

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: July 21, 2004

COUNCIL DISTRICT: 6

SUBJECT: PDC04-042. PLANNED DEVELOPMENT REZONING FROM R-1-8 RESIDENTIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW TWO SINGLE FAMILY DETACHED RESIDENCES LOCATED ON THE NORTH SIDE OF WILLOW GLEN WAY APPROXIMATELY 250 FEET FROM BIRD AVENUE.

RECOMMENDATION

The Planning Commission voted 6-0-1 to recommend that the City Council approve the proposed rezoning.

BACKGROUND

On July 14, 2004, the Planning Commission held a public hearing to consider a Planned Development rezoning from R-1-8 Residential to A(PD) Planned Development to allow two single family detached residences on a 0.26 gross acre site. The item was considered as part of the Consent Calendar. No one spoke in favor of or in opposition to the proposed rezoning.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site as well as published in a local newspaper.

HONORABLE MAYOR AND CITY COUNCIL

July 21, 2004

Subject: PDC04-042

Page 2

COORDINATION

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

CEQA

Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt in that it consists of the construction of fewer than four single-family residences in an urbanized area.



STEPHEN M. HAASE
Secretary, Planning Commission



CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number

P.C. 07-14-04

C.C. 08-10-04

11-1

STAFF REPORT

File Number
PDC04-042

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
434-31-018

PROJECT DESCRIPTION

Completed by: Ed Schreiner

Location: North side of Willow Glen Way approximately 250 feet east of Bird Avenue

Gross Acreage: 0.26

Net Acreage: 0.24

Net Density: 8.3 DU/AC

Existing Zoning: R-1-8

Existing Use: Single Family Residential

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Single Family Residential

GENERAL PLAN

Completed by: ES

Land Use/Transportation Diagram Designation
Medium-Low Density Residential (8 DU/AC)

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: ES

North: Single Family Residential

R-1-8 Residence District

East: Single Family Residential

R-1-8 Residence District

South: Elementary School

R-1-8 Residence District

West: Single Family Residential

R-1-8 Residence District

ENVIRONMENTAL STATUS

Completed by: ES

Environmental Impact Report found complete

Negative Declaration circulated on

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Completed by: ES

Annexation Title: Willow Glen No 11

Date: October 1, 1936

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Uphold Director's Decision

Date: July 6, 2004

Approved by:

Action

Recommendation

Susan Walton

APPLICANT/OWNER/DEVELOPER

Robert Cullen
1794 The Alameda
Santa Clara, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ES

Department of Public Works

None received

Other Departments and Agencies

City of San Jose Fire Department, dated May 13, 2004

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting to rezone the subject 0.26 gross-acre site from R-1-8 Residential to A(PD) Planned Development Residential Zoning to allow the development of two single family dwellings. The subject property is a "through lot" with frontage on both Carmel Drive and Willow Glen Way. Street dedication of approximately 20 feet of the property frontage on Carmel Drive will be required with this project, reducing the overall area of the site to less than a quarter acre. The site currently is developed with one single-family residence, which fronts onto Willow Glen Way. The applicant is proposing to split the lot and construct a second single-family residence with frontage on Carmel Drive. East, west and north of the site are single-family residences. To the south is River Glen Elementary School.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) this project is found to be exempt in that it consists of the construction of fewer than four single-family residences in an urbanized area.

GENERAL PLAN CONFORMANCE

The site is designated Medium-Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The minimum lot size proposed in this project is slightly less than the minimum lot size that conforms to the 8 DU/AC designation (an eighth of an acre, 5,445 square feet). The General Plan's Discretionary Alternate Use Policy, Two Acre Rule allows development of infill sites of less than two acres at a density range other than that specified by the General Plan designation, provided that the density is compatible with surrounding uses and the project is of exceptional design. As discussed in the analysis below, this project is compatible with the surrounding neighborhood. Staff will work with the applicant during the Planned Development Permit stage to ensure that the project is of exceptional design.

ANALYSIS

The primary issue for this project is compatibility with the development pattern of the surrounding neighborhood. Most of the properties on this block have already been subdivided into lots that are very similar in size and configuration to those proposed through this rezoning. The proposed rezoning will allow the construction of a new single-family house with frontage on Carmel Drive consistent with the development pattern on the south side of Carmel Drive. The attached Draft Development Standards for this Planned Development Zoning are very close to that of the R-1-8 Residence District, with the exception of the minimum lot size, which is proposed to be 5,100 square feet instead of the 5,445 square feet required in the R-1-8 District. As noted above, required street dedication has reduced the overall site acreage to less than a quarter acre. Staff will work with the applicant at the Planned Development Permit stage to revise the house design to reduce the prominence of the garage, consistent with the recommendations of the Residential Design Guidelines. Based on this analysis, staff concludes that the proposed project is compatible with the development pattern of the surrounding neighborhood.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

COORDINATION

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

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. Using the Two Acre Rule, the proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation.
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses.



Scale: 1"=210'
Date: 04/27/2004



File No: PDC04-042

District: 6

Quad No: 99

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council.

DRAFT DEVELOPMENT STANDARDS

Permitted Uses: Permitted uses of the R-1-8 Residence District.

Minimum Lot Size: 5100 square feet

Development Standards: Development Standards, with the exception of minimum lot size, shall conform to the R-1-8 Residence District standards of Chapter 20.30 of the San Jose Municipal Code, as amended. Fence height and accessory structures shall conform to the requirements of Chapter 20.30 of the San Jose Municipal Code, as amended. Parking requirements shall conform to the requirements of Chapter 20.90 of the San Jose Municipal Code, as amended.

Permit Requirements: A Planned Development Permit shall be required for construction of a new single-family residence. A Planned Development Permit Amendment shall be required for any future additions or modifications that would otherwise trigger a Single Family House Permit pursuant to Chapter 20.100 of Title 20 of the San Jose Municipal Code, as amended. Modifications that would not otherwise trigger a Single Family House Permit, are allowed by right. A Planned Development Permit is required for any accessory structure or parking arrangement that would otherwise require a Special Use Permit pursuant to the requirements of Title 20 of the San Jose Municipal Code, as amended.

Water Pollution Control Plant Notice

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 plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water 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.

Post-Construction Storm Water Treatment Controls

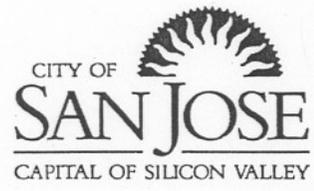
The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

Tree Mitigation

Trees to be removed shall be mitigated at the following ratios:

- Each tree less than 12" in diameter will be replaced by a one 15-gallon tree
- Each tree 12"- 17" in diameter will be replaced by two 15-gallon trees
- Trees greater than 18" in diameter shall not be removed without a tree removal permit and shall be replaced with four 15-gallon trees.

RECEIVED
MAY 13 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT



Memorandum

TO: <<Data not found>>
Planning and Building
EDWARD SCHREINER

FROM: Nadia Naum-Stoian,
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 05/13/04

Approved	Date
----------	------

PLANNING NO.: PDC04-042
 DESCRIPTION: Planned Development Rezoning from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow one new and one existing single family residences on a 0.26 gross acre site
 LOCATION: north side of Willow Glen Way approximately 250 feet from Bird Avenue
 ADDRESS: north side of Willow Glen Way approximately 250 feet from Bird Avenue (765 WILLOW GLEN WY)
 FOLDER #: 04 111006 ZN

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:
 - Largest building: 3257 sq. ft.
 - Construction Type: VN
 - Occupancy Group: R3
 - Number of stories: 2
- Site fire flow requirement: 2000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.

- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.
- Fire Department comments to Planning Department File No. PDC04-042 apply to this project.

- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**

1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department.
2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.
4. All exterior structures shall be within 150 feet from an approved emergency vehicle access road without crossing property lines as per the Fire Code. All alternate means of access shall be approved by the Fire Department.
5. Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code.

- When submitting construction plans to the Building Department, **they shall include Planning's Development Permit File Number** printed on the construction plans.
- Provide two sets of reduced plans to the Fire Department once the above application has been approved by the Planning Department.

- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**

A. Fire lanes shall be suitably marked with standard signs, painted curbs, and/or other markers as approved or authorized for use by the Chief. Fire lane markings shall be indicated on plans submitted through the building permit process for review and approval by the Fire Department.

- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
- All existing and new fire hydrants shall be at least 10 feet from all driveways.
- All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.
- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



BY: Nadia Naum-Stoian, FPE
Bureau of Fire Prevention
San Jose Fire Department

Fire Site Memo to Planning Application