

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 11-9-05 Item #:
C.C. 11-15-05

File Number
PDC05-059

Application Type
Planned Development Rezoning

Council District SNI
3 13th Street

Planning Area
Central

Assessor's Parcel Number(s)
249-35-038, -061, -062, -063

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lee Butler

Location: Southeast corner of East Taylor Street and North 9th Street

Gross Acreage: 2.85 Net Acreage: 2.85 Net Density: 15.4 DU/AC

Existing Zoning: LI Light Industrial Existing Uses: Paved parking area and vacant industrial buildings

Proposed Zoning: A(PD) Planned Development Proposed Use: Up to 44 single-family detached residential units

GENERAL PLAN

Completed by: FLB

Existing Land Use/Transportation Diagram Designations
Medium High Density Residential (12 - 25 dwelling units per acre)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: FLB

North: Industrial A(PD) Planned Development

East: Residential & Gas Station R-2 Two Family Residence & LI Light Industrial (at far north)

South: Residential CP Commercial Pedestrian

West: Multi-family Residential A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: FLB

Reuse of EIR
 Negative Declaration adopted on November 1, 2005
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: FLB

Annexation Title: Original City

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval
 Recommend Approval with Conditions
 Recommend Denial

Date _____ Approved by: _____

CURRENT OWNER

Bale Properties
Huong Van Le
640 N. 9th

ARCHITECT

James Guthrie & Associates
Attn: Larry Chan
1 Waters Park Dr., Ste. 108
San Mateo, CA 94403

CONTACT

Charles W. Davidson Co.
Attn: Lou Nepomuceno
255 W. Julian St., Ste. 200
San Jose, CA 95110

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: FLB

Memos from Public Works, Fire, & Police

Other Departments and Agencies

GENERAL CORRESPONDENCE

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On May 25, 2005, the applicant, Charles W. Davidson Co., filed a Planned Development Rezoning, File No. PDC05-059, to allow up to 44 single-family detached residential units. The subject site consists of 2.85 gross acres on the east side of N. 9th St. between Taylor and Jackson Streets. The property currently has a LI Light Industrial zoning designation and is occupied by a paved parking lot used for catering truck parking and several industrial buildings associated with the catering business.

The site is generally flat and rectangular in shape. The site has approximately 147 feet of frontage on E. Taylor and Jackson Streets and spans approximately 837 feet of frontage along N. 9th St. The site is surrounded by multi-family residential uses to the west, by industrial uses to the north, by residential uses to the south, and by single-family and two-family to the west. At the north end of the site, the site is adjacent to an existing gasoline station.

PROJECT DESCRIPTION

The proposed Planned Development Zoning would allow up to 44 single-family detached residential units in a detached garden townhouse design. Five private driveways are proposed off of N. 9th St. that would provide access to the rear loaded garages. Homes would front onto E. Taylor St. and N. 9th St., however, garages are proposed to open to Jackson St. The applicant is proposing to narrow the existing width of N. 9th St. and to provide diagonal parking along N. 9th St. adjacent to the project site. All existing structures on the site would be demolished as part of the project. A reduced copy of the plan set is attached for your reference.

With the exception of the homes on N. 9th and Taylor Streets, each home would front onto a pedestrian path and would face directly towards another home front. The pedestrian path would provide a 17-foot wide separation between the homes. The proposed homes would be two stories, have four bedrooms, and contain over 2,500 square feet. Each home would have an attached two car garage at the rear, with the exception of the homes fronting on S. 9th St. Open space would be in the side yard areas at the front of each home and would measure

approximately 300 square feet. The proposed homes would have composition shingle roofing and a stucco finish. Proposed accents include stone veneer, horizontal siding, and wood shutters.

ENVIRONMENTAL REVIEW

Planning staff prepared an Initial Study to address the proposed project's effects on the environment. The Director of Planning, Building, and Code Enforcement circulated a Mitigated Negative Declaration (MND) on September 23, 2005. The public review period ended on October 24, 2005. The major issues addressed in the MND include air quality, cultural resources, biological resources, hazardous materials, hydrology, water quality, and noise. Key environmental issues are summarized below:

Air Quality. Standard mitigation measures will be incorporated to ensure that construction activities do not have a significant impact on air quality.

Cultural Resources. Standard mitigation measures will be incorporated into the project to ensure accurate evaluation of potential impacts to subsurface archeological resources.

Biological Resources. No sensitive species or habitat exists at the site. The project will incorporate standard mitigation measures for replacement of all trees removed as a result of the project.

Hazards and Hazardous Materials. Studies detected the presence of residual concentrations of hazardous materials in the soil and groundwater below the site. Various mitigation measures have been incorporated to ensure that the contaminants would not pose a hazard to future residents. Prior to the approval of a Planned Development Permit, a remediation plan must be developed and reviewed by (1) the City of San Jose Department of Environmental Services, (2) the Regional Water Quality Control Board LUST Division, and (3) the Santa Clara County Department of Environmental Health Local Oversight Program. The Director of Planning, Building, and Code Enforcement would need to approve the remediation plan prior to the approval of the Planned Development Permit. Various other mitigation measures for the residual concentrations of hazardous materials are detailed in the attached Mitigated Negative Declaration. The mitigation measures also address procedures to be followed during demolition activities to ensure that workers are not exposed to lead based paint, asbestos, or other hazardous materials.

Hydrology and Water Quality. Best Management Practices would be implemented during construction to prevent erosion and control dust, thereby preventing an alteration of receiving water quality during or following construction. If the proposal is approved, prior to the commencement of any clearing, grading, or excavation, the project would comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, including the development, maintenance, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the filing of a Notice of

Intent (NOI) with the State Water Resources Control Board (SWRCB).

Noise. Standard mitigation measures will be incorporated to reduce noise impacts to nearby properties during construction. Special construction techniques will be required to ensure that the interior noise levels meet City of San Jose standards. Exterior noise levels for homes along Jackson and Taylor Streets would not meet the long-term exterior noise level of 60 dBA because of their proximity to traffic on those streets. The General Plan recognizes 76 decibels DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. The exterior noise levels are generally less than 70 dB DNL, and therefore would not cause long-term health effects to residents using outdoor private open space.

ANALYSIS

The primary issues analyzed for this project involve conformance with the General Plan, the Jackson/Taylor Residential Strategy, and the Residential Design Guidelines.

General Plan Conformance

The subject site falls within the Jackson/Taylor Planned Residential Community. The site has a General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 du/ac). The proposed density is approximately 15.4 du/ac, so the residential density falls within the range that is called for by the site's General Plan designation.

Conformance with the Jackson-Taylor Residential Strategy

The Jackson/Taylor Residential Strategy sets forth specific guidelines with regards to density, building types, and architecture for the Medium High Density Residential General Plan Land Use/Transportation Diagram designation. The Strategy also addresses street sections throughout the plan area.

An analysis of the conformance of the proposed structures with the Jackson/Taylor Residential Strategy follows. Policies and design guidelines for Medium High Density Residential (12-25 du/ac) areas from the Jackson/Taylor Residential Strategy are noted below in italics. Following the criteria in italics is a discussion of how the proposed project complies or does not comply with each of the specified criteria. Staff recommendations for improving conformance with the standards are also included.

1. *Three story, 40-foot tall maximum.* The proposal includes two-story, 27-foot tall structures. This conforms to the specification allowing up to three stories and 40 feet in height. Additional development potential is possible with flexibility in the development standards allowing up to three stories and 40 feet in height.
2. *15 to 20-foot front yard setback with porches, bays, and balconies permitted to extend into that front setback.* Along both Taylor and Jackson Streets, a minimum 20-foot

setback is proposed for the two-story residential structures. Along N. 9th Street, however, only a 4-foot setback is proposed. Furthermore, private open space areas would encroach into the setback area with minimal setbacks from the westerly property line and the N. 9th St. public right-of-way. The building setback on the west side of N. 9th St. is 13 feet. Staff believes that a larger setback is more appropriate at this location. The full 13-foot setback would match the project on the opposite side of N. 9th St., however, a 10-foot setback at this location would be compatible with the existing development and meet the intent of the Jackson/Taylor Residential Strategy of providing space between the property line and buildings. A 10-foot setback would require that the applicant redesign each of the units adjacent to N. 9th St. Staff believes that this can be accomplished at the PD Permit stage. Staff would be willing to support square footage in a third story to maintain the proposed square footage of the westerly units.

3. *For larger scale projects, development without individual lots is allowed provided that the rhythm and street-front relationships of the surrounding single-family area is maintained.* With detached units proposed, the project would have individual lots. Units fronting onto E. Taylor St. achieve this objective. The site layout would require alternative elevations for the homes adjacent to N. 9th St. The alternative elevations show the entry of the homes facing N. 9th St. instead of facing the pedestrian path. Additional refinement is still needed to improve the N. 9th St. elevations.

Along Jackson St., the project does not accomplish the above Plan objective. The Jackson Street elevation has two-car garages dominating the architecture. To improve the appearance of this area, the applicant is proposing (1) to narrow the driveway to a single-car width when it enters the public right-of-way and (2) provide additional landscaping to screen the elevation. To avoid the situation with garages facing the public street, another row of homes would need to be added. To accomplish this, the length of each home would need to be reduced by approximately 10 feet. Some of the square footage lost could be shifted to a third story. This would require a significant redesign of the architecture and floor plans. This design could be reviewed at the PD Permit stage.

4. *Limit the number of street curb-cuts and provide garage access at the rear of units.* Only five curb cuts are proposed on N. 9th Street, no curb cuts are proposed on E. Taylor St., and all units have rear-loaded garages. Along Jackson St., the proposal does not meet this Strategy objective. Four driveway cuts are proposed for as many units, and garages would be visible from the street.
5. *Porches, bays, and balconies are required on all street facades to reflect the rhythm and character of the surrounding single-family residential area.* Front porches will be required for each unit fronting onto E. Taylor and N. 9th Streets. Additional refinement is needed at the PD Permit stage to improve the elevations facing N. 9th St. As noted above, the proposal does not meet this Strategy objective for the units fronting onto Jackson St.
6. *Variation in building facades should be achieved, in part, by using a variety of materials along each street, including stucco, wood siding, stone, and brick.* Staff recommends

that the applicant work with staff at the Planned Development Permit stage to improve the proposed architecture and to incorporate additional variations in material.

7. *Entries must be provided from the ground-floor street facing façade.* All proposed units along E. Taylor and N. 9th St. have entries fronting onto the streets, however, the units on Jackson St. do not meet this Strategy objective. Along N. 9th St., staff is interested in working with the applicant to improve the appearance of the units so that the entry onto N. 9th St. is emphasized more.

The Jackson-Taylor Residential Strategy also addresses street sections. The Strategy calls for an 80-foot public right-of-way. The current plan shows a 9.3-foot street vacation. The street width remains unchanged from what is called for in the Jackson-Taylor Residential Strategy, however, the reduction in the width would mean that the sidewalk would be more narrow than what is specified in the Strategy. The applicant believes this reduction is justified by the fact that N. 9th St. ends at the intersection adjacent to the subject site and does not continue northerly past E. Taylor St. Staff would not like to see a reduction in the easterly setback adjacent to the single-family rear yards. Instead, staff would recommend that the separation between the units be decreased by 2 feet throughout the project. This would shrink the separation between the units from 8 to 6 feet, however, the 6 feet gained through the reduction can be utilized along the westerly property line to provide additional sidewalk width. A copy of the recommended street section from the Jackson/Taylor Residential Strategy is attached. The five-foot wide tree well area shown in the Strategy is not shown in the current proposal. Instead, the applicant is proposing street trees in between the diagonally parking spaces along the street.

Conformance with the Residential Design Guidelines

The proposed parking and open space were evaluated for conformance with the Residential Design Guidelines. The proposed development is most similar to a garden townhome design, so those standards have been used for evaluation purposes unless otherwise noted.

Parking

The project would provide two covered parking stalls in an attached garage for each unit. In addition, one on-street parking space would be provided for each unit. Per Chapter 8 of the Residential Design Guidelines, 2.75 on-site spaces would be required for each 4-bedroom residential unit. The project averages three parking spaces per unit, however, all of the guest parking is on-street. The Residential Design Guidelines would allow for on-street parking to count towards parking calculations for single-family detached, but given the lack of driveway apron parking, the Residential Design Guidelines would call for 1.3 parking spaces per unit in addition to the two-covered garage spaces. The site does not meet the exact letter of the Guidelines for parking, however, given the site's proximity to the Japantown Business District, VTA bus routes, and the light rail, staff feels that the proposed parking arrangement is adequate.

Open Space

For garden townhouse units, the Residential Design Guidelines recommends a minimum of 300 square feet of private open space with a minimum dimension of 15 feet. The applicant is proposing slightly less than the Guidelines recommendation. Approximately 280 square feet of private open space is proposed in side patio areas for each interior unit. The majority of the patio area for the interior units has a minimum dimension of 14 feet. A portion of the area is reduced to seven feet wide. For the units fronting onto N. 9th St., the proposed private open space would be approximately 240 square feet with a minimum dimension of 12 feet. By providing additional setback distance on the N. 9th St. side, the private open space for those units could be increased. While the private open space does not fully meet the recommended Guidelines, staff feels the private open space would achieve the intent of the Guidelines if the units fronting onto N. 9th St. could be increased to a minimum of 280 square feet per unit.

For garden townhouse units, the Residential Design Guidelines recommends a minimum of 150 square feet of common open space for each unit. With 44 units proposed, the Guidelines would call for 6,600 square feet of common open space. Counting only the barbeque areas on the east side of the site at the end of each pedestrian path, the proposed project would offer approximately 2,240 square feet of common open space. The applicant has the ability to provide additional common open space by (1) expanding the usable area at the end of each pedestrian path or (2) providing area at the end of the driveways. It is not ideal for the areas at the end of the private driveways to be used as common open space, because access to the area could only occur by walking down the driveways. It should be noted that it is not typical for staff to count the pedestrian path area between two fronting detached garden townhomes towards the common open space requirement, as this area is not usable common open space. Staff would encourage the applicant to provide more common open space area for the future residents.

Setbacks and Separations

The Residential Design Guidelines call for a minimum 20-foot separation between the proposed two-story residences and the adjacent single-family detached rear yards to the east. The applicant is proposing a 14-foot separation. Staff believes that this separation is adequate but would recommend that this dimension not be reduced any further to provide additional right-of-way or other area within the site.

The Residential Design Guidelines call for a 30-foot front to front separation for garden townhomes. The applicant is proposing a 17-foot separation between the fronts of units. The City has previously approved similar separations between the fronts of detached garden townhomes.

CONCLUSION

Clearly, the choice to use detached units is a constraint to the developer meeting many of the recommended guidelines. Should an attached product be proposed, more opportunities for open

space, both common and private, as well as greater setbacks could be achieved. An attached product would also allow for the public right-of-way to be expanded from the current plan to conform with the Jackson/Taylor Residential Strategy.

Understanding that the developer proposes a detached product, staff would at minimum recommend conditions requiring minimum private and common open space requirements and an increased setback from N. 9th St. be included. Staff would recommend a minimum of 280 square feet of usable private open space for each unit, 150 square feet of usable common open space for each unit, and a 10-foot setback for development from N. 9th St. If units were to be gained or lost as a result of the recommended development standards, it should be noted that the applicant would need to provide between 35 and 71 dwelling units at the site to fall within the General Plan density range.

COMMUNITY OUTREACH

This proposal was brought to the regular meeting of the Japantown Neighborhood Association on September 8, 2005. All owners and occupants within 500 feet of the subject site were sent a notice of the meeting. The majority of the community was pleased that a detached product was proposed, and no major opposition to the project was raised. The public hearing dates have been noticed in a local newspaper, and notices of the public hearing were mailed to all owners and occupants within a 500' radius of the site. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website. Planning Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed Planned Development Rezoning subject to the following conditions:

1. Development standards should be modified to require a 10-foot setback for buildings from the westerly, N. 9th St. property line. Private open space area would be allowed to encroach up to 5 feet into this setback area.
2. Provide a minimum of 280 square feet of private open space for each residential unit.
3. Provide a minimum of 150 square feet of common open space for each residential unit.

For the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 du/ac).

2. The project generally conforms to the Jackson/Taylor Residential Strategy.
3. The project is generally consistent with the parking and open space guidelines in the Residential Design Guidelines.
4. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Maps
 Mitigated Negative Declaration
 Development Standards
 Agency Memos
 Jackson/Taylor Residential Strategy Street Section
 Plan set