

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. 02-23-05 Item: 3.e

File Number
PDC04-011

Application Type
Planned Development Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
472-17-052; -053

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: Southeast corner of South 2nd Street and East Virginia Street

Gross Acreage: 0.4

Net Acreage: 0.4

Net Density: 25.22 DU/AC

Existing Zoning: CN - Commercial Neighborhood

Existing Use: Vacant lot with two billboards and one single-family residence

Proposed Zoning: A(PD) Planned Development

Proposed Use: 10 single-family attached residential dwelling units including live/work units

GENERAL PLAN

Completed by: LX

Land Use/Transportation Diagram Designation
Victorian Preservation/Mixed Use (8-20 Du/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LX

North: Neptune Society Cremation

CN Commercial Neighborhood

East: Single-Family Residential

R-M Multiple Residence

South: Multi-Family Residential

CN Commercial Neighborhood

West: Wheel Works

CN Commercial Neighborhood

ENVIRONMENTAL STATUS

Completed by: LX

Environmental Impact
 Negative Declaration circulated on
 Negative Declaration adopted on February 14, 2005

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: LX

Annexation Title: Original City

Date: 03/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

ARCHITECT

Gary Kohlsaas Architect
501 n. Santa Cruz avenue, Suite
Los Gatos, CA 95030

OWNER/APPLICANT/DEVELOPER

Virginia Street Investors
Grayson Dean Hanson
1346 The Alameda Suite 7-15A
San Jose, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

Department of Public Works
See attached memorandum

Other Departments and Agencies
See attached memoranda from the following:

- Strong Neighborhood Initiative (SNI) Staff
- San Jose Fire Department
- Environmental Services Department

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

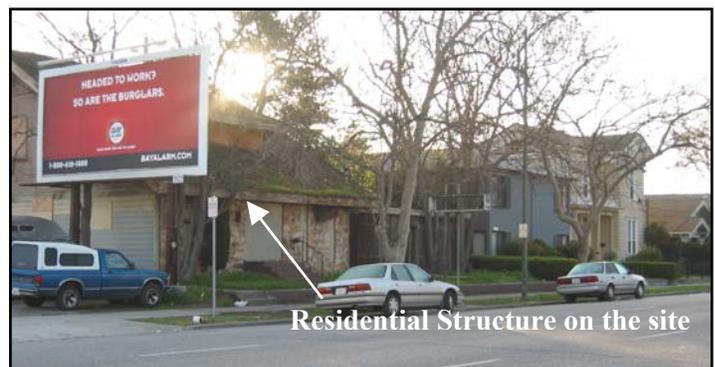
The applicant, Virginia Street Investors, is proposing a Planned Development rezoning from CN - Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District on a 0.4-acre site located at the southeast corner of South 2nd Street and East Virginia Street. The rezoning would allow the development of up to 10 single-family and live/work attached residential units. The project site is located within the Spartan/Keyes Redevelopment Area and within the boundaries of the Martha Gardens Specific Plan.

Site and Surrounding Uses

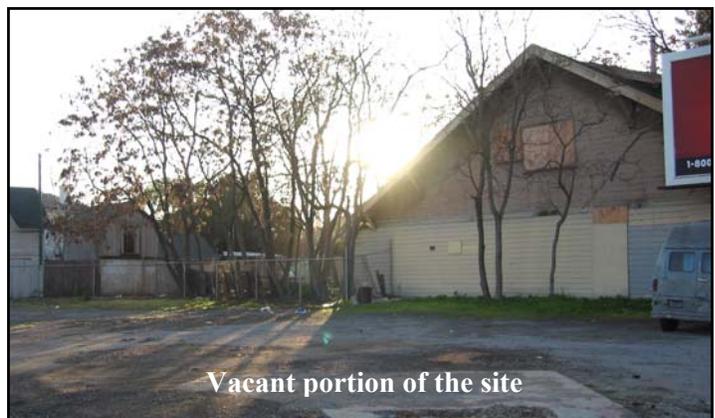
The site is currently developed with a single-family residential structure that has been used for commercial purposes and a vacant lot with two billboards. Uses surrounding the site include the Neptune Society Cremation establishment to the north, single-family residential (Victorians) to the east across a 25-foot wide alley that adjoins the subject site, two-story multi-family residential to the south, and the Wheel Works tire and brakes store to the west. The Victorian Preservation/ Mixed Use (8-20 DU/AC) General Plan land use designation surrounds the site on all four sides.

Project Description

The proposed Planned Development rezoning would allow the demolition of the single-family residential structure and the removal of two billboards to construct 10 single-family attached residential units, including live/work units.



Subject site along South 2nd Street and adjacent residential structures.



Subject site at the corner of South 2nd and Virginia Streets.

The proposed project has three different types of units, which are all served by a parking area under the above-grade podium. Fronting on 2nd Street are three Victorian-style units. Each unit is three stories with two bedrooms and two and a half baths, front porches, and private side yards. The units are accessed via the front porch from 2nd Street or from the parking area through the private side yard. Two live/work units front onto Virginia Street. The ground floor of each unit consists of open workspace and a half bath. The second and third floors are the living space with three bedrooms and two baths, and a private patio. These units are entered through either the ground floor workspace or off of the second floor/podium level. Also on the second floor/podium level are the entrances to the remaining five units. These units are two stories with the living space on the podium level, three bedrooms and two baths on the second floor as well as stair access to the roof where a private terrace is located.

GENERAL PLAN CONFORMANCE

With respect to the *San Jose 2020 General Plan*, the subject site is located within the Martha Gardens Planned Community and has a General Plan Land Use designation of Victorian Preservation Mixed Use. This designation allows for the preservation of Victorian-style buildings, as well as identifying appropriate uses and densities for the intervening non-historic properties. This designation intends for residential uses to be built generally at a density of 8-20 DU/AC. The proposed project is a 25 DU/AC mixed-use residential project with live/work units.

The proposed use is in conformance with the intent of the Victorian Preservation Mixed Use land use designation. However, the density at 25 DU/AC is slightly over the land use designation's intended density range of 8-20 DU/AC. The General Plan's Two Acre Rule Discretionary Alternate Use Policy, allows for development at a higher density range on parcels that are two acres or less for projects that are (1) of exceptional design; (2) compatible with surrounding land uses; and that (3) exceed the minimum standards of the Zoning Ordinance and adopted design guidelines. The proposed project conforms to the General Plan using the Two Acre Rule Discretionary Alternate Use Policy because the project is a high quality design that furthers the goals of the Martha Gardens Planned Community/Specific Plan. Further discussion regarding project conformance with the Martha Garden Specific Plan and the Residential Design Guidelines is contained below under the "Analysis" section of this report.

In addition, the proposed project furthers the General Plan's Downtown Revitalization and Growth Management Major Strategies by developing an underutilized site located south of downtown, and by providing infill development on property that is already served by existing urban services.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning, Building, and Code Enforcement on January 25, 2005 and adopted on February 14, 2005. The primary issues that were addressed in the environmental review include: (1) air quality; and (2) the potential impact of traffic noise from Interstate 280 on future residents of the proposed units.

All new multi-family housing is subject to the requirements of Title 24, Part 2, of the State Building Code. Based on measurements of existing noise levels at the site, the exterior noise level varies from 65 dBA to 68 dBA. Since noise levels exceed 60 dBA on the site, an analysis detailing the treatments incorporated into

the building plans will be prepared and submitted to the City Building Department prior to issuance of a building permit. The report shall demonstrate that the design would achieve an interior DNL of 45 dBA or less in all habitable residential areas. Mitigation measures for the project include forced-air mechanical ventilation or air conditioning to achieve a habitable interior environment with the windows closed.

The project includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. A comprehensive compilation of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration and development standards (attached to this report). The full text of the Initial Study is available online at: <http://www.sanjoseca.gov/planning/eir/MND.htm>

ANALYSIS

The primary issues associated with this proposal are conformance with the *Martha Gardens Specific Plan* and the *Residential Design Guidelines*.

Consistency with the Martha Gardens Specific Plan

The subject site is located in the Victorian Neighborhood Sub-Area of the Martha Gardens Specific Plan. This neighborhood is characterized by Victorian houses with lawns and front porches and carriage houses along the rear alley. The Specific Plan's objective is to preserve the historic character of the existing Victorian homes. Redevelopment of underutilized or vacant sites is encouraged in a manner that respects the scale and character of the existing neighborhood.

Architectural Design

This project consists of three types of units including, two live/work units, three Victorian-style units, and five units on a podium. The Victorian units, fronting on 2nd Street and siding on to Virginia Street, make up the most visible portion of the project and have lawns and front porches. These units also have gable roofs, bay windows, masonry porches, wood windows, and wood trim and moldings. The live/work units, fronting on Virginia Street, make up the rest of the project frontage. These units have aluminum storefronts at the street level with industrial-style metal awnings and horizontal wood siding in the upper levels.

The remainder of the units are on the podium in the interior of the project and not a prominent part of the architecture as seen from 2nd and Virginia Streets. The surrounding neighborhood is comprised of a mix of styles including Victorians, pre-1950 residential structures, commercial and industrial buildings. The unit types and general style of the proposed structures are compatible with existing development in the neighborhood because of the height and design of the project.

The proposed building materials and architectural style of the buildings have exceptional design features which support the use of the General Plan's Two Acre Rule. As is typical for a Planned Development Rezoning, the architecture that is shown in the attached plan set is considered "conceptual" and will undergo further review and refinement by staff at the Planned Development Permit stage. Building materials, roofing, colors, and other details will also be selected for their compatibility with the neighborhood development pattern.

Height

The Specific Plan sets the maximum height limit for the site at 35 feet/3 floors and allows non-habitable roof and architectural elements to exceed the maximum height by 10 feet. The project proposes a maximum habitable building height of 34 feet, 4 inches with architectural projects extending an additional 4 feet consistent with the Specific Plan.

Site Design/Interface

The Specific Plan recommends setbacks from adjacent uses, which are intended to ensure that new development is compatible with adjacent uses, and relates appropriately to the surrounding streets. For this project, the Specific Plan recommends a front setback along 2nd Street to conform to the average setbacks of existing residential buildings, and a 10-foot setback along Virginia Street. The project provides a 15-foot setback on 2nd Street consistent with the adjacent residential buildings and a zero foot, or no setback on Virginia Street consistent with the adjacent commercial use. Staff feels this is appropriate given the adjacent pattern of development and the proposed orientation of commercial space of the live/work units that front onto Virginia Street, which should be an active use and close to pedestrian traffic.

The Specific Plan recommends a side setback of at least five feet. The project provides a 14-foot side setback for the proposed Victorian style units that front onto 2nd Street and a 5-foot side set back from the podium units that are located behind the Victorian units. The existing adjacent residential structure is setback approximately 10 feet from the property line, which also has a rear accessory structure that is located on the property line. Staff believes that the proposed setbacks provide an adequate buffer to the adjacent uses in conformance with the Specific Plan.

Located along the rear of the project is an alley. The 25-foot wide alley separates the proposed project from the adjacent single-family residential garages. Those existing garages are located at the property line. The project proposes a zero foot rear setback consistent with the existing alley conditions.

Open Space

The Specific Plan recommends that each unit provide at least 100 square feet of private and/or common useable open space for each unit. The proposed project provides each unit with various different sizes of private open space in the form of patios and side yards that range from 375 to 1,054 square feet in size. The project proposes a total of 1,635 square feet of common open space on the podium level of the project. The private and common open space provided for the project conforms to the Specific Plan.

Parking

The Specific Plan states that common parking structures should be designed as an integral part of the residential building with above- or below-grade podium structures that are visually encapsulated by ground level uses. The project conforms to the Specific plan in that the units of the project are located in front of and on top of the podium structure thereby disguising the podium structure so that it is not entirely visible from the street.

The Specific Plan does not provide recommended parking ratios. Therefore, the Residential Guidelines were used to determine the appropriate amount of required parking. The Guidelines require that residential projects provide parking in accordance with the bedroom count of each unit. Each two-bedroom unit

should provide 1.8 parking spaces per unit and each three-bedroom unit should provide 2 parking spaces per unit. The project proposes seven three-bedroom units and three two-bedroom units, which results in a need for a total of 20 required parking spaces. The project provides 20 off-street parking spaces, as well as 10 on-street parallel parking spaces on Virginia and 2nd Streets. The project also provides bicycle parking. Providing two parking spaces per unit is adequate to serve the site and is in conformance with the Guidelines.

Conclusion

The proposed project, through its design and use of building materials, will help preserve the historic character of the existing Victorian homes in the neighborhood. The proposed design is an exceptional architectural style that supports the use of the General Plan's Two Acre Rule. It also meets the setback and height requirements of the Martha Gardens Specific Plan. Therefore, based on the above analysis, staff concludes that the proposed project conforms to the *San Jose 2020 General Plan*, the *Martha Gardens Specific Plan* and the *Residential Design Guidelines*.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public. In addition, the project was presented at the Spartan Keyes Strong Neighborhoods Initiative NAC meeting on November 8, 2004 in order to discuss the proposed project with area residents. Those in attendance were generally supportive of the proposed project.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to:

Approve the proposed Planned Development Rezoning for the following reasons:

1. The proposed project may be found consistent with the San José 2020 General Plan, its goals and policies.
2. The proposed project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed project is compatible with existing and proposed uses on the adjacent and neighboring properties.
4. The proposed project conforms to the Martha Gardens Specific Plan.
5. The proposed project conforms to the Residential Design Guidelines.