



COUNCIL AGENDA: 5-2-06
ITEM: ~~11.8~~ 11.9

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 20, 2006

COUNCIL DISTRICT: 4

**SUBJECT: PDC05-105. LOCATED AT SOUTHSIDE OF ROCK AVENUE,
APPROXIMATELY 800 FEET WESTERLY OF OAKLAND AVENUE.**

TRANSMITTAL MEMO

The Planning Commission will hear this project on April 26, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.


for JOSEPH HORWEDEL
Secretary, Planning Commission

05-117CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
P.C. 4-26-06 Item # 46
C.C. 5-02-06 11.8

File Number
PDC05-105

Application Type
Planned Development Rezoning

Council District 4

Planning Area
Berryessa

Assessor's Parcel Number(s)
237-15-183 & -184

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: South side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue

Gross Acreage: 4.08 ac Net Acreage: 3.00 ac Net Density: 11.3 DU/AC

Existing Zoning: HI-Heavy Industrial Existing Use: Construction-related Industries

Proposed Zoning: A (PD) Planned Development Proposed Use: Up to 34 single-family detached residences.

GENERAL PLAN

Completed by: SM

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SM

North: Mobile Home Park A(PD) Planned Development (File No. PDC81-141)

East: Detached Single-family Residence A(PD) Planned Development (File No. PDC03-068)

South: Detached Single-family Residence A(PD) Planned Development (File No. PDC03-068)

West: Office IP - Industrial Park

ENVIRONMENTAL STATUS

Completed by: SM

Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)
 Negative Declaration circulated on
 Negative Declaration adopted on March 22, 2006.

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: SM

Annexation Title: Orchard No. 63

Date: 10/15/1974

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date April 19, 2006

Approved by: *Susan Walton*
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

HMH ENGINEERS (RAY HASHIMOTO) 1570 Oakland Road San Jose CA 95131	SCOFFONE ALDO J TRUSTEE & ET AL 15722 Lancaster Road Monte Sereno CA95030	TAYLOR WODROW HOMES (KERYNN GIANOTTI) 2300 Camino San Ramon, STE 100 San Jose CA 94583
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PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SM

Department of Public Works

See attached memorandum

Other Departments and Agencies

See attached memoranda from the Fire Department, Environmental Services Department and Parks and Neighborhood Services Department.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Taylor Woodrow Homes, is requesting to rezone the subject site located on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue, from HI-Heavy Industrial to A(PD) Planned Development Zoning District to allow up to 34 single-family detached residences, at a density of 11.3 dwelling units per acre (DU/AC). A Planned Development Permit (File No. PD06-003) is currently on file and under review, and will proceed subsequent to an approval of the subject pre-zoning by the City Council.

A General Plan Amendment (File No. GP05-04-06), was approved by the City Council on April 18, 2006, which changed the General Plan land use designation on this site from Industrial Park to Medium Density Residential (8-16 DU/AC).

Site and Surrounding Uses

This project is essentially an expansion of a previously approved 112 unit detached single-family residential development (file No. PDC03-068). The rectangular-shaped site consists of two separate parcels, totaling approximately 4.08 gross acres and “fills in” the notch left under the adjacent project. The site is relatively flat and unpaved. The eastern parcel is developed with a warehouse building for a construction materials company. The western parcel is developed with a number of temporary buildings, and is used as a construction equipment corporation yard. The site was previously a part of a trucking company and wrecking yard.

There is currently a mix of residential and industrial land uses surrounding the site. The site is bounded by Rock Avenue to the north with a mobile home park located across Rock Avenue, detached single-family residences to the east and south, and industrial and business offices to the west. The mobile home park (Casa Del Lago Mobile Home Park) is zoned A(PD) Planned Development. The industrial use to the west is zoned IP – Industrial Park. The residential development to the east and south of the project site is zoned A(PD) Planned Development with a density of 11.3 dwelling units per acre and is developed with single-family detached homes. Some of these homes are already occupied, while others are still under construction. Orchard Elementary School, located on Oakland Road, is situated at a walking distance of approximately 1600 feet to the south-east of the project site.

There are 16 trees on the site, most of which are proposed to be removed, including palm, cypress, incense cedar, pittosporum, olive, apple, plum, evergreen ash, and arroyo willow.

Project Description

The conceptual site plan shows 34 detached single-family residences on 34 separate lots. The lots range from 2,999 square feet to 3,348 square feet. The conceptual design of the homes include two-story construction with attached two-car garages, and private outdoor spaces within 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. The proposed development standard shows a minimum front setback of 12 feet, minimum side setback of 4 feet and minimum rear setback of 15 feet. The minimum rear setback of the lots adjacent to industrial use is 18 feet. The conceptual site plan shows house front setbacks ranging from 12 to 24 feet, and rear setbacks between 15 to 35 feet.

As per the conceptual site layout, five of the proposed lots front onto Rock Avenue, eleven lots front onto a proposed 54 feet wide public street, and the remaining 8 lots front onto two proposed 50 foot wide streets. The 54 foot wide proposed street connects Rock Avenue with a previously-approved and currently under construction single-family detached neighborhood, being developed with homes similar to the current proposal. As part of the previous approval (File No.PDC03-068), the continuation of this public-right-of way would connect to Oakland Road via Charcot Avenue to the south (refer to the approved site plan for the previous project included at the end of this report as Exhibit A). The proposed 50-foot rights of way are approximately 150 feet long and end in cul-de-sacs.

Each of the proposed homes would include two-car garages, with provision for parking two additional cars in the 25-foot wide driveway on most lots. Additionally, twenty-three parking spaces, parallel to the proposed rights-of way are proposed within the site. As part of street dedication and improvement on Rock Avenue, a couple of additional parking spaces will become available on Rock Avenue.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration adopted on March 22, 2006 indicates that the project will not result in a significant environmental impact when the identified mitigations are incorporated. The Mitigated Negative Declaration addressed issues such as air quality, biological resources, geology and soils, noise, traffic, water quality, air quality and construction related impacts. With the implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The proposed project site is designated Medium Density Residential (8-16 DU/AC). On April 18, 2006, the City Council approved a General Plan Amendment on this site to change the General Plan Land Use designation of Industrial Park to the current designation. Planning staff recommended approval of the amendment request because (1) the Council-adopted Industrial Conversion Framework recommends “to consider housing in areas that are close to existing

residential areas and areas that could be integrated into a neighborhood” and (2) the approval of several General plan amendments and Planned Development zonings facilitating the development of 213 new housing units in the immediate vicinity in addition to approximately 400 housing units already existing in the mobile home park. The Planning Commission voted 3-2-1-1 (Commissioners James and Platten opposed; Commissioner Pham absent; Commissioner Campos abstained) which was deemed a denial of the amendment request under Title 20, the Zoning Code.

The proposed project density is 11.3 dwelling units per acre, which is within the density range of 8-16 DU/AC. Based on this analysis, staff concludes that the rezoning conforms to the San Jose 2020 General Plan.

Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies

The proposed project also furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban services can be efficiently provided. The Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing.

The subject site is situated within the existing urbanized area of the City of San Jose, with retail commercial centers located a half mile southerly of the site. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure, and 3) reduce pressure for growth outside the UGB.

ANALYSIS

The analysis section addresses the adequacy of the proposed project with respect to the compatibility with adjoining uses and conformance with Parkland Dedication Ordinance. The project was also reviewed for compliance with the Residential Design Guidelines for detached single-family residences.

Land Use Compatibility

Staff believes the proposed project is compatible with the surrounding uses. With the approval of several General Plan Amendments and re-zonings in the area, the site is currently surrounded by predominantly residential uses. A mobile home park is located directly across the site on Rock Avenue. The proposed project is a continuation of, and is abutted on two sides by, a single-family detached residential development that was approved in 2003. In 2005, another General Plan Amendment and a Planned Development rezoning was approved on an approximately 4.7 acres site located on the northwest corner of Old Oakland Road and Rock Avenue to allow 99 multi-family attached residential units in the form of three-story townhome-style condominiums with a density of 21.3 DU/AC. This development is currently under construction.

The only remaining industrial uses in the vicinity consist primarily of industrial park and light industrial uses on an approximately 17 acres of land located to the west of the site. The General Plan designation and zoning of these parcels are Industrial Park. Currently, these parcels are developed with several office buildings. Future uses on these sites under the current zoning and General Plan designation could potentially involve heavy truck use and ancillary storage and use of hazardous materials.

According to the Residential Design Guidelines, private open space, and two-story residential elements should be setback a minimum of 10 feet from incompatible uses. The proposed development standard shows a minimum set back of 18 feet from the property line to the structure. Additionally, a minimum six-foot high noise barrier will be built at the property line closest to the existing industrial use primarily to mitigate noise impacts from Interstate 880 but it will also help in sheltering the private open space from noise generated due to industrial uses.

Conformance with the Parkland Dedication Ordinance (PDO)

Planning staff is concerned about the availability of park facilities to the future residents of the project. As per the memorandum of the Department of Parks, Recreation and Neighborhood Services (PRNS), the four residential projects approved recently in the area (adding approximately 300 residential units) have generated a need for a 2.5-acre park in the neighborhood. Land expected on the Orchard School site has not yet been available for development of a park. The closest park to the subject site is located in the City of Milpitas, 1.4 miles from the site. Townsend Park and Flickinger Park are the closest San José parks to the site, and each are approximately two miles from the site.

Given the small size of the subject site, the Department of Parks, Recreation and Neighborhood Services (PRNS) has recommended that that the project submit payment of in-lieu fees instead of on-site dedication of parkland.

Conformance with Residential Design Guidelines

The proposed development for detached single-family homes on individual lots is generally consistent with the Residential Design Guidelines. Each of the proposed lots gains direct access from a public street, which includes sidewalks and planter strips, as well as parking on both sides. The proposed minimum setback in the Development Standards is 15 feet, which is consistent with the Residential Design Guidelines, although in majority of cases the rear setback is more than 15 feet. The conceptual architectural design shows two story homes with two-car garage developed with appropriate street presence.

Each of the houses provide for two covered parking spaces, two additional parking spaces in most driveways with additional on-street parking.

PUBLIC OUTREACH

Two community meetings were held by the applicant – one on December 14, 2005 and the other one on February 1, 2006. Both the meetings were held at the clubhouse of the Casa De Lago mobile home park, accessed from Oakland Road, approximately 2000 feet north of the subject site. Approximately 7 residents were present at the first meeting, an overwhelming majority of whom were residents of the mobile home park. The second meeting was arranged exclusively for the

members of the mobile home park, since the residents of the mobile-home park were not noticed for the first meeting. Project related comments included concerns regarding potential limitation on the ingress and egress of trucks carrying mobile homes to the park via Rock Avenue, safety and convenience of residents, especially children, during construction, and the safety hazard of parking of cars on Rock Avenue adjacent to the mobile home park.

Planning staff has received a letter from Balch Enterprises Inc., located on the industrial parcel to the west of the subject property indicating concern about: potential future restrictions on the industrial uses (such as restriction on amount and type of hazardous materials to be stored and used, amount of truck traffic allowed on Rock Avenue), construction-related inconveniences (such as access restriction and power outage that causes problems for the existing businesses), and future problems such as loitering, trash and graffiti. Recommendations from this property owner included perimeter fencing to be designed to discourage homeowners from entering the industrial area; a Homeowners Association to be responsible for handling all future problems arising out of residents living close to industrial area, including removal of graffiti and trash; direction of incoming and outgoing traffic, excepting emergency vehicles, to use Oakland Road instead of Rock Avenue; and a disclosure statement to be attached to the property deed for each future homebuyer explaining the hazards of living next to industrial area.

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site. A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy. On-site sign notice was placed on the site to provide information on the pending proposal.

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 Density Residential (8-16 DU/AC) and provides an opportunity to further important goals and strategies of the General Plan for high-density, infill development within the Urban Service Area.
2. The proposed project is in substantial conformance with the Residential Design Guidelines.
3. The proposed rezoning is compatible with existing uses on the adjacent and neighboring properties.

Attachments:

Exhibit A

Memorandum from Department of Public Works, Fire Department, ESD and PRNS

Location Map

Mitigated Negative Declaration

Planset

Letter from Balch Enterprises Inc.



Scale: 1"= 300'



 Subject Site

File Number: PDC05-105

Council District: 4

Quard Number: 51

Memorandum

TO: Sanhita Mallick
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 04/18/06

PLANNING NO.: PDC05-105
DESCRIPTION: Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow upto 34 single-family detached residences on a 4.08 gross acre site
LOCATION: south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue
P.W. NUMBER: 3-02972

Public Works received the subject project on 04/11/06 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Public Works Approval of Parcel Map or Tract Map: Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:** A traffic impact analysis has been performed for this project based on 26 AM and 26 PM peak hour trips. We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.
3. **Street Vacation:** A street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City