

File Number  
 PDC03-068

Application Type  
 Planned Development Rezoning

Council District  
 4

Planning Area  
 Berryessa

Assessor's Parcel Number(s)  
 237-15-185

# STAFF REPORT

**PROJECT DESCRIPTION**

Completed by: Caleb Gretton

Location: South west corner of Oakland Road and Rock Avenue

Gross Acreage: 13.7

Net Acreage: 9.4

Net Density: 11.3 DU/AC

Existing Zoning: HI Heavy Industrial

Existing Use: Garbage truck and container storage and maintenance facility

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 107 Single-Family detached residential units

**GENERAL PLAN**

Completed by: CG

Land Use/Transportation Diagram Designation  
 Industrial Park.

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

**SURROUNDING LAND USES AND ZONING**

Completed by: CG

North: Industrial warehouse and outdoor storage and Mobile Home Park

IP Industrial Park and R-MH

East: Industrial warehouse and manufacturing

HI Heavy Industrial

South: Orchard Elementary School

A Agriculture

West: Industrial manufacturing and office

IP Industrial Park

**ENVIRONMENTAL STATUS**

Completed by: CG

Environmental Impact Report to be heard on February 9, 2004  
 Negative Declaration circulated on  
 Negative Declaration adopted on July 31, 2003

Exempt  
 Environmental Review Incomplete

**FILE HISTORY**

Completed by: CG

Annexation Title: Orchard No. 63

Date: 10/15/1974

**PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION**

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date:

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

**APPLICANT/DEVELOPER**

Summerhill Homes  
 Lisa Maley  
 777 California Avenue  
 Palo Alto CA 94304

**OWNER**

BFI Waste Systems  
 1995 Old Oakland Road  
 San Jose, CA 95109

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: CG

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**Department of Public Works**

Please see attached memorandum

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**Other Departments and Agencies**

Please see attached memorandum from the Fire Department, and Environmental Services Department

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**GENERAL CORRESPONDENCE**

None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**PROJECT DESCRIPTION**

The applicant, Summerhill Homes, is requesting a Planned Development rezoning of a 13.7-acre site located on the southwest corner of Oakland Road and Rock Avenue to allow for small lot single-family detached residential development at 11.3 dwelling units per acre. The project requires a Planned Development zoning district because the proposed lot sizes and setbacks do not conform to the requirements of a conventional zoning district.

The proposed zoning would allow up to 107 single-family residential units. The lots will range in size from 2,999 square feet to 3,348 square feet. The conceptual designs for the homes include two-story construction with attached two-car garages, and private outdoor space consisting of fenced rear yards. The proposed single-family residences will be a maximum of 30 feet in height and range in size between 2,000 and 2,500 square feet in floor area. Buildings will be set back 20 feet from the site boundary with adjacent industrial uses, and 25 feet from the boundary adjacent to Oakland Road. Parking will be permitted on all internal public streets.

The project includes the dedication and construction of Charcot Avenue along the southerly boundary of the property, improvements to Rock Avenue and a contribution to the City for improvements to Oakland Road.

**BACKGROUND**

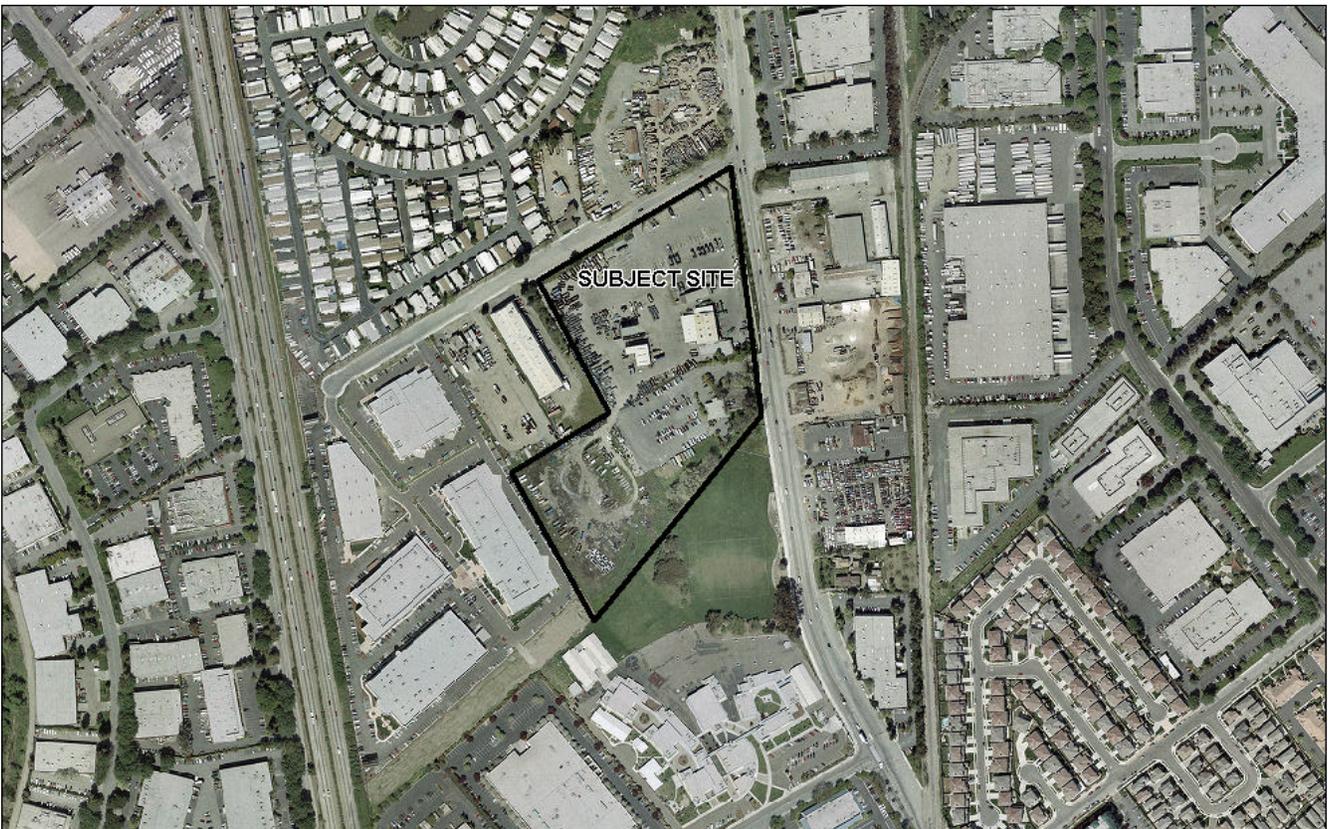
On July 27, 2003, the applicant, Summerhill Homes, filed a Planned Development Zoning application for the subject 13.7-acre site. This rezoning application is being considered in conjunction with a General Plan Amendment request (GP03-04-01), to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential (8-16 DU/AC).

## General Plan

The subject property currently has a designation of Industrial Park on the General Plan Land Use/Transportation Diagram. The proposed single-family project does not conform to the current General Plan designation. The applicant has filed a General Plan Amendment requesting conversion of the subject property from Industrial Park to Medium Density Residential (8-16 DU/AC). Should the General Plan Amendment (GP03-04-01) be approved, the proposed rezoning would be consistent with the density range of the new General Plan Land Use/Transportation Diagram designation. (See Analysis Below)

## Site and Surrounding Uses

The subject property is a flat j-shaped parcel owned by Browning Ferris Industries (BFI) and is currently used for garbage truck and container storage, and a maintenance facility. The site is improved with paved surface parking, storage areas and five buildings.



The subject property is surrounded primarily by industrial uses. To the north of the site are two parcels zoned for Industrial Park that are used for outdoor storage, and to the northwest of the property a mobile home park. Directly adjacent to the property to the west are properties zoned HI Heavy Industrial and IP Industrial Park containing a mix of industrial uses including; warehouse, storage yard, and research and development. To the immediate south of the property is the future Charcot Avenue extension, with Orchard Elementary School to the south of the future Charcot Avenue. The property borders Oakland Road to the east, a major arterial street. Across Oakland Road are properties zoned HI Heavy Industrial used for a variety of industrial businesses including, warehouse, outdoor storage yard, manufacturing, and research and development.

## **ENVIRONMENTAL REVIEW**

The Environmental Impact Report (EIR) for the proposed rezoning and General Plan amendment was prepared in conformance with the California Environmental Quality Act (CEQA). The EIR provides environmental review appropriate for the adoption of the proposed amendment to the San Jose 2020 General Plan and proposed rezoning. The EIR analyzed impacts and proposed mitigation measures, where possible, on the following items:

- Land Use
- Geology and Soils
- Hydrology
- Noise
- Cultural Resources
- Hazardous Materials
- Biological Resources
- Transportation
- Utilities and service systems
- Energy

The EIR identified two significant and unavoidable impacts of the proposed project: Air Quality and Land Use Compatibility.

Land Use Compatibility is considered a significant unavoidable impact because the proposed project would result in some future limitations being placed on existing industrial development within the immediate vicinity. This is inconsistent with the General Plan policies adopted for the purpose of avoiding environmental impacts.

Air Quality is considered a significant unavoidable impact because the project proposes additional population that is not currently reflected in the Bay Area Air Quality Management District (BAAQMD) regional Clean Air Plan. The inclusion of identified mitigation measures would reduce the impacts on regional air quality, but because the General Plan amendment and rezoning would add population not already reflected in the regional Clean Air Plan, the air quality impacts of this approval would still be considered a significant unavoidable impact.

## **ANALYSIS**

The primary issues associated with the proposed rezoning are: 1) Conformance to the General Plan Land Use/Transportation Diagram, 2) Land Use Compatibility, and 3) Conformance to the Residential Design Guidelines.

### **General Plan Conformance**

The proposed project does not conform with the Industrial Park General Plan designation, which allows research and development, manufacturing, assembly, testing and offices. Concurrently with this Zoning application the applicant has filed a General Plan Amendment request to change the designation of the property to Medium Density Residential (8-16 DU/AC) to allow for residential development on the site. Planning staff is recommending denial of the proposed General Plan amendment, primarily due to the loss

of economic development potential and future inherent land use compatibility concerns of locating new residential development in an industrial area. Refer to the staff report for the General Plan amendment (File No. GP03-04-01) for a detailed description of staff's position regarding the inappropriateness of residential development at this location.

Although the proposed rezoning is within the density range of the proposed Medium Density Residential designation, the proposed design of the project is in conflict with the Design Policies within the General Plan. The General Plan's Urban Design Policy #18 states that to the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls. The proposed project design of small single-family lots includes an eight-foot tall sound wall along the project's entire Oakland Road frontage, approximately 360 feet in length adjacent to single-family rear yards. This design is not consistent with the General Plan in that it does not utilize design alternatives that could adequately mitigate noise impacts without the use of sound walls. A sound wall creates a neighborhood separate from all other existing and future uses.

The General Plan Urban Design Policy 3# indicates that residential development should provide for appropriate connectivity to the surrounding community. The proposed project represents a walled enclave with no exterior connectivity. New development should increase neighborhood connectivity and a presence to the street. By constructing an eight-foot tall sound wall along the entire Oakland Road frontage, the project has no relationship to the street or the surrounding community.

### **Land Use Compatibility**

In determining land use compatibility, two factors are considered: 1) the potential impact from the proposed project upon adjacent uses and the physical environment, and 2) the potential impact from the project's surroundings upon the project itself. Potential incompatibility may result from the placement of a particular type of use at an inappropriate location, or from some aspect of the project's design.

#### Impacts on adjacent industrial uses

The proposed single-family residential project is incompatible with the industrial land uses which are the predominate use in the immediate vicinity. While a mobile home park exists to the northwest of the project site, it was approved at the time when mobile home parks were considered "temporary" uses and allowed within industrial areas. The heavy industrial uses currently permitted within this area typically include outdoor activity, heavy truck use, hazardous materials use and storage and other potential nuisances to a residential use. In addition, these uses are currently permitted to operate by right on a 24-hour basis, although outdoor uses within 150 feet of residential uses are restricted to the hours of 6 AM to Midnight. Approving residential uses at this location would likely result in additional restrictions placed upon the existing industrial uses.

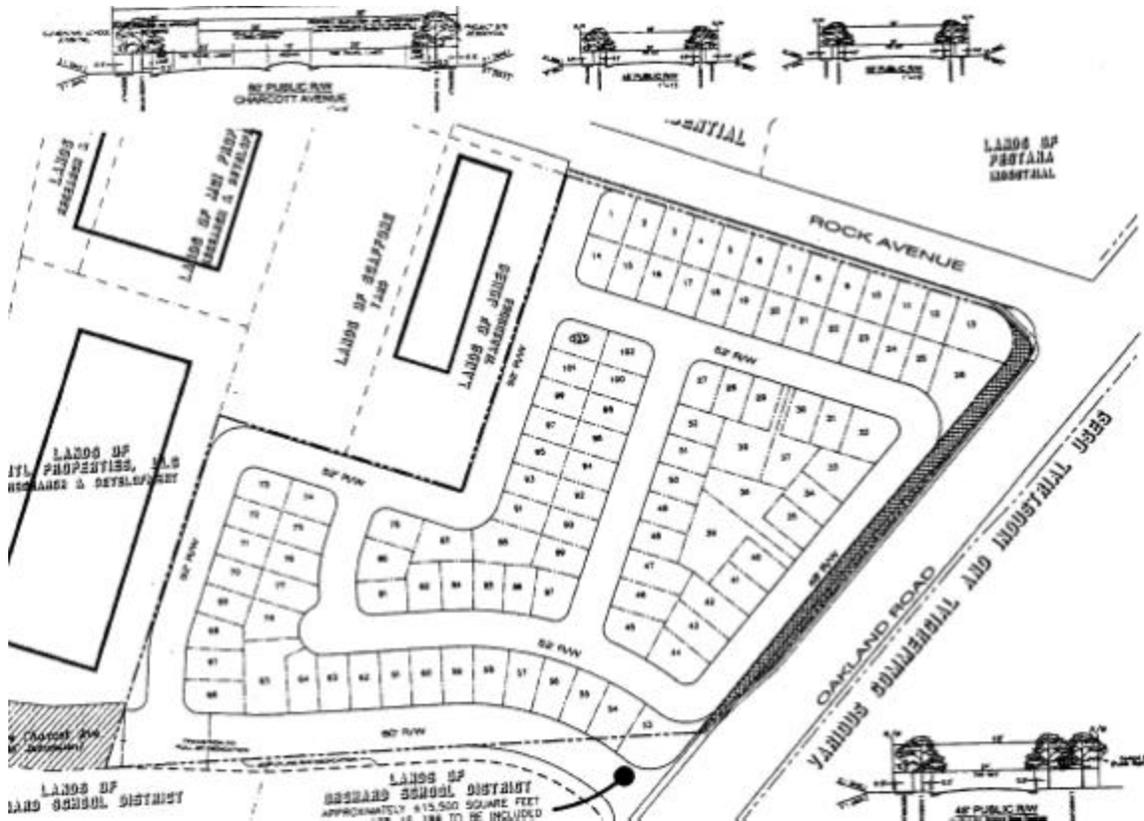
The General Plan includes land use policies that can be used to mitigate significant environmental impacts related to incompatible uses. Mitigation measures include restricting the placement sensitive receptors near existing industrial uses, and identifying areas in the City that would be most suitable for compatible non-industrial uses through the addition of Mixed Overlay Districts. The proposed residential conversion is not consistent with these General Plan policies and will result in a significant land use impact as identified in the Environmental Impact Report.

Impacts of existing industrial uses on the proposed residential

The subject property is surrounded by industrial uses, and it is subject to impacts from existing noise levels, the use of hazardous materials on nearby sites, and soil and groundwater contamination from past on-site activity, dust, litter, noise, unsightly outdoor storage, and the use of hazardous materials are all aspects of industrial uses that can be incompatible with residential land uses. The site is also located off of Oakland Road, a major thoroughfare, which will subject the property to excessive noise generated from high traffic volumes, litter, and odors from passing vehicles. Due to the current industrial use on the site, soil and groundwater contamination may result in impacts to the residents.

The Environmental Impact Report has identified mitigation that would reduce these impacts to a less than significant environmental impact per the CEQA Guidelines. However, the result of the mitigation measures creates a development that is closed off from the neighborhood by tall sound walls that would line the adjacent industrial properties and Oakland Road. This is inconsistent with the General Plans policies of creating neighborhoods that have no connectivity or relationship to their surroundings.

In summary, the proposed project design is not consistent with the General Plan and is not compatible with the surrounding neighborhood. Based on this analysis staff does not support the proposed rezoning. However, should a single-family detached residential development be approved at this location, consideration should be giving to requiring an alternate design that is more compatible with the General Plan and surrounding uses. The EIR prepared for this project included a design alternative that was identified as environmentally superior to the applicant's proposed design (see graphic following). The alternative included frontage roads adjacent to Oakland Road and the adjacent industrial uses, which would increase the distance buffer between two incompatible uses. This design alternative would also be more consistent with the General Plan urban design policies by utilizing a frontage road in place of a sound wall along Oakland Road. The developer has indicated that this design is not viable because it would reduce the number of potential units from 107 to 103 dwellings, although 103 units would still meet the minimum density requirement in the 8-16 du/ac density range. Further, staff believes additional buffering from adjacent industrial uses could be accomplished with an attached residential product design, which could provide design opportunities for building a better community and sheltered common open space.



### Conformance with the Residential Design Guidelines

The proposed single-family residential rezoning to allow up to 107 single-family detached units on individual lots is generally consistent with the Residential Design Guidelines within the project site. The proposed lots gain direct access from a public street, which includes sidewalks and planter strips, as well as parking on both sides. The proposed dwelling unit rear setbacks meet the Guidelines' minimum dimensions of 15-feet with an increased rear setback of 20-feet for the units adjacent to the industrial uses to the west and an increased rear setback of 25-feet for the units adjacent to Oakland Road. Although the design of the units is conceptual at the PD Zoning stage, the applicant proposes to construct two-story single-family houses, each with a two-car garage and appropriate street presence.

However, the Design Guidelines also indicate that long walls and fences around new residential projects along public streets can create isolated neighborhoods within larger communities. Often, wider setbacks and open spaces, frontage roads, and landscaped drives are more desirable and effective alternatives to achieving the buffering goal of a solid wall. Additionally, the Design Guidelines indicate that new development should be designed in a manner that is compatible with the surrounding uses. Although aspects of the proposed project are consistent with the Residential Design Guidelines, the proposed single-family development is not consistent with the intent of the Guidelines, which is to ensure that development protects and reinforces the livability and connectivity of neighborhoods.

### Conclusion

If residential development is appropriate for this location, then the design of the residential development should work to build and connect with the neighborhood. Simply locating a standard small lot single-family residential subdivision at this location is not appropriate, especially if the development must be

required to include sound walls along a majority of its perimeter for sound attenuation. Alternative designs and/or attached unit types may be more appropriate to better deal with the potential interface problems that can arise from placing residential near existing industrial uses. High density cluster housing and podium housing structures can often provide necessary sound attenuation for private open space without the need of a sound wall, as well as provide more appropriate separation from adjacent, potentially incompatible uses. Similarly, the use of frontage roads can also provide sound attenuation and separation from adjacent uses when a single-family unit product is proposed. If the General Plan Amendment for residential is approved, staff recommends the proposed residential project be re-designed in a manner that is more consistent the General Plan Urban Design Policies and the Residential Design Guidelines, and is compatible with the existing neighborhood. At a minimum, the project should incorporate a design that uses roadway location to help provide buffers while minimizing use of sound walls.

### **PUBLIC OUTREACH**

Notices for the Environmental Impact Report and the PD Zoning public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

### **RECOMMENDATION**

The Planning staff recommends that the Planning Commission recommend denial of the subject rezoning. Should the Planning Commission endorse the proposed General Plan Amendment for the site, planning staff recommends that approval of the Planned Development Zoning be conditioned to reflect, at a minimum, the environmentally-preferred option as detailed in the EIR as the required site design for a small lot single-family detached project.