05-117CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

STAFF REPORT

Hearing Date/Agenda Number
P.C. 12-06-06 Item # .
C.C. 12-12-06

File Number
PDC06-012

Application Type
Planned Development Rezoning

Council District 4

Planning Area
Berryessa

Assessor's Parcel Number(s)
237-01-030, -050

PROJECT DESCRIPTION — Completed by: Sanhita Mallick

Location: South side of Rock Avenue, approximately 450 feet westerly of Oakland Road

Gross Acreage: 1.02 ac | Net Acreage: 0.98 ac | Net Density: 18.4 DU/AC

Existing Zoning: IP-Industrial Park | Existing Use:

Proposed Zoning: A (PD) Planned Development | Proposed Use: Up to 18 single-family attached residences.

GENERAL PLAN — Completed by: SM

Land Use/Transportation Diagram Designation
Industrial Park

Project Conformance:
[☒] Yes [☐] No
[☐] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING — Completed by: SM

North:	Mobile Home Park	A(PD) Planned Development (File No. PDC81-141)
East:	Attached Single-family Residence	A(PD) Planned Development (File No. PDC05-022)
South:	Rock Avenue, Detached Single-family Residence	A(PD) Planned Development (File No. PDC03-068)
West:	Mobile Home Park	A(PD) Planned Development (File No. PDC81-141)

ENVIRONMENTAL STATUS — Completed by: SM

[☐] Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)
[☒] Negative Declaration circulated on November 15, 2006
[☐] Negative Declaration adopted on

[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY — Completed by: SM

Annexation Title: Orchard No. 63 | Date: 10/15/1974

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☒] Approval
[☐] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date

Approved by: _____
[ ] Action
[☒] Recommendation

APPLICANT/OWNER/DEVELOPER

HMH Engineers (Ray Hashimoto) 1570 Oakland Road San Jose Ca 95131	Klassen Johnny L & Judith M Et Al 16295 Soda Springs Rd Los Gatos Ca 95133	DeMattei Construction Inc. (Lydia Lyons) 1794 The Alameda San Jose CA 95126

PUBLIC AGENCY COMMENTS RECEIVED Completed by: SM

Department of Public Works

See attached memorandum

Other Departments and Agencies

See attached memoranda from the Fire Department, Environmental Services Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, De Mattei Construction, is requesting to rezone the subject site located on the south side of Rock Avenue, approximately 450 feet westerly of Oakland Road, from IP-Industrial Park to A(PD) Planned Development Zoning District to allow up to 18 multi-family attached residences, at a density of 18.4 dwelling units per acre (DU/AC). A Planned Development Permit (File No. PD06-061) is currently on file and under review, and will proceed subsequent to an approval of the subject re-zoning by the City Council.

Site and Surrounding Uses

The site is bounded by a mobile home park to the north and west, attached single-family residences under construction to the east, and, Rock Avenue and detached single-family homes across Rock Avenue to the south. The mobile home park (Casa Del Lago Mobile Home Park) is zoned A(PD) Planned Development. The residential development to the east of the project site is zoned A(PD) Planned Development with a density of 21.2 dwelling units per acre and is developed with single-family attached residences similar to the proposed project. The residential developments to the south across Rock Avenue is zoned A(PD) Planned Development with a density of 11.2 dwelling units per acre and is developed with single-family detached homes. Some of these homes are already occupied, while others are still under construction. Orchard Elementary School, located on Oakland Road, is situated at a walking distance of approximately 1600 feet to the south-east of the project site.

The site is a flat, irregularly shaped parcel that is developed with an office building, associated parking lot, outdoor storage areas and minimal landscaping. There are 19 trees on the site, most of which are proposed to be removed, including one ordinance-sized tree.

Project Description

The proposed rezoning would allow up to 18 attached town-home style condominium residential units. The conceptual site plan shows units clustered in three three-story modules, two of which include five units and one which includes eight units. Two units are proposed to front onto Rock Avenue with a setback of approximately 23 feet from the face of curb. Ten (10) of these

residential units front onto a triangularly-shaped common open space area. The project proposes two four-bedroom units, ten three-bedroom and six two-bedroom units. All the units are proposed to have two-car garages, either in a tandem or side-by-side configuration, accessed from internal driveways at the ground level. More than half of the units are proposed with side-by-side parking. This arrangement is typical of a Garden Townhouse type of unit. The buildings will be three stories and are proposed to have a maximum height of 42 feet above grade. The conceptual architectural plans indicate that a portion of the third floor will be stepped back from the front of the building. Private open space is provided in the form of patios and balconies, which range from 74 to 331 square feet per unit, with the majority of the units having more than 140 square feet of open space. The project proposes an approximately 2,500 square foot common open space area located near the east side of the development, or approximately 68 square feet per unit. This space is proposed to be designed in a way so that it seamlessly connects with a landscaped area located on the west side of the previously approved Hampton Park I project (formerly called the Pestana property), and would allow pedestrian connection between these two projects, and use of the open space area by residents of both projects. The design of this open space will be refined at the PD Permit stage.

Vehicular and pedestrian access to the site is provided by means of a 24-foot wide driveway from Rock Avenue located along the western property line of the site. Pedestrian access is also provided through one pedestrian paseo located on the east side of the property linked to the sidewalks on Rock Avenue that leads into the common open space within the site.

The project proposes to provide 44 on-site parking spaces which includes 36 covered spaces provided in the form of two-car garages with the remaining eight spaces provided as surface parking. Three additional off-site spaces will likely be available along the project frontage on Rock Avenue.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration circulated on November 15, 2006 indicates that the project will not result in a significant environmental impact when the identified mitigations are incorporated. The Mitigated Negative Declaration addressed issues such as air quality, biological resources, geology and soils, noise, traffic, water quality, air quality and construction related impacts. The complete Initial Study can be found online at http://www.sanjoseca.gov/planning/eir/MND.asp .

GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed residential use is not consistent with this General Plan designation. However, in order to encourage infill development, one of the General Plan's Discretionary Alternate Use Policies, the Two Acre Rule, provides for the development of parcels with a non-residential land use designation, two acres or less in size to be developed under any residential or non-residential category. The key considerations for use of this discretionary policy are land use compatibility with existing and planned uses of adjacent and neighboring properties, whether the project is of exceptional design quality, and whether the project exceeds the minimum standards of the zoning ordinance and adopted design guidelines.

Land Use Compatibility

The project site is now completely surrounded by residential uses on its four sides. During the past two years, the City Council approved three General Plan Amendments on three sites located on two sides of Rock Avenue to the east and south of the subject site to change the General Plan Land Use designation of these sites from various industrial designations to residential designations. Subsequent Planned Development rezonings have facilitated the development of 244 new housing units in the immediate vicinity of the subject site, in addition to the approximately 400 housing units already existing in the mobile home park. These newly-approved housing units are either under construction or already occupied.

The only remaining industrial uses in the vicinity consist primarily of industrial park and light industrial uses on approximately 17 acres of land located 250 feet westerly of the site. The General Plan designation and zoning of these parcels are Industrial Park. Currently, these parcels are developed with several office buildings. Future uses on these sites under the current zoning and General Plan designation could potentially involve heavy truck use along Rock Avenue and ancillary storage and use of hazardous materials. Given the distance between the industrial use and the subject site including the width of Rock Avenue, the possible use of hazardous materials is not currently a major concern.

Design Quality

As discussed below in the Analysis section, the project substantially conforms to the Residential Design Guidelines. Given the shape and size of the parcel, the project provides a sizeable common open space, a sufficient number of parking spaces, generous setbacks and considerable amounts of private open space for each unit. The project is also designed and conditioned to integrate its pedestrian circulation and common open space with the existing planned development to the east, thus avoiding a small walled-off enclave on this small property. From this analysis, Planning staff concludes that the project meets the criteria for application of the Two Acre Rule.

Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies

The proposed project also furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban services can be efficiently provided. The Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing.

The subject site is situated within the existing urbanized area of the City of San Jose, with retail commercial centers located a half mile southerly of the site. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current

rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure, and 3) reduce pressure for growth outside the UGB.

ANALYSIS

The analysis section addresses the compliance of the project with the Residential Design Guidelines for Garden Townhomes and conformance with the Parkland Dedication Ordinance.

Conformance with Residential Design Guidelines

The proposed development for attached single-family homes is generally consistent with the Residential Design Guidelines.

Open Space

The project proposes a sufficient amount of private open space to meet the needs of the future residents of the project. The Guidelines recommend that townhomes similar to the subject development should provide private open space at the rate of 300 square feet per unit. Private open space can occur in the form of a rear yard, patio, balcony and/or deck with a minimum width for such space of 15 feet. Excepting for three units that propose 74 square feet of open space, all the units include at least 143 square feet of open space, with six units (33% of the total number) proposing 331 square feet of open space. The draft Development Standards reflect these numbers.

The Residential Design Guidelines indicate that the need to provide common open space for new residential developments comprised of 20 or less units may be waived. The intent behind the open space requirement in the Guidelines is to provide a "usable open space requirement for recreation and social activities" of the residents. Although it is not required under the Guidelines, the project proposes a somewhat centralized common open space, approximately 2,500 square feet in area (approximately 68 square feet/unit) that can be used by residents for passive recreational activities, and somewhat offsets the lesser amount of private open space provided to a few units. Staff believes that the benefits of this common open space and the linkage it will provide for residents of both projects. The increased pedestrian access will greatly enhance the project's livability.

Parking

The proposed 44 parking spaces for the site which equate to a parking ratio of 2.4 spaces/unit, substantially conforms to the Residential Design Guidelines. The Guidelines indicate that for a project of this type, there should be 50 on-site spaces given the currently proposed mix of two four-bedroom, ten three-bedroom and six two-bedroom units. As part of the street improvements included in the project, three on-street parking spaces will be located along the Rock Avenue frontage of the site. The on-site parking ratios approved for the two sites in the vicinity (one to the east of the site at the intersection of Oakland and Rock, and another one located to the north of that site along Oakland Road) with similar density and unit type were 2.4 spaces/unit and 2.5 spaces/unit respectively. Given the small scale of the project, staff believes that the proposed parking ratio of 2.4 spaces per unit on-site should be adequate, and that the three off-site frontage spaces will augment guest parking.

Site Setbacks and Interfaces

The proposed project includes a 36-foot setback between the residential project and the western property line adjacent to the existing mobile home park. This area currently proposes a landscaped strip and a driveway, both of which are of varying width. Planning staff has included language in the proposed draft Development Standards to provide a minimum of a five-foot wide landscaped setback area to allow for planting of trees, and a minimum driveway width of 20 feet. Staff acknowledges that the proposed rear setback of 20 feet along the northerly property line is less than what the Residential Design Guidelines recommend for separation between single- family rear yards and 3-story structures; however, given the odd shape of the lot, provision of a larger setback would reduce the size and usefulness of the site. The proposed conceptual architecture shows that most of the third floor is setback by at least 12 feet from the face of the first two stories of the building. The draft Development Standards require a 12-foot setback from the second story to the third story along this property line that reflects the conceptual design provided by the applicant. Landscaping is also proposed along the northern edge of the site to further limit visibility of the three-story structures from the adjoining mobile home park. The project proposes a minimum setback of nine feet from the eastern property line, abutting a parking/driveway area of the already approved three-story residential development to the east, in excess of the 5-foot setback recommended by the Residential Design Guidelines.

The proposed site plan shows an approximately 15-foot setback from the future back of curb along Rock Avenue, where the future property line will be located, which is compatible with the approved development to the east. The facades of the two units oriented to this side of the building shall be designed in a way to enhance the street presence, including entrances, patios, windows and other architectural treatment that enlivens the street.

Integration with the Planned Development to the East

In order to achieve the greater goal of building a neighborhood in this area, staff strongly encouraged the proposed development be integrated with the existing/planned residential neighborhood, rather than developed as a stand-alone enclave. Initially, staff and the applicant explored using the driveway of the neighboring 98-unit multi-family attached unit development (formerly called the Pestana Property), instead of providing a new driveway for the subject 18-unit project as the preferred option for integration. After working with the applicant on an analysis of possible site designs, it was noted that due to the grade difference between the two sites along the long, narrow subject site, using the neighboring driveway to serve the subject project would require significant “padding-up”of the site and was not a feasible solution. Instead, the applicant and staff worked to design a project which proposes a common open space located on the eastern edge of the site, integrated with a landscaped area located on the south-west corner of the neighboring residential project, and pedestrian connections between these two sites through this area. The draft Development Standards include language to secure required cross-access easements for residents prior to the approval of the Tentative Map. Planning staff believes that this open space area and the integration with the existing development is an exceptional design feature of the subject project that will foster the creation of a cohesive neighborhood in the area.

Conformance with the Parkland Dedication Ordinance (PDO)

Planning staff is concerned about the availability of park facilities to the future residents of the project. As per the attached memorandum provided by the Department of Parks, Recreation and Neighborhood Services (PRNS) for a previous project in the area (File No. PDC05-105), the four residential projects approved in the area (adding a total of approximately 300 residential units) have generated a need for a 2.5-acre park in the neighborhood. Land expected on the Orchard School site has not yet been available for development of a park. The closest park to the subject site is located in the City of Milpitas, 1.4 miles from the site. Townsend Park and Flickinger Park are the closest San José parks to the site, and are eachapproximately two miles from the site.

Given the small size of the subject site at about an acre, the Department of Parks, Recreation and Neighborhood Services (PRNS) has recommended that that the project submit payment of in-lieu fees instead of on-site dedication of parkland.

Conclusion

Staff believes that this small infill project has been designed to integrate with the adjacent residential residential development, provide a neightborhood-focussed open space and pedestrian amenities. While on-site parking does not fully compy with the standards of the Residential Design Guidelines, staff believes that the small scale of the project, and availability of some on0stree

PUBLIC OUTREACH

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site. A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy. An on-site sign was placed on the site to provide information on the pending proposal.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject property for the following reasons:

1. The proposed project is in substantial conformance with the Residential Design Guidelines in that it substantially meets the parking, setback and open space requirements.
2. The proposed project is of an exceptional design in that the project provides for common open space that exceeds the Guidelines, and the project is well integrated with the neighboring site to foster creation of a neighborhood.
3. The proposed project is compatible with existing and planned uses on adjacent and neighboring properties in that all parcels around the subject site are developed, or are being developed, with residential uses.

Attachments:
Draft Development Standards
Location Map
Memorandum from Department of Public Works, Fire Department, Police Department, ESD
Mitigated Negative Declaration
Planset
Memorandum from PRNS for File No. PDC05-105