

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



STAFF REPORT
Zoning Administration
November 7, 2019

Public Hearing Item #2

Staff Contact: Charu Ahluwalia, Associate Planner
(408) 299-5740, charu.ahluwalia@pln.sccgov.org

PLN19-0005 (Regal Estates Subdivision)

Tentative Parcel Map for a two-lot Subdivision.

Summary: Tentative Parcel map to subdivide a 16,714 square foot (sq.ft.) lot into two (2) lots, Parcel 1 and Parcel 2, measuring 7,274 sq.ft. and 9,440 sq.ft., respectively.

Owner: Caixing Xie

Applicant: Eric Keng

Address: Corner of Tallent Av. and Regal Ct., San Jose

APN: 599-20-022

Supervisorial District: 3

Gen. Plan Designation: USA (San Jose)

Zoning: R1-6

Lot Size: 16,714 sq.ft.

Present Land Use: Vacant land

HCP: Not a covered project

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption, pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions), Attachment A; and,
- B. Grant Tentative Parcel Map Approval, subject to the Conditions of Approval outlined in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – CEQA Determination – Categorical Exemption from CEQA (Section 15315)

Attachment B – Proposed Subdivision Conditions of Approval

Attachment C – Location & Vicinity Map

Attachment D – Tentative Parcel Map and Energy Conservation Plans

Attachment E – General Plan Conformance and Annexation Statement by the City of San Jose

Attachment F – County of Santa Clara Subdivision Compliance Exhibit

PROJECT DESCRIPTION

The project consists of the subdivision of a 16,714 square-foot (sq.ft.) lot into two (2) lots, Parcel 1 and Parcel 2, measuring 7,274 and 9,440 sq.ft., respectively. Two (2) single-family residences would be constructed in the future but are not proposed in conjunction with the proposed Parcel Map. The property is a corner lot accessed from Tallent Avenue and Regal Court. Surrounding land uses include single-family residential houses to the north, south, east and west. No trees would be removed as a result of the Parcel Map. No grading is proposed as part of this Tentative Parcel Map approval.

Setting/Location Information

The subject property is located in the eastern foothills of unincorporated Santa Clara County, east of Highway 680. The existing parcel is a corner lot that abuts two public rights-of-way, Tallent Avenue and Regal Court. The exiting lot was created through the County Club Terrace - Unit 1, Subdivision Tract Map No. 511. The greater neighborhood consists of single-family residential development and the San Jose Country Club to the south. The property is located within the Urban Service Area (USA) of the City of San Jose.

REASONS FOR RECOMMENDATION

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption under the provisions of Section 15315 (Minor Land Divisions) for division of property in urbanized areas zoned for residential use.

B. Project/proposal

The project consists of a Tentative Parcel Map approval to subdivide an existing lot into two (2) lots.

C. Subdivision Ordinance

This subdivision application has been reviewed in accordance with the Subdivisions and Land Development Ordinance Section CI2-122 of the County of Santa Clara Ordinance Code, and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administrator/Hearing Officer shall deny approval of a tentative or final parcel map if it makes any of the following seven (7) findings. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project does or does not meet the required standard in plain text below.

1. **That the proposed map is not consistent with applicable general and specific plans.**

The proposed subdivision map would result in the division of an existing 16,714 square foot (sq.ft.) lot into two (2) lots, Parcel 1 and Parcel 2, measuring 7,274 and 9,440 sq.ft., respectively. The intended future use of the lots would include development of a new single-family residence on each new lot.

According to § 5.20.060 of the County's Zoning Ordinance, "*On property located within a city's urban service area, city general plan conformance shall be required of uses permitted by the following permitting procedures: subdivision...*" (pg. 274). The subject

property is located within the Urban Service Area (USA) of the City of San Jose. For this reason, the property is subject to the land use policies of San Jose's General Plan that regulate for type and intensity of development. As the property is located more than 300 ft. from the city limits of San Jose, it is not eligible for annexation due to the location. The property has a land use designation of Residential Neighborhood in the San José General Plan. The intent of this designation is to preserve the existing character of these neighborhoods and to limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size, and pattern.

Per the General Plan Conformance and Annexation Statement (see Attachment E) provided by the City of San Jose, the maximum allowable density for land use designation Residential Neighborhood is typically 8 dwelling units/acre. New infill development is required to conform to 8 dwelling units/acre or the prevailing neighborhood density, whichever is lower. Prevailing density of the neighborhood block is 5 dwelling units/acre. The City of San Jose has determined that the proposed subdivision map is consistent with the existing neighborhood density, lot size, and pattern.

The property is zoned R1-6 under the County's Zoning Ordinance, which is a base zoning designation of One-Family Residence district and a Lot-Size combining district -6, in the County of Santa Clara's Zoning Ordinance. The required minimum lot size is 6,000 sq.ft., as specified by the -6 lot size combining district (Zoning Ordinance Chapter 3.10).

The proposed Tentative Map is found to be consistent with the requirements of the County's Solar Access for Subdivision Development ordinance, Division C12, commencing with Section C12-173. This ordinance requires that an energy conservation plan be submitted with the tentative subdivision map designed to provide solar access to future buildings for solar energy systems. As required by the Ordinance, all proposed structures and vegetation shall be sited to provide solar access to a south wall of the greatest possible number of buildings feasible. If providing south wall solar access is not feasible, the lots shall be designed to provide solar access to a south roof. The applicant submitted the required Energy Conservation Plans to demonstrate adequate solar access for potential buildings constructed in the future, and has demonstrated the proposed subdivision, in combination with future construction of residences, is not detrimental to solar access of any neighboring property (see Attachment D).

Potential building sites have been shown on the Tentative Map to demonstrate site feasibility, and the proposed lot sizes are consistent with the San José 2040 General Plan and the County of Santa Clara Zoning Ordinance. There are no Specific Plans which pertain to the project. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

- 2. That the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans.**

The subject property and Tentative Parcel Map application is subject to the land use policies of the City of San Jose General Plan. Per the General Plan Conformance and Annexation Statement provided by the City of San Jose, and as summarized in Finding No. 1 above, the proposed subdivision is consistent with the density, lot size and pattern of the existing neighborhood (see Attachment E). In addition, building sites on the proposed parcels have been situated such that the required minimum property lines setbacks are maintained. The required residential setbacks are 25 feet, as measured from the front property line, and 25 feet, as measured from the rear property line. The County of Santa Clara Zoning Ordinance specifies that the exterior side of a corner lot shall have a minimum side setback of 10 feet and the interior side shall have a minimum of 6 feet.

Lot design criteria for subdivisions are outlined in Section C12-21 of the County Ordinance Code (see Attachment F). The project is consistent with these lot design requirements and demonstrates adequate size and shape characteristics to support single family residential uses. Driveway and pedestrian access are also adequate. Both proposed lots have frontage on county-maintained roads. The proposed property lines are generally at right angles, where the street is curving. Proposed lots do not exceed the recommended maximum depth to width ratio of three-to-one.

As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

3. That the site is not physically suitable for the type of development.

The site is physically suitable for development of single-family dwellings, as proposed by the Applicant who intends to construct a new residence on each lot in the future.

On-site Conditions

Topography of the site proposed for development is flat to very gently sloping with direct access from Tallent Avenue and Regal Court. The project site contains sufficient area for creation of two (2) lots which meet the minimum required lots size of 6,000 sq.ft, to meet County Zoning Ordinance requirements. The proposed lots have been designed such that suitable building envelopes exist on each lot, illustrating potential future buildable areas for a single-family residence that meets the setbacks required by the Zoning Ordinance. Furthermore, the property is in an existing neighborhood that contains single-family housing.

Geology

Pursuant to County's Ordinance Section Sec. C12-607, a geologic investigation was conducted for the proposed subdivision. The site is located within a County Fault Rupture Hazard Zone, however the site is not located within the State of California Zones associated with an active fault or seismically induced landslides. A geologic report was prepared for the project, which documented no evidence of surface faulting or landslides on the site, or the immediate site vicinity. The County Geologist reviewed the geologic report and concluded that the proposed building sites are geologically feasible for development.

Utilities & Water

Utilities to the proposed lots would be provided by San José Water Company, City of San José for sanitary sewer, Pacific Gas and Electric, AT&T, and Comcast cable would also be available, though not required to be connected. The Department of Environmental Health has reviewed the application and requires will serve letters from local sanitary sewer district and water purveyors as Conditions of Approval to be completed prior to Final Map recordation. The project has also been reviewed by the County Fire Marshal and conditioned to require any residences subsequently developed on Parcel 1 and Parcel 2 include interior fire suppression sprinklers.

As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

4. That the site is not physically suitable for the proposed density of development.

Per the General Plan Conformance and Contiguity/Annexation Statement (see Attachment E), the subject property is physically suitable for the proposed density of development. The property has a designation of Residential Neighborhood in the City of San José General Plan. Per San Jose General Plan, new infill development of lands within Residential Neighborhood land use designation shall be limited to a maximum density of 8 dwelling units per net acre or the prevailing neighborhood density, whichever is lower.

The prevailing density of the properties along the north side of Regal Court, in the neighborhood block is approximately 5 dwelling units per net acre. As described in Finding No. 1 above, density of the proposed two lot subdivision is in conformance with this density. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is located in an urban residential setting, with minimal native habitats. There are no riparian habitats or wildlife corridors on or adjacent to the site. The ultimate construction and installation of the subdivision improvements, including the driveway, and two (2) single family residential homes on the project site, will not cause substantial environmental damage or injure fish or wildlife or their habitat. Furthermore, the property is not located within the County Habitat Plan Area. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

Utilities to the proposed lots would be provided by San José Water Company and City of San José for sanitary sewer. The ultimate construction and installation of the

subdivision improvements, including the driveway and two (2) single family residences homes on the project site, will not create significant, long-term traffic, noise or air quality impacts. The project will result in short-term impacts related to construction activities, however, as temporary impacts, construction-related impacts would not cause serious or long-term public health problems. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through, or use of, property within the proposed subdivision.

After reviewing available maps on file with the County, and as proposed on the Tentative Parcel Map, no existing easements were found on the property. Thus, the design of the subdivision and proposed improvements will not conflict with any existing easements on the property. Access to proposed Parcel 1 is from Tallent Avenue and Regal Court and to proposed Parcel 2 from Regal Court, which are both county-maintained roads. As such, the proposed subdivision will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision. Therefore, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

BACKGROUND

The subject property was created as part of the County Club Terrace - Unit 1 Subdivision Tract Map No. 511, recorded on May 12, 1948. On January 10, 2019 an application for a two-lot Tentative Parcel Map was submitted, which was subsequently deemed incomplete on April 10, 2019. The first re-submittal was received on August 26, 2019, which was also deemed incomplete, on September 20, 2019. The second re-submittal was received on October 07, 2019, and consequently deemed complete on October 16, 2019. A public notice was mailed to all property owners within a 300-foot radius of the subject property on October 25, 2019, and published in the Post Record on October 28, 2019.

STAFF REPORT REVIEW

Prepared by: Charu Ahluwalia, Associate Planner 

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator 

ATTACHMENT A

Statement of Exemption from CEQA

Project Title		File Number (if applicable)
Regal Estates 2-lot Subdivision		PLN19-0005
Project Location [including APN(s) if applicable]		
Northeast corner of Tallent Avenue and Regal Court, in unincorporated San Jose, CA. APN: 599-20-022; Zoning R1-6.		
Public Agency Approving Project		
County of Santa Clara		
Person or Agency Carrying Out Project	Address	Phone Number
Charu Ahluwalia, Associate Planner	70 West Hedding Street, 7th Floor East Wing, San Jose, CA	(408) 299-5740
Applicant	Address	Phone Number
Eric Keng	616 Ramona Street #21 Palo Alto, CA	(650) 321-2808
Project Description		
Tentative Parcel Map to subdivide a 16,714 square foot (sq.ft.) lot into two (2) lots, Parcel 1 and Parcel 2, measuring 7,274 and 9,440 sq.ft., respectively. No grading or building construction is proposed with this subdivision project. Residences will be constructed in the future.		
Exempt Status (check one, state CEQA Guidelines section number)		
<input checked="" type="checkbox"/> Categorical Exemption [CEQA Guidelines 15301-15333]: <input type="checkbox"/> Statutory Exemption [CEQA Guidelines 15260-15285]: <input type="checkbox"/> Declared Emergency [CEQA Guidelines 15269(a)] <input type="checkbox"/> Emergency Project [CEQA Guidelines 15269(b)(c)]: <input type="checkbox"/> Common Sense Exemption [CEQA Guidelines 15061(b)(3)]		
Reasons the project is exempt		
The proposed project qualifies for a Categorical Exemption under the provisions of Section 15315 Class 15 (Minor Land Divisions) for division of property in urbanized areas zoned for residential use.		
County Contact Person	Title	Phone Number
Charu Ahluwalia	Associate Planner	(408) 299-5740
Approved By:		
Leza Mikhail, Principal Planner & Zoning Administrator		
 _____ Signature		10/31/19 _____ Date

ATTACHMENT B

PRELIMINARY CONDITIONS OF APPROVAL FOR SUBDIVISION APPROVAL

Date: November 7, 2019

Owner/Applicant: Caixing Xie/ Eric Keng

Location: Corner of Tallent Av. and Regal Ct., San Jose (APN: 599-20-022)

File Number: PLN19-0005

CEQA: Categorical Exemption, pursuant to Section 15315 Class 15 of the CEQA Guidelines (Minor Land Divisions)

Project Description: Tentative Parcel Map to subdivide a 16,714 square foot (sq.ft.) lot into two (2) lots, Parcel 1 and Parcel 2, measuring 7,274 and 9,440 sq.ft., respectively.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Charu Ahluwalia	(408) 299-5740	Charu.Ahluwalia@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299-5735	Darrell.Wong@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	Alex.Goff@sccfd.org
Environmental Health	Darrin Lee	(408) 299-5748	Darrin.Lee@deh.sccgov.org
Roads & Airports	Gavin Finley	(408) 573-2491	Gavin.Finley@rda.sccgov.org
Building Inspection	Building Inspection Office	(408) 299-5700	

STANDARD CONDITIONS OF APPROVAL

Planning

1. The parcel configuration shown on the tentative map, dated October 22, 2018, which was received by the Planning Office on October 7, 2019 is approved as submitted. All development and maintenance of the project site shall take place in substantial accordance with approved plans, received by the Planning Office on October 7, 2019.

2. Existing zoning is R1-6 (One-Family Residence base district with a Lot-Size Combining district of 6,000 square feet minimum lot size). Future development shall comply with all setbacks required by the County Zoning Ordinance at the time applications for development are submitted.
3. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during grading and/or construction activities, work shall be temporarily halted in the vicinity of the discovered materials. Workers shall not alter or disturb the materials and their context until a qualified professional archaeologist has evaluated the materials and provided recommendations for treatment/preservation and documentation of the discovered archaeological and/or Native American resources. Documentation of treatment of the resources shall be submitted to the County Department of Planning and Development staff upon completion of construction.
4. This approval is for the Tentative Parcel Map, a subdivision of one (1) lot into two (2) lots. At the time of development of the residences on each lot, the property owner will be required to meet all County standards for construction, and State laws.

Department of Environmental Health

5. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Roads and Airports

6. Provide for the maintenance of adequate corner sight distance at the intersection of Tallent Avenue and Regal Court.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO MAP RECORDATION

Land Development Engineering

Maps:

7. Prepare and submit a Parcel Map for review and approval by the County Surveyor.
8. Parcels 1 and 2 must be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor's Act map recordation.
9. A monument bond shall be posted prior to recording the Parcel Map.

Utilities:

10. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement

plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

11. Provide letters from the utility companies stating that all easements and financial obligations have been satisfied. These shall include:

- a. Gas Company
- b. Electric Company
- c. Water Company
- d. Sewer Company

Contact the utility companies immediately as these clearances may require over 90 days to acquire.

Department of Environmental Health

12. Provide will serve letters from local sanitary sewer district and water purveyors for each of the proposed parcels (1 & 2)

Roads and Airports

13. Obtain an Encroachment Permit from the County of Santa Clara Roads and Airports Department for the following required improvements:

- a. Installation of curb and gutter per County Standard B/13 along Tallent Avenue from the storm drain inlet at Holly Drive to the storm drain inlet at Regal Court.

The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit.

14. Construct the aforementioned improvements to the satisfaction of the Roads and Airports Department.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMIT

Roads and Airports

15. At the time of Development, the property owner shall obtain an Encroachment Permit from the County of Santa Clara Roads and Airports Department for the following required improvements:

- a. Installation of the driveway approach to County Standard B/8B
- b. Any additional requirements through issuance of a Building Permit

The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit

16. At the time of development, the property owner will be required to demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.
17. At the time of development, the property owner shall, construct the aforementioned improvements to the satisfaction of the Roads and Airports Department.

Attachment C

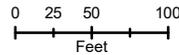


Location and Vicinity Map

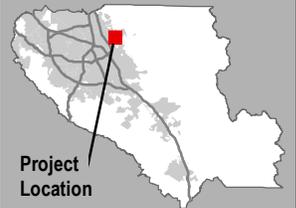
PLN19-0005

APN 599-20-022

Corner of Tallent Avenue and Regal Court, San Jose

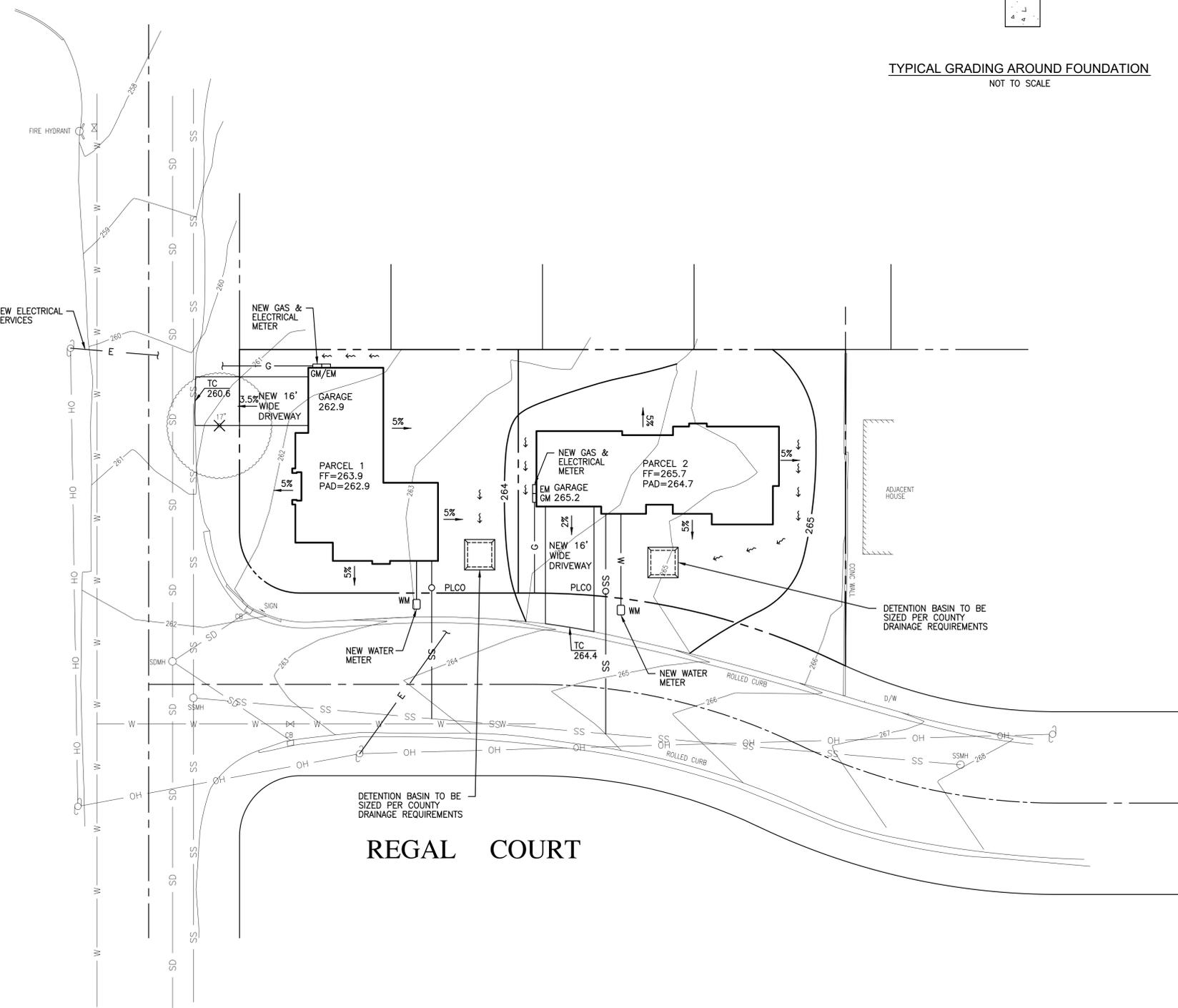


This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability. 10/17/2019 11:22:36 AM Y:\GIS\Reports\PLN19-0005\PLN19-0005-vicinity.mxd



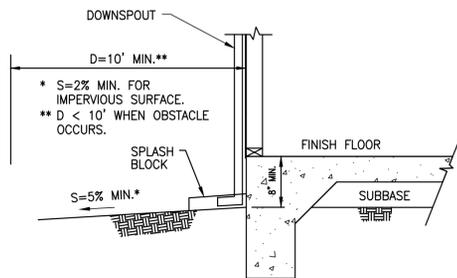
Project Location

TALLENT AVENUE



IMPERVIOUS SURFACES (OUTSIDE COUNTY R/W)

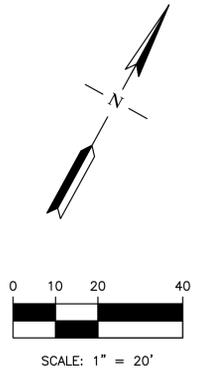
LOCATION	EXISTING (SF)	PROPOSED (SF)	NET CHANGE
DRIVEWAY	2,407	824	
HOUSE	461	4,314	
WALKWAY			
PATIO			
TOTAL	2,868	5,138	2,270



TYPICAL GRADING AROUND FOUNDATION
NOT TO SCALE

LOCATION	CUT (C.Y.)	FILL (C.Y.)	VERT. DEPTH
RESIDENCE	15	25	1'
ACCESSORY STRUCTURE			
HARDSCAPE	10	20	0.5'
DRIVEWAY	5	5	0.5'
OFF SITE IMPROVEMENTS			
TOTAL	30	50	

EARTHWORK QUANTITIES SHOWN ON THIS TABLE ARE FOR INFORMATION ONLY. CONTRACTORS ARE TO PERFORM THEIR OWN QUANTITIES TAKE-OFF.



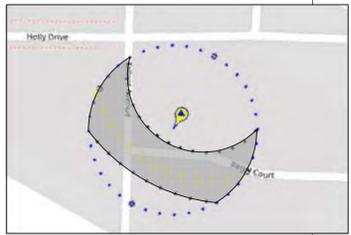
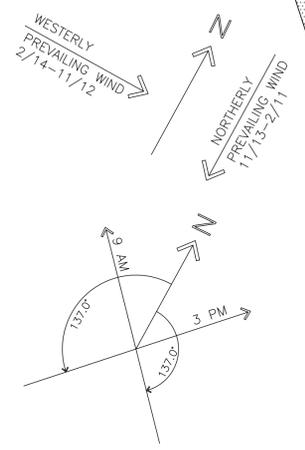
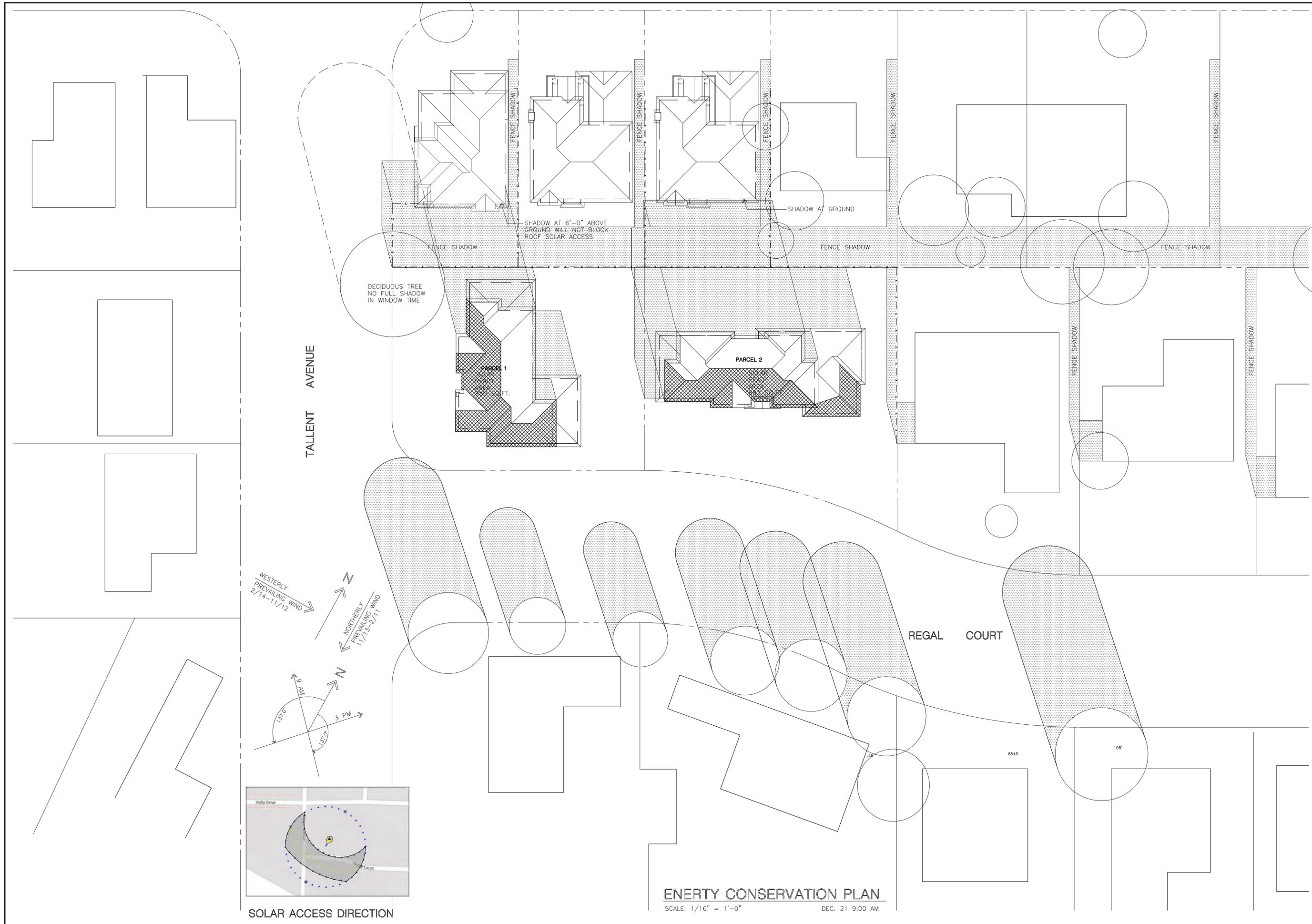
DATE	BY	CSJ	DATE	REVISIONS
1/22/18				



RW RW ENGINEERING, INC.
 CIVIL ENGINEERS LAND SURVEYORS
 505 ALTAMONT DRIVE, MILPITAS, CA 95035
 (P) (408) 262-1899 (FAX) (408) 824-5556
 rweengineering@gmail.com

TENTATIVE PARCEL MAP
 PRELIMINARY
 GRADING & DRAINAGE PLAN
 REGAL COURT

Project No.: SAN JOSE
 Designer: RW
 Checked: RW
 Date: 10/22/18



SOLAR ACCESS DIRECTION

ENERGY CONSERVATION PLAN
 SCALE: 1/16" = 1'-0" DEC. 21 9:00 AM

REVISIONS	
△	SUBDIVISION 4/2/2018
△	OFFICIAL SUB 1/10/2019
△	OFFICIAL SUB 9/23/2019
△	
△	



DL Architecture & Planning
 616 RAMONA ST. STE. 21
 PALO ALTO, CA (650) 321-2808

NEW RESIDENCE
 Weikin International Industrial, Inc.
 REGAL COURT, APN: 599-20-022
 SAN JOSE, CA 95127

ENERGY CONSERVATION PLAN DEC. 21 9:00 AM

DATE	8-1-2016
SCALE	1/16" = 1'-0"
DRAWN	
JOB	
SHEET	ECP-1
OF SHEETS	

REVISIONS	
△	SUBDIVISION 4/2/2018
△	OFFICIAL SUB 1/10/2019
△	OFFICIAL SUB 9/23/2019
△	
△	

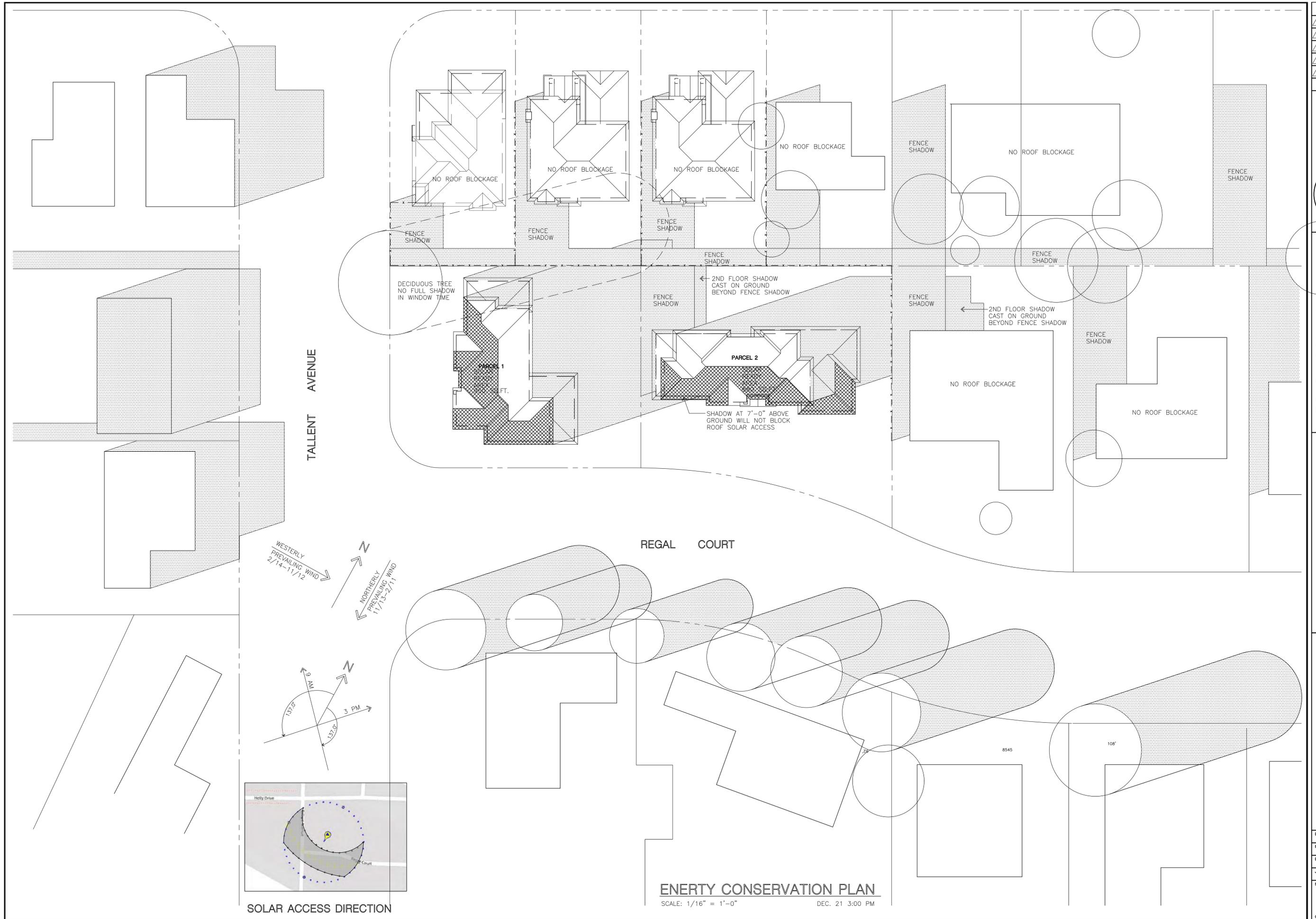


DL Architecture & Planning
 616 RAMONA ST. STE 21
 PALO ALTO, CA (650) 321-2808

NEW RESIDENCE
 Weikin International Industrial, Inc.
 REGAL COURT, APN: 599-20-022
 SAN JOSE, CA 95127

ENERGY CONSERVATION
 PLAN DEC. 21 3:00 PM

DATE	8-1-2016
SCALE	1/16" = 1'-0"
DRAWN	
JOB	
SHEET	
ECP-2	
OF	SHEETS



ENERGY CONSERVATION PLAN
 SCALE: 1/16" = 1'-0" DEC. 21 3:00 PM

Attachment E

SANTA CLARA COUNTY PLANNING OFFICE
70 W Hedding St., San Jose, CA 95110
(408) 299-5770 • www.sccplanning.org

GENERAL PLAN CONFORMANCE AND CONTIGUITY / ANNEXATION STATEMENT

This form must be completed by: (a) the property owner or project applicant, (b) the County Planning Office, and (c) the involved city before certain applications can be accepted for processing. Determination by the city is required for general plan conformance and/or annexation, as noted below. Application for development must be submitted within 6 months of the date of the City Planning Department's determination, or a current form and determination will be required.

General Plan Conformance

Proposals for LOT LINE ADJUSTMENT, SUBDIVISION, USE PERMIT, or ZONE CHANGE on unincorporated county land within a city's urban service area must conform to the applicable use and density provisions of the city general plan. ARCHITECTURE AND SITE APPROVAL for multi-family residential development shall also be subject to city general plan conformance.

Not Applicable

Contiguity /Annexation

Applicants proposing ARCHITECTURE AND SITE APPROVAL, BUILDING PERMIT for a new residence, BUILDING SITE APPROVAL for a new residence, SUBDIVISION, USE PERMIT, or ZONE CHANGE on unincorporated land within a city's urban service area deemed "contiguous" to that city may be subject to city annexation. "Contiguous" means property is either: (a) abutting city boundary, (b) directly across the street from boundary, or (c) within 300 feet of boundary measured along a public road and within territory entirely surrounded by city(ies).

Not Applicable

§66412 of the Subdivision Map Act, §§ 5.20.060 and 5.20.070 of the County Zoning Ord., and § C1-52 of the County Ordinance Code.

STEP 1

TO BE COMPLETED BY OWNER OR APPLICANT

Applicant Information:

(OWNER) / (APPLICANT)
CAXING XIE / ERIC KENG

NAME

940 INDUSTRIAL AVE

MAILING ADDRESS

PALO ALTO, CA 94303

CITY

STATE

ZIP

(650) 321-2808 (APPLICANT)

TELEPHONE #

Property Description:

STREET ADDRESS

599-20-022

APN

16,714 SQ. FT.

LOT SIZE

Existing Use: VACANT

Proposed Use (in detail): SUBDIVIDE TO 2 LOTS FOR SINGLE

FAMILY RESIDENCE (7274 SQ. FT. & 9440 SQ. FT.)

APPLICANT SIGNATURE:



DATE:

4/27/2018

STEP 2**TO BE COMPLETED BY COUNTY STAFF****General Plan Conformance**

- Lot Line Adjustment
- Subdivision
- Use Permit
- Zone Change
- Architecture and Site Approval (Multi-family residential projects only)

Contiguity / Annexation

- Architecture and Site Approval
- Building Permit (additions, 2nd dwellings, currently valid time-limited site approvals excepted)
- Building Site Approval (additions & 2nd dwellings excepted)
- Subdivision
- Use Permit
- Zone Change

Involved City:SAN JOSE**Property is:**

- Directly adjacent to city boundary or directly across street from city boundary.
- Within 300 ft. of city boundary, as measured along a public road (§ 5.20.070(A)(3)).

County Comments: HOME OWNER PREPARING A2 LOT SUBDIVISIONIVAN CALMONA - TORRES
NAME/TITLE408.799.5762
TEL#4/27/16
DATE**STEP 3****TO BE COMPLETED BY CITY PLANNING DEPARTMENT****General Plan Conformance**

- Conforms to city general plan land use and/or residential density policies (application may be filed).
- Does not conform to city general plan land use and/or residential density policies (application may not be filed).

Contiguity / Annexation

- City waives annexation at this time.
- City annexation is required prior to development. Application may not be filed with county.
- Project does not qualify for annexation due to location with respect to city boundary.

NOTE: Per the County Ordinance Code, cities are not authorized to impose conditions when issuing a determination on annexation or general plan conformance. If the city waives annexation and the project site remains unincorporated, county development standards and procedures (not city standards/procedures) will apply.

City Comments: The proposed project conforms to City of San Jose General Plan Land Use Designation (Residential Neighborhoods) & its policies. The proposed lot sizes & pattern are consistent with the existing neighborhood character.

ANGELA WANG, PLANNER II
NAME/TITLE408-535-6870
TEL#5/16/2018
DATE

STEP 2

TO BE COMPLETED BY COUNTY STAFF

General Plan Conformance

- Lot Line Adjustment
- Subdivision
- Use Permit
- Zone Change
- Architecture and Site Approval (Multi-family residential projects only)

Contiguity / Annexation

- Architecture and Site Approval
- Building Permit (additions, 2nd dwellings, currently valid time-limited site approvals excepted)
- Building Site Approval (additions & 2nd dwellings excepted)
- Subdivision
- Use Permit
- Zone Change

Involved City:

Property is:

- Directly adjacent to city boundary or directly across street from city boundary.
- Within 300 ft. of city boundary, as measured along a public road (§ 5.20.070(A)(3)).

County Comments:

NAME/TITLE

TEL#

DATE

STEP 3

TO BE COMPLETED BY CITY PLANNING DEPARTMENT

General Plan Conformance

- Conforms to city general plan land use and/or residential density policies (application may be filed).
- Does not conform to city general plan land use and/or residential density policies (application may not be filed).

Contiguity /Annexation

- City waives annexation at this time.
- City annexation is required prior to development. Application may not be filed with county.
- Project does not qualify for annexation due to location with respect to city boundary.

NOTE: Per the County Ordinance Code, cities are not authorized to impose conditions when issuing a determination on annexation or general plan conformance. If the city waives annexation and the project site remains unincorporated, county development standards and procedures (not city standards/procedures) will apply.

City Comments:

The proposed project conforms to City of San Jose General Plan Land Use Designation of Residential Neighborhood & its policies. The proposed lot size & pattern are consistent with the existing neighborhood character.

NAME/TITLE

TEL#

DATE

ANGELA WANG, PLANNER II

408-535-6870

10/28/2019

From: [Wang, Angela](#)
To: [Ahluwalia, Charu](#)
Subject: [EXTERNAL] RE: Updated General Plan Conformance Statement
Date: Tuesday, October 29, 2019 3:32:37 PM
Attachments: [image002.png](#)

Charu,

Thanks for checking. Yes, the 7,274-square foot lot is still consistent with the General Plan Land Use Designation. Though 6 DU/AC is slightly higher than 5.2 DU/AC, it would not result in inconsistency to the GP because the proposed lot size and pattern are consistent with the existing neighborhood character.

Thanks,
Angela

From: Ahluwalia, Charu <charu.ahluwalia@pln.sccgov.org>
Sent: Monday, October 28, 2019 3:39 PM
To: Wang, Angela <Angela.Wang@sanjoseca.gov>
Subject: RE: Updated General Plan Conformance Statement

Hi Angela,

I have a questions regarding density conformance for this project.

In your email dated April 5th (attached), prevailing density of the block is 5.2 du/ac. However, if we were to divide 1 acre (43560 sqft) by 5.2, we get 8377 sqft. Proposed lot sizes for the two-lot subdivision are 7,274 and 9,440 sqft.

Could you please clarify if the 7,274 sqft lot is in conformance with the San Jose GP density requirement.

Thanks,

Charu Ahluwalia | Associate Planner
(408) 299-5740



InSite, our new digital permit system is now operational. What to expect: customers will be able to initiate request or apply for a permit online or on site; check the status of your project, submit digital documents, and make payments online or on site; get better customer service through smooth & efficient internal routing. To register for an InSite account, click [here](#).



From: Wang, Angela <Angela.Wang@sanjoseca.gov>
Sent: Monday, October 28, 2019 1:56 PM
To: Ahluwalia, Charu <charu.ahluwalia@pln.sccgov.org>

Salisbury, Robert

From: Wang, Angela <Angela.Wang@sanjoseca.gov>
Sent: Friday, April 5, 2019 2:00 PM
To: Salisbury, Robert
Subject: RE: Tallent & Regal subdivision

Robert,

The GP land use designation for the site is Residential Neighborhood. The density is typically 8 DU/AC . New infill development should conform to the Envision General Plan design guidelines for Residential Neighborhoods and be limited to a density of 8 DU/AC or the prevailing neighborhood density, whichever is lower.

The prevailing density at the same side (APN 599-20-018 to 021) of this block is roughly around 5.2 DU/AC. The density of the proposed two lot subdivision matches this number.

Thanks,
Angela

From: Salisbury, Robert [mailto:Robert.Salisbury@PLN.SCCGOV.ORG]
Sent: Friday, April 5, 2019 8:59 AM
To: Wang, Angela <Angela.Wang@sanjoseca.gov>
Subject: Tallent & Regal subdivision

Angela,

As per our phone conversation, please provide me with information about the allowed density under the San Jose General Plan pursuant to the attached GP conformance statement you signed off on last year. Specifically I would like to know what the maximum density allowed is, pursuant to the GP designation for this parcel.

Thanks!

Robert Salisbury, Senior Planner
County of Santa Clara Planning Office
70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
email: Robert.Salisbury@pln.sccgov.org
Phone: (408) 299-5785

Please consider the environment before printing this email.
Please visit our [website](#).
Click [here](#) to look up unincorporated property zoning information.

On December 18, 2018 the Department of Planning and Development launched InSite, our new digital permit system. What to expect: initiate request or apply for a permit online or on site; check the status of your project, submit digital documents, and make payments online or on site; get better customer service through smooth & efficient internal routing

ATTACHMENT F

County of Santa Clara Subdivision Compliance Exhibit (County Ordinance Sec. C12-21)

Letter	Language	Meets Criterion (Y / N / N.A)
(a)	Each lot shall have an area equal to or greater than that required by the Zoning Ordinance or as allowed or required under other applicable regulations, such lot area to be sufficient for the house, setbacks, yards, septic tank and well, if required, and any necessary cuts or fills and drainage facilities. The size and shape shall be such that any necessary permits can be issued under normal review procedures based upon application of ordinance requirements and acceptable design principles. Future street openings and street extensions for traffic circulation must be provided. Lots typically shall have frontage on only one street where practicable, but may have double frontage when necessary because of natural terrain features.	Y
(b)	Lots shall have frontage on a street or legal access to a right-of-way as the principal vehicle access to the lot.	Y
(c)	The side lines of lots will be required to run at right angles to the street upon which the lot faces, as far as practical.	Y
(d)	Where practicable, residential lots adjacent to a major collector street or highway which is planned for four or more lanes shall be designed to front on a street one lot depth removed from the major street or highway, or an intersecting side street.	N.A.
(e)	Corner lots shall have extra width, sufficient to permit the maintenance of building setback lines on both front and side streets. Ordinarily, the width required will be the amount of the established building setback lines on the side street plus a reasonable building width plus such side yard width as may be required by law for the interior side of the lot.	Y
(f)	All lots shall be suitable for the purpose for which they are intended to be sold.	Y
(g)	All lots shall be designed to provide the maximum in safety and human enjoyment while taking advantage of the best natural building sites. Trees of significant value and the natural contours of the land shall be preserved as much as possible.	Y
(h)	Where lots have frontage on a roadway which is not designed to permit parking, off-street parking shall be provided. Either individual lot or common parking areas may be used. Common parking areas to serve several dwelling units shall be designed for two spaces per dwelling unit, exclusive of garage or carport. If common parking areas are not used, each lot shall be improved to provide off-street	N.A.

	parking spaces for four cars in addition to parking provided within garages or carports. Driveways may be used to provide this parking.	
(i)	Lot widths have a significant effect on aesthetics and improvement cost. To avoid undesirable narrow, deep lots and to achieve a reasonable balance in lot design and improvement costs, lots (except cluster developments) generally shall have a maximum depth to width ratio of three-to-one.	Y