TY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E Santa Clara St, 3rd Floor
San José, California 95113-1905

STAFF REPORT

Hearing Date/Agenda Number
P.C. 11/9/05 Item: 4.d.1 & 2
C.C. 12/6/05

File Number
PDC 05-046 / C05-102

Application Type Planned Development Rezoning/ Conventional Rezoning

Council District 6

Planning Area Willow Glen

Assessor's Parcel Number(s)
284-03-020, 031, 033 and 284-07-005, 006, 007

PROJECT DESCRIPTION — Completed by: Ed Schreiner

Location: South side of Curci Drive between Meridian Avenue and St Elizabeth Drive

Gross Acreage: PDC05-042: 2.2 ac; C05-102: 1.17 ac

Net Acreage: PDC05-046: 1.8 ac; C05-102: 1.17 ac

Net Density: PDC05-046: 25.6 DU/AC; C05-102: N/A

Existing Zoning: A(PD) Planned Development

Existing Use: Single-family residential and orchard, Vacant commercial building

Proposed Zoning: A(PD) Planned Development; CO Commercial Office

Proposed Uses: Single-Family Attached Residences Commercial

GENERAL PLAN — Completed by: ES

Land Use/Transportation Diagram Designation
Office, High Density Residential (25-50 DU/AC), and Medium High Density Residential (12-25 DU/AC) (PDC05-046)

Project Conformance:
[**X**] Yes [ ] No
[ ] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING — Completed by: ES

North:	Multiple-family Residential	A(PD) Planned Development
East:	Multiple-family Residential	A(PD) Planned Development
South:	Child Daycare, Multiple-family Residential, Los Gatos Creek	R-1-8 Residence, A(PD) Planned Development
West:	Future Public Park, Child Daycare	A(PD) Planned Development, R-1-8 Residence

ENVIRONMENTAL STATUS — Completed by: ES

[ ] Environmental Impact
[X] Negative Declaration circulated on October 5, 2005
[ ] Negative Declaration adopted on

[ ] Exempt
[ ] Environmental Review Incomplete

FILE HISTORY — Completed by: ES

Annexation Title: Hamilton No. 49

Date: April 17, 1981

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[X] Approval
[ ] Approval with Conditions
[ ] Denial

Date: _____

Approved by: _____
[ ] Action
[X] Recommendation

APPLICANT / OWNER (PDC05-046)

John Moniz, Pinn Brothers
1475 Saratoga Ave, Suite 250
San Jose, CA 95125

C05-102

Green Valley Corp.
777 N. First St., Unit 500
San Jose, CA 95112

PUBLIC AGENCY COMMENTS RECEIVED **Completed by: ES**

Department of Public Works

See attached memorandum

Other Departments and Agencies

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

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting a Planned Development Rezoning from the A(PD) Planned Development District to A (PD) Planned Development for the easterly 2.2-acre portion of the 3.37 acre project site to allow construction of forty-six single-family attached residences. The Director of Planning has initiated a rezoning of the 1.17-acre westerly portion of the site to CO Commercial Office Zoning District to allow commercial office uses. A PD Rezoning is required for the residential portion of the project because the proposed development does not conform to the lot size, setback and other standards of any of the conventional residential zoning districts. The CO Commercial Office zoning is proposed by the Director of Planning to avoid leaving a remnant of the current PD Zoning that covers the entire 3.37-acre site. The current PD Zoning (File No. PDC03-084), approved in 2003 to allow a 130 bed residential care facility, is no longer proposed to be implemented. Rezoning of a portion of the site would leave the 130-bed residential care facility as an approved use on the smaller site without any discretionary review. The staff-initiated rezoning will provide a zoning designation that conforms to the General Plan until such time as the property owner moves forward with a specific development proposal for the site. Such an application is currently on file (File No. PDC05-091) proposing 57 single-family attached units, and is expected to be considered by the Planning Commission and Council sometime after the first of the year.

Site Conditions and Context

The project includes six separate parcels that form a roughly T-shaped site with frontage on both Curci Drive and Meridian Avenue. The parcel fronting Meridian Avenue contains a former gas station building that has been vacant for several years. An orchard and three single-family residential structures are existing on the remainder of the site. The properties to the north of the project site are developed with multi-family residential uses (three-residential stories over parking) and a fast-food restaurant. Multi-family uses are located to the east of the site, across Meridian Avenue, also in three-story residential buildings over parking. A child daycare center, two-story townhouses and the Los Gatos Creek and Creek Trail are located to the south, and day care and unimproved parkland are located to the west.

Currently, VTA bus service operates on Meridian Avenue adjacent to the project site. The Fruitdale Light Rail Station is located near the intersection of Southwest Expressway and Fruitdale Avenue, approximately 1200 feet from the project site.

Proposed Project

The current proposal consists of forty-six single-family attached units in five three-story buildings, up to

40 feet in height. The units are aligned in north-south rows across the property. The units can best be characterized as garden townhouses. The conceptual plans show three different unit types, a three-bedroom unit with a tandem garage, a three-bedroom unit with a conventional garage and a four-bedroom unit with a conventional garage. Each unit has a two-car garage. Twenty-seven of these garages are designed in a tandem configuration; the remainder are conventional side-by-side orientations. The entryway to each unit is located on the opposite side of the unit from the garage. Vehicular access to the site is provided via driveways from Curci Drive and from the easterly end of the existing McKinley Avenue. A strip of land totaling approximately 8,600 square feet in area will be required for street dedication to widen Curci Drive. The applicant is proposing to dedicate approximately 0.2 acres at the westerly end of the site to increase the size of the future public park.

ENVIRONMENTAL REVIEW

A Draft Negative Declaration was circulated for this project based on an Initial Study, which concluded that the project would not result in a significant environmental impact. Technical reports were prepared to address potential impacts in the areas of noise, hazardous materials, geotechnical issues, trees and historic resources. Mitigation has been included in the project to ensure that the proposed use does not result in impacts relative to the archaeology, water quality and air quality. Trees proposed for removal will be replaced in conformance with the City's standard tree replacement ratios. A traffic analysis prepared by the Department of Public Works indicated that the project would not result in a significant traffic impact. An historic analysis prepared for the existing structures on the site indicated that they are not significant historic resources.

COMMUNITY OUTREACH

A community meeting was held for this project at St. Elizabeth's Day Home on July 12, 2005. Community members expressed significant concern regarding traffic and traffic safety along St. Elizabeth Drive. Neighbors also expressed concern regarding the heights of the buildings and the privacy of adjacent residences, as well as interest in the design of the proposed park.

Notices of the community meeting, the Mitigated Negative Declaration and the public hearings were mailed to all property owners and tenants within 500 feet of the subject site. This staff report has been available for review on the City's web site and staff has been available to discuss the project with interested members of the public.

GENERAL PLAN CONFORMANCE

<u>PDC05-046</u>
The City of San Jose 2020 General Plan Land Use/Transportation Diagram designates this portion of the site *High Density Residential (25-50 DU/AC) and Medium High Density Residential (12-25 DU/AC).* This proposed rezoning would result in development at 25.6 units per acre, which falls within the General Plan density range. The proposed project furthers the Growth Management and Housing Major Strategies of the General Plan by providing housing proximate to a light rail station on an underutilized infill site where urban services are available.

<u>C05-102</u>
The General Plan designation for this portion of the site is *Office;* the CO Commercial Office Zoning District conforms to this designation.

ANALYSIS: PDC05-046

The primary issues associated with this proposal are conformance with the Residential Design Guidelines, abandonment of McKinley Avenue and the public park.

Conformance with the Residential Design Guidelines (RDG)

The Residential Design Guidelines provide guidance for this project in regard to site design, setbacks and building massing, parking, and open space.

Site Design

The RDG envision garden townhomes as opposing buildings with front entrances oriented to a landscaped pedestrian paseo. Two of the six buildings proposed for this site mirror this pattern. The remaining four buildings include front entrances that face single-loaded walkways. This configuration is not highly desirable in that it increases the isolation of individual units, limits social interaction and visual surveillance and increases security concerns. The applicant has attempted to address the security concern for the buildings adjacent to the park and the parking lot of the adjacent St. Elizabeth's Day Home, by proposing open fencing (3 feet in height adjacent to the park and 6 feet in height adjacent to the parking lot). This edge treatment improves the visibility of these unit entrances and allows views of the park and adjacent landscape areas.

An additional opportunity exists to improve the interface of the proposed building at the northeast corner of the site with a development proposal currently pending on the adjacent vacant property. That project, entitled the Curci Glen Lofts (File No. PDC05-091), proposes a residential building with ground-floor unit entrances oriented towards the front entrances of the building on this site, with a paseo between the two buildings. Staff will work with the applicants of the two projects at the Planned Development Permit stage to implement this concept. Staff has included a condition in the Draft Development Standards providing for access easements to facilitate this concept. Staff has also included a condition precluding a fence along this property line and providing for open fencing along the westerly boundary of the site. Staff believes that these measures will assist in achieving the intent of the garden townhouse design for this project.

Setbacks and Building Massing

The Residential Design Guidelines provide recommended setbacks to improve compatibility with adjacent uses and to ensure an appropriate relationship to the surrounding streets.

A key issue for the design of the proposed project is compatibility with the two-story townhouse project located to the east of the project site. The Draft Development Standards (see attached) propose a minimum 15-foot setback between the three-story units and the townhouse property line in conformance with the recommendation of the RDG that the project match the existing townhouse setback. The remainder of the project borders a proposed public park, a parking lot and a vacant lot. The Draft Development Standards require a 10-foot setback along the remaining property lines.

The RDG recommend that residential buildings of three stories or greater be set back a minimum of 35 feet from the street. Alternatively, in the case of a minor residential street, the setback may match that of the residential buildings on the opposite side of the street. The proposed minimum 10-foot setback from Curci Drive, a minor residential street, approximates the existing 12-foot setback of the condominium

project located on the north side of the street.

Parking

The Draft Development Standards include a parking requirement of 2.75 spaces for a four-bedroom unit with a conventional side-by-side garage, 2.8 spaces for a three-bedroom unit with a tandem garage and 2.6 spaces for a three-bedroom unit with conventional garage. These ratios conform to the recommendations of the Residential Design Guidelines. Staff has included a condition in the Development Standards allowing a ten percent reduction in required parking to be approved through the Planned Development Permit process, consistent with Zoning Code provisions for properties located within 2,000 feet of a light rail station. Taking into account the allowed reduction, the current proposal would require 115 spaces. Ninety-two of these spaces are provided in garages. An additional 9 are proposed as open parking on the site and approximately 14 spaces are provided along the Curci frontage where the street will be widened. In total, the applicant is proposing 115 parking spaces, consistent with the Draft Development Standards. In addition, 19 off-site spaces are proposed to be shared with the adjacent day care center at the Planned Development Permit stage. A Special Use Permit has been filed for the adjacent site (File No. SP05-053) to facilitate this shared parking.

Open Space

The RDG specify that podium cluster projects should provide 300 square feet of private open space and 150 square feet of common usable open space per unit. Based on the conceptual site plan, the proposed project appears to exceed the recommendations for private open space, but is deficient in the area of common open space. The proposed project includes approximately 900 square feet of common open space, while the Guidelines recommend approximately 6,900 square feet. Staff will work with the applicant at the PD Permit stage to increase the amount of useable open space, although it is clear that it will not be possible to provide the recommended amount without the loss of units. Given the generous amount of private open space and the proximity of the proposed public park, something less than 6,900 square feet is probably acceptable.

Abandonment of McKinley Avenue

The applicant is working with Public Works staff and the adjacent property owners (Sisters of Charity) to abandon McKinley Avenue between St. Elizabeth Drive and the project entrance and replace the street with a private drive that retains a public service easement for existing utilities and an easement for access to the subject site. This arrangement, which is likely to include minor Lot Line Adjustments, has the potential to benefit all parties and may result in a minor expansion of the public park. Some of the proposed structures on the site will be located in the vacated right-of-way, so implementation of the proposed rezoning is dependent upon resolution of this issue.

Public Park and Storm Water Treatment

A 0.52 acre parcel located immediately west of the project site was dedicated to the City for a future park as part of the parkland requirement for the Fruitdale Station project located at the southeast corner of Southwest Expressway and Fruitdale Avenue. At that time, staff anticipated that a one-acre park would be achieved through the additional dedication requirements associated with development of the 3.3 acres addressed in this staff report. The project previously approved for the site (File No. PDC03-084), was a residential care facility and was not subject to parkland dedication requirements; nevertheless, that project proposed to dedicate 10,000 square feet of the site for expansion of the park. The current project is

proposing to dedicate approximately 9,500 square feet of park land. Because this project includes less than 50 units, dedication of land is not required pursuant to the Parkland Dedication Ordinance and the project could meet its entire obligation through the payment of in lieu fees.

The conceptual storm water control plan for this site proposes to direct runoff from the residential project through the park site as part of the project's storm water treatment program. While Public Works staff have indicated conceptual support for the proposal, it will need to be accomplished in a way that does limit the area that is available for recreational use or constrain the park design and provision will need to be made for maintenance of the facilities. Staff has included conditions in the Draft Development Standards addressing these issues. The appropriate design and location of the storm water treatment measures will be determined at the Planned Development Permit stage.

ANALYSIS: C05-102

The CO Commercial Office Zoning District would allow office uses in conformance with the site's Office General Plan land use designation. Staff does not anticipate that development will be proposed for this site under the CO District, but believes that this is an appropriate Zoning for the site until such time as the Planning Commission and Council consider the Planned Development Zoning application currently on file for residential development of the property. A community meeting has been scheduled for that proposal and Commission and Council hearings are expected after the first of the year. If office development were proposed for the site under the CO Zoning District, a discretionary permit would be required that would provide for public input and staff review to ensure compatibility with the adjacent residential uses.

CONCLUSION

Based on the above analysis, staff concludes that the proposed Planned Development Zoning, as conditioned, offers an opportunity for redevelopment of an underutilized site in support of the Major Strategies and infill housing goals of the General Plan, is in substantial conformance with the Residential Design Guidelines and is compatible with the surrounding uses; and that the proposed Director-initiated Zoning provides an appropriate designation for the site until the property owner gains approval of a more specific development proposal.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval of the proposed rezoning for the following reasons:

1. The project is consistent with the San Jose 2020 General Plan designation of High Density Residential (25-50 DU/AC), Medium High Density Residential (12-25 DU/AC) and Office.
2. The project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed rezonings provides for development that is consistent with the recommendations of the Residential Design Guidelines and compatible with the development pattern of the existing neighborhood.

Attachments