

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113-1905

Hearing Date/Agenda Number
P.C. 12/06/06 Item: 4i

File Number
PDC06-026

Application Type
Planned Development Rezoning

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
690-06-062

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Southerly side of Shenado Place, approximately 500 feet easterly of Gerine Blossom Drive

Gross Acreage: 0.83

Net Acreage: 0.55

Net Density: 12.7 (DU/AC)

Existing Zoning: R-1-1 Residence

Existing Use: Vacant

Proposed Zoning: A (PD) Planned Development

Proposed Use: To allow seven new single-family detached residential units.

GENERAL PLAN

Completed by: JR

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: JR

North: Detached Residential

R-1-8 Single-Family Residence

East: Public Utility Facility

R-1-1 Single-Family Residence

South: Detached Residential

R-1-8 Single-Family Residence and A (PD) Planned Development

West: Detached Residential

R-1-8 Single-Family Residence

ENVIRONMENTAL STATUS

Completed by: JR

Environmental Impact Report
 Negative Declaration circulated on November 15, 2006

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: JR

Annexation Title: Oak Grove No. 37

Date: May 28, 1971

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

OWNER/ APPLICANT/DEVELOPER

Greg Mussallem
P.O. Box 8305
San Jose, CA 95155

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Jeff Roche

Department of Public Works

See attached memorandum, dated, May 16, 2006.

Other Departments and Agencies

See memoranda from the Fire Department dated, May 3, 2006.

GENERAL CORRESPONDENCE

See email from a neighboring property owner, dated, July 6, 2006.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This is a Planned Development Rezoning from R-1-1 Residence Zoning District to A (PD) Planned Development Zoning District to allow up to seven single-family detached residences on a 35,495 gross square foot site. The proposed minimum lot sizes would range from approximately 3,000 square feet to 4,300 square feet (with an average lot size of 3,500 square feet), as shown on the applicant's proposed plans. Two unit types are proposed, ranging in size from 2,150 square feet to 2,200 square feet and are approximately 30-feet in height. All units have a two-car garage and a minimum of 600 square feet of private open space, or greater.

The Conceptual Site Plan indicates that the new residences would take access from Shenado Place. No access is proposed to Pecan Blossom Drive. In order to take access from Pecan Blossom Drive, the applicant would need to acquire access across a small piece of privately-owned property between the site and the public street. Surrounding land uses are single-family detached residential on three sides, with a public utility facility to the east of the site.

ENVIRONMENTAL REVIEW

The environmental review for this project was based on an Initial Study prepared for the project. Issues addressed in the Initial Study include Aesthetics, Air Quality, Biological Resources, Archaeology, Geology and Soils, Hydrology and Water Quality, Noise, and Transportation and Traffic.

All mitigation measures that have been identified in the Initial Study have been included in the project. For these reasons, the Director of Planning issued a Negative Declaration for the proposed Planned Development Rezoning on November 15, 2006.

GENERAL PLAN CONFORMANCE

The project site is designated Medium Low Density Residential (8 DU/AC) on the City's General Plan Land Use Transportation Diagram. The project site is approximately 35,945 gross square feet in size. If the private street is deducted from the gross square footage, the site is approximately 23,900 net square feet, or 0.55 acres in size.

Project as Proposed by the Developer

The applicant is proposing a project of seven units, at a density of 12.7 dwelling units per net acre, which exceeds the General Plan density range and would require the application of the *Discretionary Alternate Use Policy: Two Acre Rule* to find the project in conformance with the General Plan.

The proposed rezoning would further the closely related Greenline and Housing Major Strategies of the General Plan which specify that urban development should only occur within the Urban Service Area where urban development can be accommodated and where urban services can be efficiently provided. However, staff has concluded that the seven-unit project, as proposed by the developer, would result in a project that is not compatible with the existing surrounding residential development and is not of an exceptional design for the location. For these reasons, staff has concluded that the applicant's proposal does not conform to the General Plan. For the past seven months, staff has met with the applicant and the consultant team and has strongly encouraged them to make revisions to the plans to address concerns regarding neighborhood compatibility and conformance to the Residential Design Guidelines. The applicant has not proposed any revised plan or reduction in units.

Alternatives Proposed by Staff

Staff does concur that the property is an underutilized site, located within the existing urbanized area, and that it provides an ideal opportunity for a modest infill development of up to five units (with either a street or a driveway). Staff believes a proposal for up to five units supports and conforms with the General Plan infill strategies, and may or may not require the application of the Discretionary Alternate Use Policy: Two Acre Rule, depending on whether the ultimate project includes a street, as the project density is calculated using the site's net square footage. A future 5-unit project on the site, as recommended by staff, would have a density of 9.1 DU/AC if the design for a street is retained. A 5-unit project oriented around a driveway or some other design would result in a calculated density of 6.0 DU/AC. Staff believes that reducing the number of units to no more than five would allow a site design to be developed that could potentially make use of the Two-Acre Rule for exceptional design.

ANALYSIS

The primary issues associated with this project are the compatibility of the proposed density with the existing neighborhood, conformance to the Residential Design Guidelines and the applicability of the Discretionary Alternate Use Policy: Two-Acre Rule to this project.

Neighborhood Compatibility

The project site is located within an existing residential neighborhood generally characterized by larger, single-family detached residential uses and lots, with a public utility facility to the east of the site. The applicant is proposing a total of seven single-family detached dwelling units that, at 12.7 dwelling units per acre, would exceed the allowable density range of the General Plan land use designation of Medium Low Density Residential (8 DU/AC). As proposed by the project developer, the lots would range in size from approximately 3,000 square feet up to 4,300 square feet, and would be substantially smaller than the 5,445 square foot minimum lot size/development pattern in the neighborhood. All units will have private open space in the form of backyards. The smaller lot sizes as proposed by the applicant often create interface issues because the units are closer together, while larger lot sizes with corresponding larger setbacks would blend better into the neighborhood development pattern, and could help solve those issues. As proposed by staff, the lot sizes would be an average of approximately 4,700 square feet, and significantly closer to the neighborhood's average lot size.

Conformance to the Residential Design Guidelines

The City's Residential Design Guidelines state that single-family detached houses are typically on individual lots and have street frontage. As proposed, while the houses are on individual lots and have setbacks that would generally correspond to the applicable sections of the Residential Design Guidelines based on the lot sizes (those for lots of 3,000 to 4,000 square feet, or for lots of 4,000 to 5,000 square feet), the project takes access from an enhanced driveway. A minimum of only 6 feet of separation is proposed between the units, resulting in the row of buildings having an attached appearance. The Guidelines call for larger, 8- to 9-foot distances between units (side to side). A minimum 15-foot setback is proposed along the easterly side of the site, adjacent to the public utility facility, where a minimum setback of 25 to 28 feet would be required per the Guidelines. Staff has concluded that a project with fewer units, more rectangular in shape, would also allow for greater separation between the proposed houses and the incompatible use to the east, and allow for an increase in the depth of the rear yards of up to 25 feet.

The Guidelines state that the units should take access from a street, not an enhanced driveway. In order to create a pleasant urban environment for residents, pedestrians, and passersby, and a sense of security for pedestrians, all street sections should include park strips and detached sidewalks. This project does not propose to include detached sidewalks or park strips. Alternatively, if the number of units were reduced from 7 units to only 4 or 5 units that take access from a shared driveway, the scenario with fewer units would also conform to the Guidelines. If the applicant was able to obtain access to Pecan Blossom Drive, the project could be divided so that the frontage along the south end of the site was developed with 1 to 2 units that fronted onto, rather than sat side-on or "backed-up" to the existing neighborhood.

Given the significant length of the proposed dead-end street (approximately 340 feet) and the proposed placement of the rear unit (Lot 7), staff has concluded that there could be visibility and safety issues due to the lack of natural surveillance from Shenado Place. Staff also believes that the rear unit is too close to Pecan Blossom Drive, with only a minimum setback of approximately 15 feet. Turning the unit 90 degrees and orienting it so that it would "look down" the new street or driveway and creating a larger, 25-foot setback toward Pecan Blossom Drive would result in a better design that enhances visibility and relates better with the existing neighborhood to the south, where the front setbacks for existing houses are approximately 25 feet.

The applicant has agreed to install a wall (along the southerly site boundary) in response to concerns expressed by the adjoining property owners. City staff believes that the design and location of this wall, and the vacation of a portion of Shenado Place, can be resolved through the Planned Development Permit process. The area that will need to be vacated is shown as a triangular area adjacent to Shenado Place, on the project's Land Use Plan. This area would ultimately be incorporated into the yard of the future Lot 1.

Staff has prepared *Draft General Development Plan standards* (see attached) limiting the maximum number of units to five, and including maximum building heights, setbacks, and parking standards consistent with City standards for single-family detached residential development. The reduction to five units from the proposed seven by reducing the number of lots would also allow for greater building setbacks typical of lots in a conventional single-family residential zoning district, and allow for deeper rear yards. Staff has concluded that limiting the project to a maximum of 5 units, with a shorter street that includes a detached sidewalk and park strip on one side, curbside parking and parking bays, and a standard cul-de-sac bulb at the end of the street, and with units that are rectangular- rather than square-shaped, with side-entry garages, would fit better on the site and reduce the dominance of vehicles across the front of the site, and along a future street.

Larger setbacks in conformance with the Residential Design Guidelines, and with a northerly-facing end unit, consistent with the Guidelines and Draft Development Standards as prepared by staff, would also be more in conformance with the City's General Plan and in keeping with the character of the neighborhood.

Discretionary Alternate Use Policy – Two-Acre Rule

The General Plan specifies conditions under which an alternative to uses or residential densities to those otherwise allowed in a particular Land Use designation may be determined to be in conformance with the General Plan. The Two-Acre Rule Discretionary Alternate Use Policy of the General Plan states that, "the alternate land use allowed by this policy should be compatible with existing and planned uses, and to use the policy, projects should exceed the minimum standards of the Zoning Ordinance and adopted design guidelines." The General Plan objective is to encourage infill development through projects of exceptional or innovative design solutions, especially on sites with physical or environmental constraints. As discussed elsewhere in this report, staff has concluded that, as designed, the developer's proposed project would not be fully compatible with the neighborhood, does not conform to the City's Residential Design Guidelines, and is not of exceptional design, as it does not exceed the minimum standards expected for a similar project elsewhere in the City.

Staff has concluded that a project that contains a maximum of five units (total) would still allow for modest infill development consistent with the policies of the Plan, and might or might not require the application of the General Plan Two Acre Rule Discretionary Alternate Use Policy, depending on whether the project's ultimate design included a street. Staff believes a reduction in the units proposed on this narrow site should greatly enhance the potential for a well-designed project.

Conclusion

To date, the applicant has not proposed any modification to the originally submitted seven-lot plan, nor any reduction in the number of units, in response to staff concerns. Staff concurs that there is an opportunity to allow some additional infill development of the site, and is supportive of a project for up to five units. With the exception of a single-family detached project (PDC 98-002) to the southeast of the site (on the southerly side of Hayes Avenue) that includes a street (the proposed project does not include a street, but an enhanced, driveway) and is approximately 11.9 DU/AC, the majority of development in the immediate area consists of larger lots and less dense projects (i.e., between 8 to 9 DU/AC). Staff would note that the site on Hayes Avenue has a different designation on the City's General Plan Land Use Transportation Diagram (i.e., Medium Density Residential (8-16 DU/AC)) than the subject site, and is therefore not appropriate to use for density comparison purposes.

Staff does not support the use of the Two-Acre Rule to increase the density for the project as proposed by the developer. Planning staff is recommending conditional approval of the proposed rezoning with a maximum of 5 units, with a street (including minimizing the length of the street), that includes a detached sidewalk and park strip on one side, curbside parking and parking bays, a standard cul-de-sac bulb at the end of the street, rectangular-shaped units rather than square-shaped units with deeper rear yards and side-entry garages that would fit better on the site, setbacks in conformance with the Residential Design Guidelines, and with the living area of the end unit facing in a northerly direction down the new street, consistent with the Guidelines and the Draft Development Standards as prepared by staff.

PUBLIC OUTREACH

A notice of the public hearing was published in a local newspaper, and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to meet with neighboring property owners. Copies of all correspondence received to date have been attached to this report. A Community Meeting was held on July 11, 2006. Issues that were raised by the neighbors at that meeting included parking, traffic, fence treatment, noise, and activity at the adjacent public utility facility.

This report has been made available on the Planning Department web site.

RECOMMENDATIONS

Planning staff recommends conditional approval of the subject Planned Development Rezoning with a maximum of five units (total) for the following reasons:

1. As proposed by the applicant, the seven-lot project with a net density of 12.7 DU/AC is not consistent with the General Plan Land Use designation of Medium Low Density Residential (8 DU/AC), is not compatible with the surrounding single family residential development, is not of an exceptional design because it does not meet the minimum standards called for in the Residential Design Guidelines, and therefore, cannot be found to conform under the General Plan Discretionary Alternate Use Policy – Two Acre Rule.
2. The proposed project, as recommended by staff, is consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC) and may or may not require the application of the General Plan Two Acre Rule, Discretionary Alternate Use Policy, depending on whether the ultimate project design includes a street.
3. The project, as recommended by staff, is compatible with the existing neighborhood character and lotting pattern.
4. The project, as recommended by staff, includes development standards and use limitations to ensure that subsequent development will be compatible with the surrounding neighborhood and could allow for development of a project with exceptional design.

Attachments:

Draft Development Standards
Location Map
Mitigated Negative Declaration
Meeting Notice
Comments from Environmental Services
Public Works Memorandum
Fire Department Memorandum
Email from Judith Amos

cc: Rick and Holly Hartman, Hometec Architecture, 619 North First Street, San Jose, CA 95112
Mission Engineers, 355 Reed Street, Santa Clara, CA 95050
Richard Mindigo, Richard Mindigo and Associates, 1984 The Alameda, San Jose, CA 95126
Erik Schoennauer, The Schoennauer Company, 2066 Clarmar Way, San Jose, CA 95128
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Paul and Judy Amos, 5378 Pecan Blossom Drive, San Jose, CA 95123
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