homes are separated from the homes on Hematite Ct. by this existing driveway on the Lands of Bruce (which is a strip of land approx. 23' wide giving access to the lot north east of the site). There is also an existing 20' driveway easement in the location of the proposed driveway from Grand Oak Way.
 - To avoid excess driveway access cuts along Grand Oak Way, the new driveway entrance is proposed to be built on the existing 20' driveway & easement for access to the Lands of Bruce.
 - There will be 2 flag lots served off of this private driveway which will be built of concrete pavers.

2. The Rose residence would be surrounded by 3 paved roads
 - The Rose property is a corner lot therefore surrounded by 2 public streets Grand Oak Way & Hematite Ct. There is an existing unpaved driveway adjacent to the backyard of this lot. This existing driveway would now be paved with concrete pavers. (If the Roses would like access to this driveway that could be worked out.)
 - There are homes within this neighborhood that have a similar situation of a corner lot with 2 public streets and a driveway in their backyard.

3. Setback from the back of the Hematite Court homes to the new road is approximately 40'. If the road were placed on the North side of the Sidhu property the setback from the Meadowlands homes is approximately 120'. The Meadowlands homes are elevated significantly higher than the road level, eliminating noise and privacy effects.
 - The traffic from 2 homes will not lead to significant noise to any adjacent lots.
 - Our driveway is a minimum of 50' from the homes on Hematite Ct. Except for the Lands of Rose where the existing driveway is approximately 35' from the house.
 - It is not practical to move the driveway to the other side. There is not enough room with the existing swimming pool and the fence around it. Even if it was possible it would be a poor idea because it would turn the Bruce's driveway into a long dark alley hidden by fences on each side. It would provide a hiding place for people up to no good and induce crime.
 - See also question 4.

4. A road on the Hematite Court side means 6 homes are adversely affected vs. 4 homes if the road is built on the Meadowlands side. The road would also be shorter on the Meadowlands side.
 - The driveway would be approximately the same length on either side of the site.
 - The traffic from 2 homes will not lead to significant noise to any adjacent lots.
 - Our property is only adjacent to the Lands of Rose and the Lands of Clemens.
 - There will always need to be a driveway to connect the Lands of Bruce to the public street Grand Oak Way. So even if the driveway for the 2 flag lots were moved somewhere else, there will always be an additional driveway adjacent to the back of the Lands of Rose. Moving the driveway would just add an additional Driveway cut on Grand Oak Way.
 - Our land is only adjacent to 2 lots, the Lands of Rose and the Lands of Clemens. The 2 proposed homes are separated from the homes on Hematite Ct. by the Lands of Bruce (which is a strip of land approx. 23' wide).
 - We have asked Mr. Bruce to work with us to do a combined driveway for our 2 lots plus his additional 1 lot. But since Mr. Bruce does not have a current plan for what he would like to do with his property he did not want to commit to this. We would be willing to work with him in the future PD stage to try to minimize the driveway width. But we do not own the lands of Bruce and therefore have no way to control his land and what he would like to do with it.

5. The road is called a driveway, but the General Development Plan page 1, Statements and Tables, item e. states there are 4 stalls of off-street parking provided as part of the plan. Driveways do not have off-street parking stalls. Per the RDG's All SFDR homes are required to have "2 covered spaces per unit plus 1 additional off-lot parking space". The cover sheet has a type-o that says "off-street" instead of "off-lot". There is no "off-street parking". There is ample parking for 4 lots on the street frontage of Grand Oak Way. Since the houses are located more than 150' from the Public Street, there are also additional parking areas depicted along the driveway on the plans to allow for additional on lot parking closer to the houses, similar to what exists on Lot 1.

6. Density of the homes in surrounding neighborhoods are 2 homes/acre with significant open space allocated. The proposed development of the Sidhu property shows 1 existing single family home on 1 acre and 3 new single family homes on 1.07 acres. No open space is allocated in the plan. If this plan is approved a precedent is set to redevelop additional homes on the site of the 1 acre existing single family home. This would lead to increased traffic and noise for the Hematite Court homes.
 - It is not a city requirement for 4 SFDR units to set aside open space.
 - All of the adjacent lots on Hematite Ct. are approximately 73' x 114' = 8,322 sqft. The lots on Meadowlands Ln. are just under 1 Ac.Our lots are
Lot 1: 43,560 sqft
Lot 2: 14,192 sqft

Lot 3: 17,981 sqft

Lot 4: 14,604 sqft

Therefore our lots are significantly larger than those on Hematite Ct. and make a nice transition from the larger lots to the north of the site and the smaller lots to the south east of our site. The zoning meets the requirements of the GP (2 du/ac) and would never be able to allow more than 4 homes on the overall 2 ac site.

-The traffic from 2 homes will not lead to significant noise to any adjacent lots.

7. If the current development plan is approved, we request that future development be frozen on the Sidhu property to prevent further erosion of home density in the area.

- The GP only allows 2du/ac on this 2 acre property, therefore this zoning approval will only ever allow 4 units on the 2 Ac parcel.

8. The front of homes #3 and #4 on the development plan face the backyards of the Hematite Court homes. Typically homes have backyards facing each other. The 6th home on Hematite Court have 2 front yards against its backyard. This further negatively affects privacy of this home.

-The houses are on a triangular parcel of land, which makes layouts more creative. Currently the houses are angled to all of the adjacent lots.

We request that the existing development plans be modified to move the road to the North side of the Sidhu property and reduce home density. We think the project needs further review and consideration to take into account the issues outlined above.

Thank You!

Dana Rose

David Tow

Anil Mallipeddi

Linda Burhanudin

Carmen Rose

Margaret Tow

Sireesha Mallipeddi

Chris Burhanudin

Craig Clemens

Eulogid Avila

Shabbir Chowdhury

Kathleen Helsing

Jacqueline Clemens

Manuel Avila

Suraiya Chowdhury

George Holmes

Xavier, Lesley

From: Terry Zamora [terryzamora@sbcglobal.net]
Sent: Wednesday, June 23, 2010 11:11 AM
To: Xavier, Lesley
Subject: File no. PDC08-065 Concerns

I looked at the on-line permits for PDC08-065, the property at 6776 San Felipe Road and I have some concerns.

When we bought our home a little more than a year ago we really loved the openness of our land. Now I feel that may change. I am concerned the value of my home will be negatively affected if the zoning is changed to allow these homes to be built.

I am also concerned about the spectacular views I have of the foothills surrounding my home. If these homes are built and the new homeowners plant tall trees, my view will be interrupted. Also will the homes be one or two stories?

I am concerned about all the noise, dirt, and dust from the construction of these homes? I am also concerned about the long term noise that will be after the homes are occupied. There will be noise from the road the homeowner's travel on, from their friends and family, and what about UPS/Fed-Ex deliveries, mail, and garbage noise?

I currently have a wire fence at the bottom of my property. Will that change to wood for privacy?

I know I have a lot of concerns but this will be a drastic change.

Thank you,

Terry

Xavier, Lesley

From: ngoc nguyen [nguyenhngoc@yahoo.com]
Sent: Monday, July 05, 2010 11:14 PM
To: District8
Cc: Xavier, Lesley; City Clerk; Kathleen Helsing
Subject: Homes to be built behind Hematite Court -- Sidhu property...PDC08-065

Dear Councilmember Herrera and CSJ councilmembers,

My name is Ngoc Nguyen and my residence is located at 6355 Hematite Ct. in the Evergreen area. I am writing regarding the homes to be built behind Hematite Ct. by the property owner, Mr. Sidhu, PDC08-065.

I am requesting your support and CSJ Council support to consider placing a condition that the ingress/egress road to the proposed new homes on the Sidhu Property be moved to the north side of the Sidhu property along the Meadowlands side and away from the Hematite homes. This recommendation is consistent with the City Planning recommendation in a unanimous 7-0 vote.

Please do not support current alignment of the ingress/egress road currently proposed in PDC08-065 or a proposal to combine a drive way with an existing cow path behind the Hematite Court homes. That proposal would turn the existing cow path behind the Hematite Court homes into a street with traffic and would impact the safety and quality of living of the existing Hematite Court homes. I feel safe with the existing cow path behind Hematite Court (i.e., behind my house) and do not support converting this cow path into a drive way as proposed in PDC08-065.

I appreciate your consideration.
Sincerely,

Ngoc Nguyen
6355 Hematite Ct.
San Jose, CA 95135