

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E Santa Clara St, 3rd Floor
San José, California 95113-1905

Hearing Date/Agenda Number
P.C. 9-14-05 Item #
C.C. 10-4-05

File Number
PDC 05-067

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
439-08-042

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Ed Schreiner

Location: North side of Lincoln Court approximately 200 feet west of Terra Bella Avenue

Gross Acreage: 0.28

Net Acreage: 0.28

Net Density: 7.1 DU/AC

Existing Zoning: R-2 Two Family Residence
District

Existing Use: Single Family Residential

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-Family Residential

GENERAL PLAN

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

North: Multi-family residential

R-M Multiple Residence District

East: Single-family detached residential

CP Commercial Pedestrian

South: Single-family detached residential

R-1-8 Single-Family Residence District

West: Single-family detached residential

R-1-8 Single-Family Residence District

ENVIRONMENTAL STATUS

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: South Willow Glen No. 5

Date: July 15, 1949

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 9-14-05

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER

CONTACT

Dean DiBenedetto, DCL LLC
2340 Powell St #120
Emeryville, CA 94608

David Lee
P.O. Box 4310
Mountain View, CA 94060

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ES

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached memorandum from the Fire Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, DCL LLC, is requesting a Planned Development Rezoning from R-2 Two Family Residence District to A (PD) Planned Development Zoning District to allow up to two single-family residences on a 0.28 gross acre site. A Planned Development Zoning is required because the proposed residential development is designed in a flag lot configuration.

Project Description

The proposed Planned Development Zoning would allow the site to be divided into two single-family lots. The existing single-family house and structures will be demolished and replaced with two new two-story houses and a shared detached garage. The driveway to Lincoln Court is proposed to be an extension of the rear lot. The front lot will use this driveway to access the shared garage via an easement. The project results in a net density of 7.1 units per acre. Lots 1 and 2 are proposed to be 6,120 square feet in size.

Site and Surrounding Uses

The site currently is developed with an existing single-family house, a detached garage that has been converted to residential use without benefit of permits, and a shed. All of these structures are proposed to be demolished. Seven trees are existing on the site. Five of these are proposed to be removed by the project; none of which are of ordinance size. The two largest of the existing trees are proposed to be retained, one located near the front of the property and the other near the rear property line.

The site is surrounded by single-family detached residential uses to the west, south, and east, and multifamily residential uses to the north.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(a) of the State Guidelines for implementation of the California Environmental Quality Act (CEQA) this project is found to be exempt in that it consists of the construction of fewer than four single-family residences in an urbanized area.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium Low Density Residential (8 DU/AC) on the City of San Jose's 2020 General Plan Land Use/Transportation Diagram. The proposal for two units on a 0.28 net acre site results in a net density of 7.1 units per acre, consistent with this designation.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project 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.

ANALYSIS

The primary issue for this project is conformance with City Council Policy 6-19 regarding Flag Lot Development.

Conformance with Flag Lot Policy

In 1990, the City Council adopted City Council Policy 6-19, Flag Lot Policy, to provide criteria for flag lots in "flat land" areas developed predominantly as single-family, detached neighborhoods. The policy provides six criteria for the evaluation of the proposed flag lot development. Below is an analysis of the key criteria:

- 1) **Lot Size.** The Flag Lot Policy specifies that flag lots are not appropriate where a series of large lots could be converted to flag lot developments, thereby raising the density and changing the character of the neighborhood. The Policy states that flag lot developments may be appropriate in neighborhoods that exhibit a uniformity of single-family lot sizes with an occasional, unique larger parcel with a minimum square footage of 8,000 square feet. The property is 12,197 square feet in area, similar in size to the property across the street. Other single-family properties range between 5,250 and 7,800. The site is one of two larger properties in its neighborhood and far larger than the recommended minimum size for flag lots. Staff believes that the subject site is appropriate for Flag Lot development based on the size and uniqueness of the existing lot.
- 2) **Street Presence.** The Flag Lot Policy indicates that flag lot units located away from the street should be oriented toward and be visible from the street. The proposed rear single-family residence is situated at the end of the proposed private driveway and would be visible from Lincoln Court, consistent with the Policy criteria.
- 3) **Setbacks and Unit Orientation.** The Flag Lot Policy specifies that the front yard setback for the front unit should match the neighborhood pattern and that all units should orient to the street. The applicant is proposing a 25-foot front setback consistent with the

standards of the R-1-8 Single Family Residence District; and matching the neighborhood pattern. The Policy further specifies that all units should orient toward the street and that each unit should have a front and rear yard on opposite sides of the unit. The proposed site design creates two lots with front and rear yards on the opposite sides of the unit.

- 4) **Private Yards.** The Flag Lot Policy specifies that rear yards for all units shall be a minimum of 1,200 square feet in size with a minimum dimension of 25 feet. The proposed design includes a rear yard that is approximately 1,380 square feet for Lot 1 and approximately 1,980 for Lot 2. All yards are at least 25 feet deep.
- 5) **Private Driveway and Vehicle Turnaround.** The Flag Lot Policy encourages a common driveway for all units and specifies that the driveway should be a minimum of 10 feet in width with a minimum of 3 feet of landscaping on each side. The conceptual site design proposes a 10-foot wide common private driveway with three feet of landscaping on each side, consistent with the Policy. The Draft Development Standards for the project include a condition requiring a private maintenance agreement for the driveway. The Policy specifies that each unit should be provided with adequate vehicle turnaround space. A condition in the Draft Development Standards requires all spaces to have a minimum of 22 feet of back-out space.
- 6) **Parking Ratios.** The Flag Lot Policy specifies that parking ratios for each unit should be in conformance with the Residential Design Guidelines. The Residential Design Guidelines indicate that two covered parking spaces (in the form of a garage) and one additional off-lot space within 150 feet of each unit should be provided for single-family detached residential units. The project proposes two-car garages. Two guest spaces are provided on Lincoln Court along the project frontage. Based on this analysis, staff concludes that the project provides adequate parking consistent with the Residential Design Guidelines.
- 7) **Window Orientation.** The Flag Lot Policy specifies that large windows and decks on the second floor shall orient toward on-site yard areas and not toward neighboring properties. The conceptual building elevations include windows that face the front and rear yards and the common driveway in conformance with the Policy. Windows on the second floor side elevation are clerestory, providing light and air while limiting views to adjacent properties.
- 8) **Drainage.** The Flag Lot Policy specifies that drainage shall follow pre-existing drainage patterns to avoid padding up the rear of the site. The proposed conceptual grading and drainage plan indicates minimal site grading to direct water to a swale located along the western edge of the subject site.
- 9) **Massing.** The Flag Lot Policy specifies that the mass of the front and back units should be consistent with the average mass in the surrounding neighborhood. The single-family residences in the surrounding neighborhood are largely small, one-story structures. The proposed homes are two-story and have considerably larger massing than the homes immediately adjacent. The massing of the homes is reduced to some extent by some of the techniques outlined in the *Single Family Design* Guidelines, such as a second-story that is set back and smaller than the first story of the home. The proposed homes also provide articulation on the front façade, which helps reduce the visual massing of the

structure. Staff will work with the applicant at the Planned Development Permit stage to ensure that the building massing is modified as necessary to blend appropriately with the existing residences in this neighborhood.

- 10) **Zoning Standards/Garages.** The Flag Lot Policy states that flag lots should meet the standards of the conventional R-1-8 Single-Family Residence Zoning District. The proposed project meets all standards of the R-1-8 District, with the exception that a detached garage is proposed in the front setback of the rear lot. This leaves the rear house with an awkward front yard and a garage 6 feet in front of the entry door for the house. The proposed Draft Development Standards would require that the project be modified so that the front setback of the rear house remains open. A number of alternatives to the current proposal exist, including a conventional attached two-car garage on the west side of the house, an attached tandem garage or a single-car detached garage. Staff will work with the applicant at the Planned Development Permit stage to ensure that the modified garage design functions adequately on the site.

Conclusion

Based on the above analysis, staff believes that the proposed Planned Development Zoning is in conformance with the Flag Lot Policy, including the provision of adequate parking, and will result in new development that is compatible with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed project is consistent with the Flag Lot Policy.
3. The proposed rezoning is compatible with the surrounding neighborhood.

Attachments