



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 12, 2007

**COUNCIL DISTRICT:** 6  
**SNI AREA:** None

**SUBJECT: PDC06-084. PLANNED DEVELOPMENT REZONING FROM R-M RESIDENTIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 9 SINGLE-FAMILY ATTACHED RESIDENCES ON A 0.34 GROSS ACRE SITE.**

## RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Platten absent) to recommend that the City Council approve the proposed Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 9 single-family attached residences on a 0.34 gross acre site.

## OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 9 single-family attached residences may be built on the subject 0.34 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

## BACKGROUND

On April 11, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The applicant, Gregory Henderson, was present to answer questions regarding the project.

Commissioner Jensen had several questions for staff: 1) why the project was published in the Post Record and not in the Willow Glen Resident or other neighborhood newspaper, 2) why the retained Aleppo Pine was not shown on the land use plan, 3) why there is so much street parking proposed when a multi-family development will be constructed to the north, and 4) what sustainability technology will be included in the project. Commissioner Jensen also wanted the development regulations to include new technologies put to use to mitigate for noise and storm run-off during construction.

Staff responded that the practice is to publish in the Post Record and the San Jose Mercury News. As for the Aleppo pine, it is the intent of the project to save this tree. Staff found that the manner for preservation of the tree as described in the Initial Study and shown on the site plan is adequate. In regards to parking, staff had visited the site and determined that sufficient on-street parking was available. The development to the north was approved as a Site Development Permit, which required that all necessary parking be provided on-site. Further, staff noted that for rowhouses, which make up five of the proposed nine units, the Residential Design Guidelines allow on-street parking to be counted towards meeting parking standards. Staff explained that sustainability measures will be addressed in the Planned Development Permit stage, and that communication had already occurred with the developer about photovoltaics, use of recycled materials, and on-site stormwater treatment.

Commissioner Zito stated that staff should consider a development that would only include eight units and change one of the tandem garages to a side-by-side garage.

Mr. Henderson informed the Planning Commission that the original proposal for this site was for 18 units over a podium. Working with staff over time, the number of units at the site has been reduced to 17 units to 15 units to 11 units, and finally to nine units.

Commissioner Kalra made a motion to recommend approval, as proposed by staff. Commissioner Kalra noted that he too was concerned with the amount of tandem parking and stated that a reduction to eight units could allow for fewer parking spots as well as an increase the setback along the eastern property line.

The Planning Commission voted 6-0-1, Commissioner Platten absent, to consider the Mitigated Negative Declaration, and recommend approval of the rezoning with of the subject property to A(PD) Planned Development to allow up to nine units, as proposed by staff.

### **ANALYSIS**

The proposed project conforms to the policies and regulations of the General Plan, and is in substantial conformance to the Residential Design Guidelines, with the exception of the provision of setbacks from the two public streets, as noted in staff's report to the Planning Commission. Per staff's report to the Planning Commission, staff believes that the proposed setbacks are adequate given the existing and proposed development pattern in the area.

At the hearing, the Planning Commission raised concerns over the easterly setback provided for the project. They believed that the number of units would have to be reduced for the project to provide larger setbacks and one additional side-by-side garage. The Commissioners expressed concern over the proposed number of tandem parking. The Commission, however, voted to recommend approval of the subject rezoning with up to nine units, which would allow further discretion at the PD Permit stage regarding the means of using "green" building design and setbacks.

### **POLICY ALTERNATIVES**

May 1, 2007

Subject: PDC06-084

Page 3

*Alternative #1: Approve the proposed Planned Development Rezoning from RM Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to eight single-family attached residences on a 0.31 net acre site.*

Pros: This alternative would allow fewer units on the site, which could allow for larger setbacks. Also, this could allow for one or more tandem garages to change to a side-by-side configuration. The project would still conform to the General Plan density designation.

Cons: This alternative would create fewer infill units.

Reason for not recommending alternative: The project is proposing setbacks to match approved or exiting setbacks of the adjacent properties.

*Alternative #2: Deny the subject rezoning.*

Pros: None.

Cons: A new development proposal would be needed under existing R-M Multi-Family Residence Zoning District or a new Planned Development Zoning proposal would need to be submitted.

Reason for not recommending alternative: Proposed project substantially conforms to Residential Design Guidelines and furthers the City's General Plan Infill Housing objective.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy.

A sign was posted at the site to inform the public of the proposed development. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, and Building Division.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and is in substantial conformance to City Council approved design guidelines as further discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

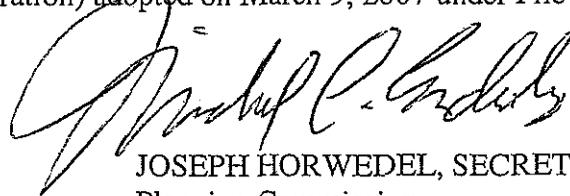
Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

CEQA: MND (Mitigated Negative Declaration) adopted on March 9, 2007 under File Number PDC06-084.



JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Mike Enderby at 408-535-7800.

cc: Greg Henderson, % H3 Development, LLC, 19880 Lark Way, Saratoga, CA 95070

CITY OF SAN JOSÉ, CALIFORNIA  
Planning, Building & Code Enforcement  
Plan Implementation Division  
200 East Santa Clara Street  
San Jose, CA 95113-1905

## STAFF REPORT

Hearing Date/Agenda Number  
PC 4/11/07 Item:  
CC 5/01/07 Item:

File Number  
PDC06-084

Application Type  
Planned Development Rezoning

Council District: 6

Planning Area  
South

Assessor's Parcel Number(s)  
434-30-005

### PROJECT DESCRIPTION

Completed by: Avril Baty

Location: 425 Willow Glen Way (the northeast corner of Willow Glen Way and Cross Way)

Gross Acreage: 0.34 Net Acreage: 0.31 Net Density: 29.0 DU/AC

Existing Zoning: R-M Multiple Residence Existing Use: Single-family detached residence

Proposed Zoning: A(PD) Planned Development Proposed Use: Up to nine (9) single-family attached residential units

### GENERAL PLAN

Completed by: AB

Land Use/Transportation Diagram Designation  
High Density Residential (25-50 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: AB

North: Vacant R-M Multiple Residence

East: Two-family residence R-M Multiple Residence

South: Senior residence A(PD) Planned Development

West: Senior residence A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: AB

Negative Declaration circulated on March 13, 2007

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: AB

Annexation Title: Monterey Park No. 94

Date: 2/1/1986

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

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

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

### OWNER/APPLICANT/ DEVELOPER

William Henderson  
19880 Lark Way  
Saratoga, CA 95070

Gregory Henderson  
% H3 Development, LLC  
19880 Lark Way  
Saratoga, CA 95070

---

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: AB

Department of Public Works

Please see attached memorandum.

---

---

**GENERAL CORRESPONDENCE**None received.

---

---

**ANALYSIS AND RECOMMENDATIONS**

---

**BACKGROUND**

On July 25, 2006, the applicant, H3 Development, filed an application for a rezoning from R-M Multiple Residence to A(PD) Planned Development to allow up to nine single-family attached residences on a 0.34 gross acre site. A Planned Development Rezoning is required because the developer proposes to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts. Specifically, the project proposes lot sizes, frontages and setbacks that are smaller than what is allowed by conventional residential zoning districts and the required City's Subdivision Ordinance (Title 19).

The subject site is currently developed with one (1) single-family detached residence built circa 1922 that was found not to be historically significant. There is one significant tree on the site. The property is situated on the northeast corner of Willow Glen Way and Cross Way.

Surrounding land uses include a vacant lot to the north, a two-family residence to the east, senior housing to the south, and multi-family residences to the west. Four of these units will have tandem garages. The vacant lot to the north is entitled to be developed with ten condominiums over a podium, per Site Development Permit H05-059.

**Project Description**

The proposed zoning would facilitate development of the existing 0.34-acre site to allow up to nine attached single-family residences arranged in a rowhouse and garden townhouse configuration. Four units are proposed along the front, oriented to Willow Glen Way and five are oriented towards the common driveway, on the north side of the site. All units obtain garage access via a common driveway in the middle of the property.

The units range in size from 1,210 to 1,702 square feet of living area and include three bedrooms. Two car garages will be provided for each unit. An average of 126 square feet of private open space, in the form of balconies and patios, will be provided for each unit.

**ENVIRONMENTAL REVIEW**

An Initial Study was prepared for the project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on March 13, 2007. The Director of Planning, Building and Code Enforcement intends to adopt said Mitigated Negative Declaration on April 3, 2007. The primary issues that were addressed in the environmental review were air quality due to temporary construction impacts and noise related impacts, due both to construction noise and existing high ambient noise levels on the site. The project includes mitigation measures that will reduce any potential significant impacts to less than significant level.

**GENERAL PLAN CONFORMANCE**

The subject property has a land use designation of High Density Residential (25-50 DU/AC) on the San Jose

2020 General Plan Land Use/Transportation Diagram. The proposed development at 29.0 DU/AC is consistent with this designation.

This proposal is also in conformance with the General Plan Residential Land Use Policies in that 1) the land to be used for the future development will be fully and efficiently utilized to maximize the potential to add to the housing stock, 2) the project is integrated with the surrounding uses to blend in with the neighborhood, 3) consistent architectural themes have been integrated into the design, and 4) the building scale does not overwhelm the neighborhood.

The project conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

## **ANALYSIS**

The proposed Planned Development Rezoning would facilitate redevelopment of an underutilized parcel into nine (9) single-family attached units on individual lots. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regards to site design and architecture.

### Site Design

The site design orients the buildings in such a manner as to face onto Willow Glen Way or the common driveway. All garage doors are substantially hidden from view from the public street and are accessed from the common driveway. The common driveway is well landscaped on both sides. Porches and front doors are visible and easily accessed from the common areas. Decorative paving and other subtle features, such as arched doorways and openings, drought resistant landscaping and roman tile roofing, create a cohesive and complementary design to strengthen the appearance of the site. All areas not covered by buildings, streets, driveways or parking will be landscaped.

### *Setbacks*

This project conforms to the standards set forth for rowhouse and garden townhouse development as recommended in the City's Residential Design Guidelines. It is the intent of the guidelines to promote the development of new residences that will blend into the existing surroundings as well as protect the adjacent residences from negative impacts. In general, sensitive interfaces are considered to be those areas where a new development will have a direct visual impact or affect quality of life of adjacent properties and/or residents. Generally, the rear yard areas of adjacent properties are considered to be the most sensitive interface of concern for this type of project.

The project will be adjacent to multi-family and two-family residences on the east and north sides. The Residential Design Guidelines generally recommend an 18-foot setback from minor residential streets. Where 18 feet is recommended, a four-foot minimum setback is proposed along Cross Way and a seven and a half (7.5)-foot setback is proposed along Willow Glen Way. Staff is supportive of these setbacks in this instance given that the proposed setbacks match the setbacks of the existing and soon-to-be-built residential buildings on adjacent properties. Also, the reduced setback along Cross Way allows for the preservation of the approximately 82-inch circumference Aleppo Pine tree on the site.

### *Parking*

The Residential Design Guidelines recommend 2.6 on-site parking spaces for each three bedroom garden townhouse unit with a two car garage, and 3.3 spaces (two covered spaces and 1.3 off-lot parking space) for each rowhouse. The table below shows a breakdown of unit types and parking required:

	Number of Units	Parking Ratio	Total Required
Garden Townhouse Units with 3 Bedrooms & 2 Car Garage	4 units	2.6	10.4
Rowhouse Units with 3 Bedrooms & 2 Car Garage	5 units	3.3	16.5
<b>Total</b>	-	-	<b>26.9 spaces</b>

Based on the ratios in the Residential Design Guidelines, 27 parking spaces are required. There are 28 total parking spaces provided. This project includes a two-car garage for each unit. Two additional parking spaces will be provided on-site and eight on-street parking spaces at a minimum are available curbside in front of the property. The Residential Design Guidelines state that on-street parking can be counted towards the parking requirements for rowhouses. Cumulatively, the project meets the parking recommendations from the Residential Design Guidelines

### Architecture & Massing

This project consists of nine three-story, attached single-family dwellings with stucco exterior siding with Roman tile roofing. The subject site is located within an area that has transformed from a single-family detached residential neighborhood to a neighborhood with a greater density of housing. The proposed design is compatible with the new development that has occurred along this area, but has also been designed with some distinctive architectural features, such as such as arched doorways and openings, articulation of the wall planes and window awnings that will create an interesting and varied streetscape. Additional design and detailing will be evaluated at the Planned Development Permit stage.

On the adjacent properties to the south, east and west are existing three story buildings. Similarly, a new three story structure has been approved for development immediately to the north of the subject property. A proposed three story development is, therefore, consistent with the existing and proposed massing in the area. In particular, the proposed architecture, with the changes in wall planes, will help situate the project well within its setting.

### **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 and posted on the City website. A sign was posted on-site to notify neighbors of the proposed development. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

## **RECOMMENDATION**

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium High Density Residential (12–25 DU/AC) and supports several of the General Plan goals and policies as well as major strategies, including housing and growth management.
2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
3. The proposed project is in conformance with the Residential Design Guidelines.

Attachments:

Location Map

Development Standards

Mitigated Negative Declaration