

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. 07/27/05 Item 3e

File Number
PDC05-015

Application Type
Planned Development Rezoning

Council District SNI
5 NA

Planning Area
Alum Rock

Assessor's Parcel Number(s)
612-29-003

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: North side of Fleming Avenue approximately 350 feet east of Fourier Drive (1230 and 1238 Fleming Avenue)

Gross Acreage: 2.0 Net Acreage: 2.0 Net Density: 1 DU/AC

Existing Zoning: Unincorporated Existing Uses: Single family residential

Proposed Zoning: A(PD) Planned Development Proposed Use: Single family residential

GENERAL PLAN

Completed by: HL

Existing Land Use/Transportation Diagram Designations

Non-Urban Hillside

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: HL

North: Single-Family Residential and Vacant R-1-5 Residential District

East: Single-Family Residential A(PD) and R-1-5 Residential District

South: Single-Family Residential R-1-5 Residential District

West: Single-Family Residential and Vacant R-1-5 Residential District

ENVIRONMENTAL STATUS

Completed by: HL

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Addendum to Mitigated Negative Declaration
 Environmental Review Incomplete

FILE HISTORY

Completed by: HL

Annexation Title: Unincorporated

Date: N/A

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval
 Recommend Approval with Conditions
 Recommend Denial

Date _____

Approved by: _____

CURRENT OWNER

Helen Gunnels
1238 Fleming Avenue
San Jose, CA 95127

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: HL

Department of Public Works
See attached memorandum

Other Departments and Agencies
Not Received

GENERAL CORRESPONDENCE

Not Received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, Helen Gunnels, is requesting a Planned Development Rezoning of the subject 2.0 acre site from unincorporated County to A(PD) Planned Development to allow two existing single-family residences to connect to the City's sanitary sewer system. The current septic sewage disposal system for the existing houses is failing. No change to the two existing residences is proposed other than connection to the sanitary sewer.

Conditions of Site and Surrounding Area

The subject site consists of two parcels. The westerly parcel is developed with two residences and several accessory structures. The easterly parcel is developed with one residence and accessory structures. Only two of the residences, one on each parcel, are currently occupied. The applicant is proposing to connect the two occupied residences to the City's sanitary sewer system. Approximately one acre of the two-acre site is located above the fifteen percent slope line and is developed with one accessory structure. The subject site is bordered by single-family residences and vacant land to the north and west and single-family residences to the east and south.

Planned Development Zoning Requirement

Prior to the connection to any City services, the parcel must be rezoned and annexed into the City of San Jose. The property has a General Plan designation of Non-Urban Hillside. The site requires a Planned Development Zoning because the General Plan specifies that development on properties where the slope exceeds seven (7) percent requires a Planned Development Zoning. The Planned Development Zoning also provides a mechanism for limiting future uses on the portion of the site located above the fifteen percent slope line.

Previous and Current Land Use Applications

In August 2004, the City Council approved a General Plan Amendment on the subject property, for a minor expansion of the Urban Growth Boundary (File No. GP03-05-04) and expansion of the Urban Service Area (File No. UGB03-01). The applicant requested amendment of both the Urban Growth Boundary and the Urban Service Area to include a one-acre portion of the site located below the fifteen percent slope line in order to allow connection of the existing residences to City services. The General Plan Amendment did not include a change to the Non-Urban Hillside designation, nor allow any new development.

An annexation application, and an application for the Urban Service Area expansion, are currently pending before the Santa Clara County Local Agency Formation Commission (LAFCO). The annexation application is being processed by LAFCO because part of the property is located outside the Urban Service Area.

ENVIRONMENTAL REVIEW

The potential environmental effects of the project were addressed in an Initial Study and Mitigated Negative Declaration prepared for the General Plan Amendment. An Addendum to the Negative Declaration indicates that the rezoning will allow no new development on the property except connection to the City's sewer system and concludes that the Negative Declaration adequately addressed the potentially significant impacts of the proposed rezoning.

GENERAL PLAN CONFORMANCE

The project site is designated Non-Urban Hillside on the City of San Jose's General Plan Land Use/Transportation Diagram. The area of the site below the fifteen percent slope line is located within the Urban Service Area as designated by the General Plan. The Non-Urban Hillside designation allows residential development with minimum lot sizes ranging from 20 to 160 acres, depending on the slope of the properties. The existing lot sizes do not conform to this designation; however, the General Plan specifies that developed properties of two acres or less may be found in conformance with the General Plan based on their existing use. This two-acre property is developed with two existing residences and a third residential structure that will be removed or modified as an accessory structure. The proposed rezoning includes no additional subdivision or residential units and includes restrictions regarding the use of that portion of the property located above the fifteen percent slope line consistent with the goals of the Non-Urban Hillside designation. Based on the above analysis, staff concludes that the proposed Zoning conforms to the General Plan in that it allows existing uses on a site of two acres or less. The proposal to connect the two existing residential units to the sanitary sewer system is consistent with their location within the General Plan Urban Service Area.

ANALYSIS

The primary issues for this rezoning are conformance with the requirements of the Local Area Formation Commission (LAFCO) and land use compatibility.

LAFCO Requirements

Approval of the Urban Service Area (USA) expansion is expected to be considered by LAFCO on October 12, 2005, along with the annexation. Staff believes that the USA expansion conforms to LAFCO policy and approval of the proposal is anticipated. To ensure that the proposed zoning is consistent with LAFCO requirements, staff has included a condition in the Draft Development Standards that requires approval of the USA expansion prior to connection of the existing residences to the sanitary sewer system.

Land Use Compatibility

Staff has drafted Development Standards for the proposed zoning that limit uses and future development consistent with the hillside characteristics of the site and surrounding properties. The Draft Development Standards (see attached) divide the property into two sections: the area above the fifteen percent slope line and

the area below the fifteen percent slope line. The uses to be permitted and the development standards for the area *above* the fifteen percent slope line are those of the OS Open Space Zoning District that do not involve structures. The purpose of the Open Space Zoning District is to conserve open space and ensure the continued availability of land for the preservation of natural resources, for outdoor recreation and for the enjoyment of scenic resources. No development or new structures are to be allowed in this area of the property.

The uses and development standards for the area *below* the fifteen percent slope line are those of the R-1-1 Residence Zoning District. The development standards for the R-1-1 District allow for low-intensity single-family uses with large setbacks. These standards will apply to any proposal to expand or demolish and rebuild the existing residences and/or accessory structures on the site. An additional condition has been placed in the draft Development Standards to address an existing residential structure that the applicant has indicated is not proposed to be used as a residence. This condition requires that the structure be removed from the site or modified through the Planned Development Permit to bring it into conformance with the accessory structure requirements of the Zoning Code.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and 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. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Non-Urban Hillside
2. The proposed rezoning will facilitate connection of two existing dwelling units that lack adequate septic sewer facilities to the City's sanitary sewer system.

cc: Kim Erickson, 7300 Folsom Boulevard, Suite 203, Sacramento, CA 95826
Sid Nash, 90 Archer Street, San Jose, CA, 95112