

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  
C.C. 12/07/04 Item

File Number  
PDC 04-044 & PD 04-031

Application Type  
Planned Development Rezoning & Planned  
Development Permit

Council District  
3

Planning Area  
Central

Assessor's Parcel Number(s)  
249-14-095, -096

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: F. Lee Butler

Location: Southeast corner of North 15th Street and Vestal Street

Gross Acreage: 0.245

Net Acreage: 0.245

Net Density: 8.16 du/ac

Existing Zoning: R-2 Two Family Residence

Existing Use: Two single-family detached dwellings and accessory structures

Proposed Zoning: A(PD) Planned Development

Proposed Use: Two single-family detached dwellings and accessory structures

### GENERAL PLAN

Completed by: FLB

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: FLB

North: Residential

R-2 Two Family Residence

East: Residential

R-2 Two Family Residence

South: Residential

R-2 Two Family Residence

West: Residential

R-2 Two Family Residence

### ENVIRONMENTAL STATUS

Completed by: FLB

Environmental Impact Report  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: FLB

Annexation Title: Original City

Date: March 27, 1850

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
 Action  
 Recommendation

### APPLICANT / OWNER / DEVELOPER

Ali A. Kalbali  
3470 Loes Way  
San Jose, CA 95127

Department of Public Works

See attached memo

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Other Departments and Agencies

See attached memos from Fire Department

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GENERAL CORRESPONDENCE

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None received

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ANALYSIS AND RECOMMENDATIONS

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## **BACKGROUND**

On May 3<sup>rd</sup>, 2004, the applicant, Ali Kalbali, submitted a Planned Development Rezoning application and a Planned Development Permit application to rezone the property at the southeast corner of N. 15<sup>th</sup> and Vestal Streets for the purposes of allowing a minimum lot size of 5,000 square feet per lot. The processes will allow for the future subdivision of the property into two lots, as shown on the attached plan set, through the Parcel Map process in the Department of Public Works. Proposed lot sizes would measure approximately 5,682 and 5,006 square feet, respectively.

The site is currently developed with two single-story, single-family detached residences and one associated detached garage accessory structure. The residence at 840 N. 15<sup>th</sup> St. was constructed circa 1910, and the residence at 726 Vestal St. was constructed circa 1960. Residential uses surrounding the subject site on all sides. No changes to the subject site or structures are proposed, and the permitted uses would allow for a maximum of two single-family detached residences. The proposed development standards would allow for a future second story addition on either residence, up to a maximum height of 30 feet, upon issuance of a Planned Development Permit Amendment. Additional accessory structures would be permitted by right, provided that they meet the criteria set forth in Part 5 of Chapter 20.30 of the SJMC pertaining to such structures. One covered parking space is required per residential unit, and one covered parking space is provided for each unit.

## **GENERAL PLAN CONFORMANCE**

The subject site is designated Medium Low Density Residential (8 du/ac) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The General Plan text states that “since parcels of two acres and less in size may be too small to be separately identified on a map the scale of the official Land Use/Transportation Diagram, any developed parcel of two acres or less is deemed to be in conformance with the General Plan regardless of how it is designated.” The

existing density of the two units on the subject site is 8.16 dwelling units per acre. With a minimum lot size of 5,000 square feet, the maximum density for either property would be increased to 8.71 dwelling units per acre. The proposed project may be considered consistent with the General Plan because the site is currently developed with two single-family detached dwelling units and no additional units would be allowed under the proposed PD Rezoning.

### **ENVIRONMENTAL REVIEW**

The Director of Planning, Building, and Code Enforcement found the proposed project to be exempt from environmental review under Section 15301(a) of the CEQA Guidelines, which exempts existing facilities for which no or negligible expansion in use is proposed. The project qualifies for this exemption because no additions, modifications, or expansions of the existing uses are proposed.

### **ANALYSIS**

Given that the two residences have existed in their current configuration for approximately 40 years, the primary project issue analyzed for this proposal is the accuracy of development standards.

#### **Accuracy of Development Standards**

The proposed Planned Development Zoning and Planned Development Permit are intended to allow the subdivision of the existing property into two separate lots, so they can be leased, sold, or financed separately. Based on the current zoning district, R-2 Two-Family Residence, the minimum lot size would be 5,445 square feet per lot, so the existing parcel would need to contain at least 10,890 square feet to be subdivided without a Zoning change. The subject parcel as it exists contains approximately 10,688 square feet. Therefore, a Planned Development Zoning is required to reduce the minimum lot size from 5,445 to 5,000 square feet. The two separate lots would contain approximately 5,682 and 5,006 square feet, respectively, so that each meets the minimum lot size called for in the development standards.

The proposed setbacks for each of the residences would allow only minimal ground level expansion of the structures. Given the 5,000-square-foot minimum lot size of the property at 726 Vestal St. and the single covered parking space at this location, Staff believes that only minimal expansion of the existing residence would be appropriate. Development standards would provide flexibility for an upwards expansion with a second story. However, given the site limitations with regards to parking, setbacks, and lot size, Staff recommends a development standard requiring the issuance of a Planned Development Permit Amendment for any additional square footage. The Planned Development Permit Amendment requirement would provide Staff with discretionary review of any proposed expansion, so that Staff could evaluate the compatibility of any proposed additions with the surrounding neighborhood.

The front and rear setbacks for the 840 N. 15<sup>th</sup> St. residence need clarification to accommodate existing stairs. The residence itself conforms to the front setback of 25 feet, however, the front

porch and stairs extend within the front setback area. Staff recommends the addition of the note that front porches can extend up to five feet into any front setback area, in conformance with Section 20.30.410 of the SJMC. Also, the residence itself conforms to the rear setback of 25 feet, however, the rear stairs and landing extend into the setback area. Staff recommends the addition of a note that allows stairs and landings leading to first story areas to project up to five feet into the rear setback area. Staff will ensure that this note is added to the final approved plan set.

An additional note will also be added to the final approved plan set stating that the Director of Planning, Building, and Code Enforcement may exercise discretion in the application of development standards regarding minimum lot size, setbacks, maximum height, open space, and parking upon issuance of a Planned Development Permit or Planned Development Permit Amendment. The revised development standards are included as an attachment.

### **COMMUNITY OUTREACH**

A public hearing notice for the project was published in the San Jose Mercury News newspaper and mailed to all property owners and tenants within 500 feet of the subject site. Staff has been available to discuss the proposal with members of the public. Additionally, prior to the public hearing, an electronic version of the staff report has been made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

### **RECOMMENDATION**

Planning staff recommends the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning and the proposed Planned Development Permit for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Medium Low Density Residential.
2. The project is compatible with existing residential development in the surrounding area.
3. The proposed development standards accommodate the existing development while providing some flexibility for future expansion, subject to Planning Department review.

Attachments:           Vicinity map  
                              Environmental Exemption  
                              Revised Development Standards  
                              Planned Development Permit Resolution  
                              Memos from Public Works and Fire Departments  
                              SJMC 20.100.910, SJMC 20.30.410