

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. 7/27/05 Item:

C.C. 8/16/05

File Number

PDC 04-099

Application Type

Planned Development Rezoning

Council District

6

Planning Area

Willow Glen

Assessor's Parcel Number(s)

434-01-032, 033, 034

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Ed Schreiner

Location: on the west side of Delmas Avenue approximately 170 feet north of Dorothy Avenue

Gross Acreage: 1.0

Net Acreage: 0.89

Net Density: 11.24 DU/AC

Existing Zoning: R-1-8 Residence District

Existing Use: Single-Family Detached Residential

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-Family Detached Residential

GENERAL PLAN

Completed by: ES

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: ES

North: Single-family Detached Residential/Mini Storage
Development

R-1-8 Single-family Residence District/A(PD) Planned

East: Single-family Detached Residential/Assembly Uses

R-1-8 Single-family Residence District

South: Single-family Detached Residential

R-1-8 Single-family Residence District

West: Single-family Attached Residential/Railroad ROW

(A)PD Planned Development

ENVIRONMENTAL STATUS

Completed by: ES

Environmental Impact

Negative Declaration circulated on July 8, 2005

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Completed by: ES

Annexation Title: Willow Glen No. 11

Date: October 1, 1936

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

Date: _____

Approved by: _____

Action

Recommendation

APPLICANT/DEVELOPER/OWNER

Greg Schatzel

P.O. Box 620519

Woodside, CA 94062

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: **ES**

Department of Public Works

See attached memorandum

Other Departments and Agencies

See attached memoranda from the Environmental Services and Fire Departments

GENERAL CORRESPONDENCE

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting a Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the construction of ten single-family detached units on a 1.0 gross acre site. A Planned Development Zoning is required because the proposed residential development does not conform to the lot size, setbacks and other standards of the R-1-8 Residence District.

Site Conditions and Context

The site, made up of three existing lots, irregular in shape with a 113-foot frontage on Delmas Avenue from which it takes access. Of the three existing lots, the two are along Delmas Avenue. The third parcel has no street access and is located to the west of the more southern parcel. Between the two parcels, the property reaches a maximum depth of approximately 288 feet from Delmas Avenue. The northern parcel is approximately 187 feet in depth. An abandoned Union Pacific Railroad right-of-way runs along the southeastern boundary of the site. This abandoned railroad right-of-way is proposed to be converted to a trail that is intended to extend from Los Gatos Creek and Lincoln Avenue, to connect with the Highway 87 bike trail and ultimately to extend to Kelley Park. The site is relatively flat and is currently developed with three single-family residences built in 1905, 1915 and 1949 and accessory structures. Vegetation on the site includes landscape trees associated with the existing residences. A total of 28 trees exist on the site, including 12 ordinance-size trees.

Surrounding Uses

The project site is located within an older single-family neighborhood consisting of mostly single-story, single-family houses representing a variety of architectural styles. Most of the existing houses were constructed in the 1920's and 30's, although an occasional Victorian era or modern house is included in the mix. Existing houses tend to be relatively small with front porches and detached garages that are located at the rear of the site. Parcel sizes in the neighborhood vary considerably (between roughly 5,000 and 12,000 square feet); lot frontages on Delmas Avenue are a fairly consistent 50 feet in width, although the lots depths vary significantly.

The site is located immediately adjacent to single-family residential uses to the north, and south. An

assembly use is located across Delmas Avenue to the east. The former Union Pacific Railroad right-of-way is located to the west, with single-family residences beyond.

Proposed Project Description and History

The applicant's proposed project consists of ten single-family detached units. Two of these units front onto Delmas Avenue and the other eight are located along a private street that extends from Delmas Avenue to the center of the site, where a parking lot is located. The three and four-bedroom units are two stories and approximately 28 feet in height. Seven of the units include conventional two-car garages. The other three units have semi-detached garages that are connected to the house via a breezeway. These detached garages are located on driveway aprons that are approximately 35 feet in length. The proposed site plan shows guest parking spaces in a parking lot towards rear of the site and on Delmas Avenue along the project frontage. All of the existing structures on the site are proposed for removal. All of the trees are proposed to be removed, including 12 ordinance-size trees.

The first "prelim" application on this site by the current owner was submitted in May of 2004. This prelim proposed 11 units on the site in a similar design to the current proposal. Staff advised the applicant that the proposed density exceeded the General Plan and the site design was incompatible with the existing neighborhood. The formal application was filed in October of 2004 (PDC04-099). The original Planned Development (PD) Zoning proposal reduced the unit count to ten and included attached garages on all the units, oriented towards the private driveway. After hearing feedback at a community meeting for a nearby PD Rezoning (PDC04-092) in December of 2004, the applicants modified the site design create a parking lot in the rear of the site, modified the design to include three houses with semi-detached garages and oriented the front two houses to access directly from Delmas Avenue. However, the proposed detached garages are set back only 35 feet from the street and still read as attached garages. Zoning Code requires attached garages to be set back 60 feet from the front property line in standard residential zoning districts. Staff has continued to advise the applicant that the proposed project is not in conformance with the General Plan Density and is incompatible with the surrounding neighborhood. The applicants have not responded to staff's comments and instead asked for the Zoning to be set to hearing. This is in contrast to the nearby PD Zoning, PDC04-092 (which was approved by City Council on June 7, 2005). This previously approved project is separated by one property to the south of the current project and dealt with many similar issues. The applicants worked to respond to staff and community input on this PD Zoning and made numerous modifications to their site design, including orienting the majority of the units to Delmas Avenue and placing attached garages in the rear of the properties. The end result was an approved project of compatible infill development.

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. An historic evaluation prepared for the site by Bonnie Bamburg, dated January 8, 2005, concludes that the existing residential structures on the site are not architecturally significant and are not associated with persons or events significant in San Jose history. Standard mitigation has also been included in the project to ensure that construction does not result in impacts relative to noise, water and air quality. Trees proposed for removal will be replaced in conformance with the City's standard tree replacement ratios.

COMMUNITY OUTREACH

A community meeting was held for this project at the Gardner Community Center on March 7, 2005. Community members expressed concern that the project would change the character of the existing

neighborhood (characterized by homes with detached garages on larger lots); that the project would create safety concerns because of poor pedestrian/automobile interfaces; that the project would add more traffic to an area that already has problems; and that the density of the development is too high and this project could set a precedent for development in this area in the future.

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

The subject site is designated *Medium-Low Density Residential (8 DU/AC)* on the City of San Jose 2020 General Plan Land Use/Transportation Diagram. The applicant's proposal includes a density of approximately 11.24 units per acre, which is above the maximum density allowed under the existing General Plan designation. The Discretionary Alternate Use Policy Two-Acre Rule allows approval of an increased density if the project is compatible with existing and planned uses on adjacent and neighboring properties. In order to qualify for this Policy, projects should exceed the minimum standards of the Zoning Ordinance and adopted design guidelines. The General Plan also specifies that the Policy should be used infrequently in a neighborhood so as not to change the neighborhood character.

ANALYSIS

The primary issues associated with this project are conformance with the Zoning Ordinance, Single-Family House and Residential Design Guidelines and neighborhood compatibility.

Conformance with the Zoning Ordinance

Section 20.30.500 of Title 20, the Zoning Ordinance provides development standards for accessory buildings and structures. The front setback for accessory buildings is 60 feet. The proposed project includes detached garages that are set back only 35 feet from the front property line. As a result, these garages will read as attached garages. In addition, the detached garages are set right on the property line and have minimal separation from adjacent living units. Building and Fire Code regulations will require firewalls and no openings in these areas, which will result in less attractive architecture.

Conformance with the Single-Family Design Guidelines

The Single Family Design Guidelines (SFDG) were adopted by the City Council to help maintain the high quality of San Jose's neighborhoods by providing guidance for the design of additions or new houses in existing neighborhoods. The SFDG emphasize that new single-family residences and single-family subdivisions should reflect the existing neighborhood pattern in regard to garage configuration, porches, setbacks, height/massing and architecture.

In regard to garage configuration, the SFDG specify that in neighborhoods with an established pattern of detached garages located in the rear yard, new garages should also be detached and located at the rear of the house. The Planned Development Zoning submittal for this site includes seven houses with attached garages and three houses with detached garages. However, these garages are set back only 35 feet from the street

and are located to the side of the house rather than in the rear of the house. Staff does not believe that the project is designed in a similar fashion to the established pattern of the neighborhood.

For blocks with a predominant pattern of single-story houses, the SFDG recommend a menu of measures that are to be implemented to reduce the “perceived scale” of two-story units. These measures include setting the second story back from the first at the front and/or sides, limiting the size of the second story relative to the first, and placing 60 or 70 percent of the second story over the rear of the house. The conceptual site plan and elevations do not present units that employ any of these measures.

Conformance with the Residential Design Guidelines (RDG)

The primary aspects of the RDG relevant to this project include guidance regarding perimeter setbacks, the design of private driveways/circulation, provision of private open space and parking.

The RDG recommend that two-story residences should be set back 20 feet from the adjacent rear yards of existing single-family residences. The conceptual site plan shows the units (which include large second story bay windows) of the proposed development located 17 feet from the rear yard of the adjacent single-family residence.

The RDG specify that entry driveways should not be dominated by parking and should have sidewalks on at least one side and street trees on both. The proposed project is dominated by parking in the rear of the site and appears to be a parking lot. This does not conform to the residential characteristic of the neighborhood.

Residential Design Guidelines specify a minimum of 500 square feet of private open space for Single-Family Detached houses with lot sizes of 3,000-4,000 square feet, with a minimum dimension of 15 feet. The lots fronting on Delmas Avenue do not provide the amount of private open space specified by the RDG.

Neighborhood Compatibility/General Plan Conformance

The density of the proposed zoning is not compatible with that of surrounding development, which consists of single-family residences with a General Plan designation of Medium-Low Density Residential (8.0 DU/AC). The proposed development, with the private street netted out of the total acreage, has a density of 11.24 DU/AC, above the maximum range allowed by the General Plan. The development pattern proposed for this project is dissimilar to the existing neighborhood pattern of predominately one-story single family residences on deep lots with detached garages. Based on this analysis, staff concludes that the proposed project is not compatible with the surrounding neighborhood and cannot be found to conform to the General Plan based on the Discretionary Alternate Use Policy, Two Acre Rule.

Conclusion

Based on the above analysis, staff concludes that the proposed Planned Development Zoning, does not conform to the land use designation of the General Plan and is not compatible with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of denial to the City Council for the following reasons:

1. The proposed project is *not* consistent with the San José 2020 General Plan Designation of Medium Low Density Residential (8.0 DU/AC).
2. The proposed zoning provides for development that is *not* consistent with the recommendations of the Single-Family and Residential Design Guidelines and *not* compatible with the development pattern of the existing neighborhood.

Attachments