

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. 10-26-05
C.C. 11-15-05

File Number
PDC 05-043

Application Type
Planned Development Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
612-31-011

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: Southeast corner of Fleming Avenue and Morrie Drive

Gross Acreage: 3.19 acres

Net Acreage: 2.81 acres

Net Density: 4.3 DU/AC

Existing Zoning: Agricultural Zoning District

Existing Use: Single-family detached residential

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-family detached residential

GENERAL PLAN

Land Use/Transportation Diagram Designation
Low Density Residential (5 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Open Space

A- Agriculture Zoning District

West: Single-family detached residential

R-1-5 Single-Family Residence District

South: Single-family detached residential

R-1-5 Single-Family Residence District

East: Open Space

A- Agriculture Zoning District

ENVIRONMENTAL STATUS

Environmental Impact Report found complete
 Draft Negative Declaration circulated on October 5, 2005
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Story No_40

Date: May 6, 1986

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

JUDITH M TRUSTEE WALLECH & ET AL
P.O. BOX 4953
SONORA, CA 95370

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ELM

Department of Public Works

See attached memorandum, date 9/22/05

Other Departments and Agencies

See attached memoranda from the Fire Department, date 05/11/05; and Environmental Services, date 05/12/05; and the Santa Clara Valley Water District, date 05/10/05.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Judith Morrie Wallech, is requesting a Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to twelve single-family detached residences on a 3.19 gross acre site. Given the slope of the site and its location at the very edge of the city, a planned development zoning is appropriate to provide for a design sensitive for this rural area.

Project Description

The proposed Planned Development Rezoning would allow demolition of two existing single-family detached homes and structures on the site and construction of twelve two-story single-family detached residences. Access to the proposed residences is provided via a new public street that ends in a cul-de-sac. In response to the city's storm water management controls, the public street will include design criteria such as, but not limited to, permeable pavement in the sidewalk area, and mechanical stormwater treatment devices. Each single-family residence is proposed to have an attached three-car garage and the project provides an additional 35 off-street parking spaces along the public street. The proposed minimum lot size is 7,770 square feet, with an average lot size of approximately 10,160 square feet.

Site Conditions and Context

The subject site is surrounded by natural hillside open space to the north and east, and single-family detached residences to the south and west. The site is developed with two houses with several sheds and a small barn-type structure set back from the road in a concentrated area. The primary residential building is a single-story house c1910, with several additions to the basic cottage style.

There are a total of 12 non-orchard trees on the site proposed for removal. Six of these trees are ordinance size. South Babb Creek is located approximately 300 feet from the southerly corner of the project site. Stormwater runoff from this site flows to the South Babb and lower Silver Creek

and then north via Coyote Creek to the San Francisco Bay. The project construction would not occur within 100 feet of riparian corridor habitat. The northerly half of the site has a southerly slope of approximately 10 percent, while the southerly half has a slope of approximately 2 percent. There are no other significant topographical features on the site.

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. A Draft Mitigated Negative Declaration for the project was also mailed to property owners and tenants within 500 feet of the project site and was posted on the City web site. Staff has been available to discuss the project with members of the public.

ENVIRONMENTAL REVIEW

Based on an Initial Study prepared for this project, a Draft Mitigated Negative Declaration was circulated for public review, which concluded that the project would not result in a significant environmental impact. Mitigation has been included in the project in the areas of air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and hydrology and water quality. The project site is located in a Geologic Hazard Zone as mapped by the City of San Jose in accordance with a Geologic Hazard Ordinance. A Certificate of Geologic Hazard Clearance was obtained for this site from the Director of Public Works. Analysis of the existing structures on the site indicates that they are not significant historic resources.

GENERAL PLAN CONFORMANCE

The subject site is designated Low Density Residential (5 DU/AC) on the General Plan Land Use/Transportation Diagram. The project proposes 12 single-family residential units on 2.81 net acres, resulting in a net density of 4.3 dwelling units per acre, in conformance with the General Plan.

ANALYSIS

The primary issues for this project are the project design and compatibility with the surrounding area, and application of the City's storm water controls.

Design Compatibility

The Residential Design Guidelines are not designed to apply to single-family lots of 6,000 square-feet or greater. Lots of this size have traditionally been developed with houses under a standard R-1 single-family residential Zoning District using the standard setbacks and other regulations in the Zoning Code. In this case, the applicant has filed a Planned Development Zoning, which allows an opportunity for customized development standards that ensure that the proposed single-family homes fit well into the site's rural setting.

Staff has prepared Draft General Development Plan Notes for the project with this objective in mind. The proposed Notes include Design Guidelines which specify that at least three housing types be included, that natural materials be used on some exterior elevations, and that large single-story porches and decks be included in the house designs to avoid the "boxy" appearance of the elevations currently proposed. Staff believes the conceptual designs proposed are more

sited to an urban site, and that there is an opportunity on these sites to provide outdoor living areas appropriate to the large lots and rural setting. Staff has included setbacks in the Draft Development Standards to facilitate these requirements by allowing porches and decks to project 6 feet into the 20-foot front setback and 10 feet into the 25-foot rear setback. The rear setback proposed at 25 feet will ensure that adequate open space is retained despite the allowed porch projections. The Draft Development Standards also specify that no more than 50% of the house elevations facing the street be devoted to garages, carports, or open parking; to ensure the living areas and entrances are more prominent and contribute architectural character to the street. This requirement should be easily attainable on these ample-sized lots.

Storm Water Control Measures

This project is considered a “major project”, defined as creating one acre or more of impervious surface, subject to the C-3 Provisions of City Council Policy 6-29, the Post-Construction Urban Runoff Management Policy. This policy requires storm water treatment facilities to be sized to accommodate the anticipated run-off from the site of a major project.

Single-family developments without common open space typically present limited opportunities for implementation and maintenance of storm water treatment facilities on individual private lots. This project will incorporate all treatments measures that are feasible on the individual lots, including: drainage swales to be incorporated into the stormwater drainage design; provision of landscaped slopes; and roof drains that shall discharge onto splash blocks and drain into landscaped areas located away from the building foundation to an unpaved area, where possible. In addition, the Public Works Department has requested that the applicant include storm water treatment measures that meet the policy’s numeric sizing design criteria for the public street. These measures include, but are not limited to, permeable pavement for the public sidewalks and mechanical stormwater treatment devices. The specific requirements will be coordinated with the Department of Transportation at the Planned Development Permit stage.

This is the first such requirement for stormwater treatment measures for a new public street under the Council policy. The Department of Transportation will be responsible for maintaining the proposed mechanical treatment devices, and will monitor this site as a pilot project to assess maintenance frequency and cost. Public Works has coordinated this requirement with Planning Staff, the Department of Transportation, and the Environmental Service Department, and there is general agreement that this project is an appropriate candidate for this pilot effort relative to stormwater treatment on public streets.

Conclusion

Based on the above analysis, staff concludes that the Planned Development Zoning, as conditioned, will allow development that is compatible with the rural character of this area and that the project is in conformance with the requirements of the Council’s Post Construction Storm Water Runoff Management Policy.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC).
2. The proposed rezoning will allow development that is compatible with the surrounding land uses.

Attachments

cc: Sue Dillon, 1700 The Alameda, #210, San Jose, CA 95126