



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** August 5, 2020

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**COUNCIL DISTRICT: 8**

**SUBJECT: PDC19-022, PT19-022, AND PD19-018. A PD PLANNED DEVELOPMENT ZONING FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT; A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE, ALLOW CONSTRUCTION OF TWO SINGLE-FAMILY RESIDENCES AND A COMMERCIAL PARKING LOT, AND ALLOW THE REMOVAL OF ONE ORDINANCE-SIZE TREE; AND A TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO THREE PARCELS ON AN APPROXIMATELY 1.01-GROSS ACRE SITE, LOCATED ON THE WEST SIDE OF SAN FELIPE ROAD, APPROXIMATELY 2,000 FEET NORTH OF YERBA BUENA ROAD.**

## **RECOMMENDATION**

The Planning Commission voted 7-0-0 to recommend that the City Council take all the following actions:

1. Consider the exemption in accordance with CEQA Guidelines Section 15303(a) for new construction or conversion of small structures and Section 15301 for existing facilities.
2. Approve an Ordinance of the City of San José rezoning an approximately 1.01-gross acre site on that certain real property located on the west side of San Felipe Road approximately 2,000 feet north of Yerba Buena Road from the R-1-5 Single-Family Residence Zoning District to a (PD) Planned Development Zoning District.
3. Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one lot into three lots to allow residential and commercial uses.
4. Adopt a resolution approving, subject to conditions a Planned Development Permit to effectuate the Planned Development Zoning District and to allow demolition of an existing residential structure, construction of two single-family residences and associated grading, and permit an existing unpermitted commercial parking lot, and allow the removal of one ordinance-size tree on a 1.01-gross acre site.

## **OUTCOME**

If the City Council approves all the actions listed above, the subject 1.01-gross acre site would be rezoned from R-1-5 Single-Family Residence Zoning District to A(PD) Planned Development Zoning; and the applicant would be able to obtain building permits for the demolition of the existing residential structure, removal of one ordinance-size tree, and the construction of two single-family residences and associated grading, and a commercial parking lot. The application would also be able to subdivide the subject 1.01-gross acre parcel into three parcels for residential and commercial uses.

## **BACKGROUND**

On July 22, 2020, the Planning Commission considered the proposed Planned Development Zoning, Tentative Map, and Planned Development Permit. This item remained on the Planning Commission's Consent Calendar. No members of the public requested to speak on this item, and there was no discussion by the Commissioners. Commissioner Oliverio made a motion to approve the recommendation and Vice Chair Bonilla seconded the motion. The motion passed unanimously (7-0-0).

## **ANALYSIS**

Analysis of the issues regarding the proposed Planned Development Zoning, Tentative Map, and Planned Development Permit, including General Plan conformance, are contained in the attached Planning Commission Staff Report.

## **CONCLUSION**

The Planning Commission recommended that the City Council approve the Planned Development Zoning, Tentative Map, and Planned Development Permit for the subject property.

## **EVALUATION AND FOLLOW-UP**

If the recommendation is approved, the applicant may apply for permits for the demolition of a single-family residence, construction of two single-family residences, and establishment of a commercial parking lot, subject to the conditions of approval.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José's mobility goals. Specifically, the construction of two new homes would be subject to the Zero Net Energy and efficiency standard.

## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the project. A notice of public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. This memorandum will be posted on the City's Council Agenda website for the August 11, 2020 Council Meeting.

## **COORDINATION**

This project was coordinated with the City Attorney's Office.

## **CEQA**

Under the provisions of Sections 15303 and 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

CEQA Guidelines Section 15303 New Construction or Conversion of Small Structures, Class 3, covers the construction of up to three single-family residences in an urbanized area. The subject project includes construction of two single-family residences in a residential area of the Evergreen-East Hills. CEQA Guidelines Section 15301 Existing Facilities, Class 1, covers operation, repair and maintenance or minor alteration of existing public or private structures and facilities. The existing unpermitted commercial parking lot would be repaved, striped and landscaped.

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The environmental analysis determined that none of the exemption exceptions contained in Section 15300.2 (including Location, Cumulative Impact, Significant Effect, Scenic Highways, Hazardous Waste Sites, or Historical Resources) apply to the project. The project is located in an urbanized area and all proposed buildings will be located outside the 100-foot riparian setback. The project, which would have temporary construction impacts and result in a net increase of one unit, was not found to have a cumulative impact on the environment. The project does not have any unusual circumstances and the site is not located near a designated scenic resource or on any list compiled pursuant to Section 65962.5. The project would not adversely impact a historical resource.

/s/

Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Robert Manford, Deputy Director, Planning Division at [robert.manford@sanjoseca.gov](mailto:robert.manford@sanjoseca.gov).

Attachments: [Planning Commission Staff Report](#)