

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. 8/10/05 Item: 4.a.
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: 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

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 and the Santa Clara Valley Water District

GENERAL CORRESPONDENCE

See attached electronic communication from Ken Eklund, dated February 14, 2005 and letter from Harvey Darnell, dated July 18, 2005.

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 existing R-1-8 Residence District.

Site Conditions and Context

The site, made up of three existing lots, is irregular in shape with a 113-foot frontage along Delmas Avenue. Two of the lots take access from Delmas Avenue, while the third parcel, located at the southwest corner of the site, has no street frontage. The site's depth ranges from 187 feet at its narrowest point to 288 feet at its widest. The site is relatively flat and is currently developed with three single-family residences built in 1905, 1915 and 1949, and associated 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.

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. A religious assembly use and single-family residences are located across Delmas Avenue to the east. A mini-storage facility and the former Union Pacific Railroad right-of-way are located directly to the west, with single-family attached residential uses beyond the railroad right-of-way. A 14-foot mini-storage wall is located on or very

close to the property lines in the “notch” at the northwest of the subject site. The railroad right-of-way is planned for a public trail that will extend from Los Gatos Creek and Lincoln Avenue to the Highway 87 bike trail, and ultimately to Kelley Park.

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. The other eight units are located along a private street that extends from Delmas Avenue to the center of the site where it provides access to a small parking lot and a single-family unit and turns south to access an additional unit and parking area. The three and four-bedroom units are two stories and approximately 28 feet in height. The conceptual floor plans indicate units with floor areas between 2,100 and 2,300 square feet, including the garage. Seven of the units include conventional two-car attached garages. The other three units have semi-detached garages that are connected to the side of the house via a breezeway. These garages are set back approximately 15 feet from the front of the house. The proposed site plan shows guest parking spaces in a parking lot toward the rear of the site and on Delmas Avenue along the project frontage.

The existing structures on the site are proposed for removal. All of existing trees, including 12 ordinance-size trees are proposed to be removed and replaced with new landscape trees in conformance with the City’s standard replacement ratios. A walkway 4.5 feet in width is proposed to be located between Lots 5 and 6 to provide access to the future trail for residents of the project.

A preliminary review application on this site was filed by the current property owner 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 allowed density of the Medium Low Density Residential (8 DU/AC) General Plan designation and that the site design and garage-dominated facades were incompatible with the existing neighborhood and did not justify use of the Two-Acre Rule to establish General Plan conformance.

The current Planned Development Zoning application was filed in October of 2004 (File No. PDC04-099). This submittal included ten single-family units with attached garages oriented to the private driveway in a configuration similar to that of the prelim. Staff’s comment letter again pointed out the lack of conformance with the General Plan, the lack of conformance with the Residential and Single-Family Design Guidelines and the lack of compatibility with the neighborhood pattern. Staff emphasized the inappropriateness of garage-dominated facades in a neighborhood characterized by detached garages set well back from the street.

After presenting the project to the neighborhood at a community meeting, the applicant submitted revised plans that included three units with semi-detached garages set beside the units, two of which were oriented to Delmas Avenue. Staff intended to continue to work with the applicant to improve the project; however, the applicant requested that the proposal be set for hearing.

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 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.

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 and be compatible with the surrounding neighborhood. The General Plan also specifies that the Policy should be used infrequently in a neighborhood so as not to change the neighborhood character. Staff believes that use of the Two Acre Rule for this project is not appropriate and that the proposal is not consistent with the General Plan. See the *Analysis* section below for a discussion of this issue.

ANALYSIS

The primary issues associated with this project are General Plan conformance/neighborhood compatibility, conformance with the Single-Family and Residential Design Guidelines, and access and open space.

Conformance with the Single-Family Design Guidelines

The Single-Family Design Guidelines 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 Guidelines 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. Garage configuration and setbacks are crucial to the issue of neighborhood compatibility for this project.

The Single-Family Design Guidelines specify that in neighborhoods (such as this one) 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 semi-detached garages. The attached garages and their associated 16-foot-wide driveways dominate the private street. The two semi-detached garages that face Delmas Avenue are located beside the proposed houses to which they are attached by a breezeway and are set back only about 15 feet from the front of the houses. From Delmas Avenue, these garages with their expansive driveway aprons read as attached garages. The six feet of breezeway separation between the garage and house fails to reflect in any meaningful way the established pattern of the surrounding neighborhood.

The Single-Family Design Guidelines suggest that even if attached garages represent the neighborhood pattern, new attached garages located at the front or side of the house should be no wider than half the width of the house. The proposed attached garages along the private driveway exceed fifty percent of the width of the houses, thereby dominating the ground-level facades and creating a streetscape that is at odds with the pattern of the neighborhood.

The Single-Family Design Guidelines suggest that front setbacks should conform to the average of existing front setbacks on the block or on adjacent properties. For units fronting on Delmas, the applicant has proposed a 20-foot front setback for the house and 15-feet for the porch. While these setbacks may reflect the setbacks of adjacent houses, this is difficult to access because the project plans do not show buildings within fifty feet of the project site as required in the application instructions. The SFDG indicate that side setbacks should generally conform to the side setbacks of adjacent properties. The side setbacks of adjacent properties are 5 feet. Although the proposed houses fronting on Delmas are themselves set back significantly from the side property lines, the semi-detached garages extend to within one or two feet of the side property line. Such side setbacks are allowed for a detached garage in the R-1-8 District so long as the structure is set back a minimum of 60 feet from the front property line. In this case, the “detached” garages extend to within 33 feet of the front property line. The 1 to 2 foot side setback typical for a rear yard garage is clearly out of place for a garage at the front of the site, does not match the setback of the adjacent residence, and is likely to require unattractive property line protections such as windowless fire walls and clipped eaves.

Based on this analysis, staff concludes that the proposed project does not conform to the intent of the Single-Family Design Guidelines and fails to achieve minimal compatibility with the pattern of the surrounding neighborhood.

Conformance with the Residential Design Guidelines

The primary aspects of the Residential Design Guidelines relevant to this project include the project relationship to the existing neighborhood, private street design, and perimeter setbacks.

The Residential Design Guidelines specify that new development should continue the functional on-site relationships of the surrounding neighborhood in regard to such key features as the location of parking at the rear of the lot. With the exception of Lot 7, garage placement does not reflect the dominant neighborhood pattern of detached garage at the rear of the lot.

The Residential Design Guidelines specify that private streets should include all of the elements of a public street, including sidewalks and planting strips for street trees. The street section included on the conceptual grading plan shows a 26-foot private street section. The section includes a three-foot sidewalk and three-foot park strip on one side and 19 feet of travel lane with six-inch curbs. The sidewalk is substandard in width and is rendered discontinuous by the interruption of 16-foot driveways and a parking lot.

The Residential Design Guidelines recommend that two-story residences be set back 20 feet from the adjacent rear yards of existing single-family residences. The conceptual site plan shows 5 houses located 17 feet from the rear yard of the adjacent single-family residences. While this is a fairly minor setback deficiency, measures to improve other aspects of the design would likely further decrease this setback. The site is very narrow and the front setbacks of the units facing the private street are already at the bare minimum. Any further reduction on the north side of the street would shorten driveways so that additional parking would be required and any reduction on the south side would reduce an already minimal 3-foot porch setback. The Guidelines recommend a 10-foot setback from incompatible uses. The proposed five-foot side setback between the house on Lot 5 and the adjacent 14-foot mini-storage wall does not conform to this recommendation.

Based on this analysis, staff concludes that the project does not conform to a number of recommendations of the Residential Design Guidelines and that the design is so constrained that it will be very difficult for the current proposal to be brought into conformance.

Access and Common Open Space Issues

In response to community comments, the applicant has proposed a pedestrian walkway between Lots 5 and 6 to provide residents of the project access to the future trail. The 4.5-foot wide walkway is proposed to be owned and maintained by the homeowner's association. Staff is concerned that this access will create an unsafe and unattractive corridor sandwiched between 6-foot fences on the property lines of the adjacent residences. If the Commission wishes to recommend approval of the current proposal, this issue should be resolved. Locating the common open space adjacent to the walkway to provide a more open and visible access corridor would be one solution.

The proposed private street does not conform to Fire Department access and turnaround requirements for emergency vehicles. If this proposal is approved, the applicant will need to obtain a variance from the Fire Department to address this issue.

General Plan Conformance/Neighborhood Compatibility

The Discretionary Alternate Use Policy, Two Acre Rule is intended to allow flexibility in achieving the true intent of the General Plan. This Policy allows residential density to be increased over what would otherwise be allowed under the Land Use Transportation Diagram provided that the project is of exceptional design, exceeds the minimum standards of the Zoning Ordinance and applicable design guidelines and is compatible with surrounding development. The General Plan specifies that the discretionary alternate use policies should be used in a manner that avoids disrupting a neighborhood's character.

The above analysis of conformance with the Single-Family and Residential Design Guidelines indicates that the proposed project does not conform to a number of aspects of the Guidelines that are crucial to the issue of neighborhood compatibility. In light of these deficiencies, it is difficult to find that the proposal is of exceptional design or that it exceeds the minimum standards of the applicable design guidelines. The deficiencies in regard to conformance with the Single-Family Design Guidelines are fundamental to the intent of the Guidelines, which is to ensure that new development is compatible with the existing neighborhood. While it is clear that future development in this neighborhood will not replicate the existing narrow, deep lots that currently make up the project site or the single-story configuration of existing development, this project fails to make basic concessions towards the existing pattern of development in the neighborhood that the Single-Family Design Guidelines mandate and that have been successfully implemented by other projects in this area. As a result, the project cannot be found compatible with the surrounding uses. For these reasons, staff believes that General Plan conformance for this project cannot be established based on the Two Acre Rule, and that the proposed density of 11.24 units per acre does not conform to the Medium Low Density Residential (8/DU/AC) General Plan designation.

Conclusion

Based on the above analysis, staff concludes that the proposed Planned Development Zoning, is not consistent with the Single-Family and Residential Design Guidelines, does not conform to the land use designation of the General Plan and is fundamentally incompatible with the surrounding neighborhood.

Development Standards

Staff frequently addresses the deficiencies of proposed Planned Development Zonings through Development Standards that modify the project in specific areas. In this case, staff believes that the deficiencies of the

project are more fundamental than can be addressed by tweaking the project standards; however, staff has attached Draft Development Standards that reflect the applicant's proposal should the Commission choose to recommend approval of the project as currently proposed.

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; that the density of the development was too high and that this project could set a precedent for future development in this area. Neighborhood residents requested that the site design provide for visibility of the future trail from the private street.

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.

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.
3. The proposal is not compatible with the development pattern of the existing neighborhood.

Attachments