

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, San Jose, CA 95113

Hearing Date/Agenda Number  
P.C. 9/14/05 Item: 3.a.

File Number  
PDC 05-056

Application Type  
Planned Development Rezoning

Council District 5

Planning Area  
Alum Rock

Assessor's Parcel Number(s)  
481-19-137, 481-19-138

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: Southeast corner of Alum Rock Avenue and McCreery Avenue.

Gross Acreage: 2.49

Net Acreage: 2.12

Net Density: 49.5 DU/AC

Existing Zoning: A(PD)

Existing Use: Mixed-use: commercial space and multiple-family attached dwelling units

Proposed Zoning: A(PD) Planned Development

Proposed Use: Mixed-use: commercial space and multiple-family attached dwelling units, and 12 single-family attached units

### GENERAL PLAN

Completed by: HLL

Land Use/Transportation Diagram Designation  
General Commercial, Medium High Density Residential (12-25 DU/AC) Urban Transit Oriented Development Corridor(45+DU/AC), Neighborhood Business District Overlay

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: HLL

North: Commercial and Residential

CG Commercial, A(PD)

East: Commercial

CG Commercial

South: Residential

R-1-8 Residence

West: Commercial and Residential

CG Commercial, R-1-8 Residence, and A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: HLL

Environmental Impact Report certified  
 Negative Declaration circulated  
 Negative Declaration adopted on May 22, 2002

Exempt  
 Environmental Review Incomplete  
 Addendum to Negative Declaration

### FILE HISTORY

Completed by: HLL

Annexation Title: Capitol No. 29

Date: April 28, 1970

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
 Action  
 Recommendation

### APPLICANT/OWNER

TIERRA ENCANTADA LP  
255 N MARKET ST UNIT 290  
SAN JOSE CA 95110

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: HLL

**Department of Public Works**

See attached memorandum.

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**Other Departments and Agencies**

See attached memoranda from Fire and Environmental Services Departments

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**GENERAL CORRESPONDENCE**

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None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Tierra Encantada LP, is requesting a Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow minor changes to the Development Standards of the townhouse portion of the project. The original Planned Development Zoning (File No. PDC02-029) was approved by the City Council in 2002.

The approved zoning covers two sites separated by a public street, Tierra Encantada Way. The mixed-use project approved on the northerly site (93 affordable multiple-family residential units and 7,600 square feet of commercial uses) has been constructed. The affordable, for-sale townhouse project proposed for the smaller, southerly site has not yet been constructed and is the subject of the proposed development standard modifications. The modifications include a reduction of the rear setback from 20 feet to 10 feet and a reduction of the front setback from 15 to 4 feet.

The subject site is surrounded by commercial and residential uses to the north, commercial uses to the east, a mixture of commercial and residential uses to the west and residential uses to the south along McCreery Avenue. The site is located in the Mayfair Strong Neighborhood Initiative (SNI) planning area.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed through an Addendum to the Mitigated Negative Declaration for the original rezoning which was adopted on May 22, 2002. The Addendum concludes that the proposed changes to the setbacks will not result in any new significant adverse affect on the environment.

**GENERAL PLAN CONFORMANCE**

The project is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designations of General Commercial, Medium High Density Residential (12-25 DU/AC), Urban Transit Oriented Development (45 + DU/AC), with a Neighborhood Business District Overlay as discussed in the staff report for the original project. This Zoning application does not include any change to the approved density.

## COMMUNITY OUTREACH

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

## ANALYSIS

The primary project issue is conformance to the Residential Design Guidelines (RDG)/Compatibility with the Surrounding Neighborhood.

Front setback change - The Residential Design Guidelines recommend that two-story buildings be set back 18 feet from a minor residential street. Although the proposed 4-foot setback does not conform to the RDG, staff believes this setback is appropriate in this context. Based on the Development Standards for the approved Planned Development Zoning, the townhouse units facing Tierra Encantada Way are to have an urban street presence to complement the units in the mixed-use project across the street. The mixed-use project extends to the property line along Tierra Encantada Way frontage. The single-family residential units to the west of the proposed townhouses are set back approximately 2 feet from Tierra Encantada Way. The proposed 4-foot setback places the units close to the street, facilitating an urban streetscape and creating a compatible interface with the mixed-use development across the street and with the adjacent single-family residence.

Rear Setback – The 10-foot rear setback from a single-family rear yard is less than the 20 feet recommended by the Residential Design Guidelines. The primary intent of this recommended setback is to protect the privacy of adjacent rear yards. The elevations of the proposed townhouse units facing the rear yards of the adjacent single-family homes do not have second-story windows. Furthermore, the Draft Development Standards require windows on the second story of all units to be set back at least 15 feet from side and rear property lines and that landscape screening be provided. The proposed 10-foot rear setback is not ideal; however, in this case, staff believes that the setbacks for second-story windows and the lack of any such windows in the current proposal, adequately address the privacy issue. Staff will work with the applicant at the Planned Development Permit stage to incorporate appropriate landscaping into the setback area.

## RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed Planned Development Zoning is in conformance with the General Plan Land Use/Transportation Diagram designations of General Commercial Medium High Density Residential (12-25 DU/AC), Urban Transit Oriented Development Corridor (45+ DU/AC) with a Neighborhood Business District overlay.
2. The proposed Planned Development Zoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.