

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 10, 2007

COUNCIL DISTRICT: 3
SNI AREA: Spartan Keyes

SUBJECT: C07-005. CONVENTIONAL REZONING FROM R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT TO R-M MULTIPLE RESIDENCE ZONING DISTRICT ON A 0.2 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 4-2-1, Commissioners Kalra and Jensen opposed; Commissioner Kinman absent, to recommend that the City Council approve the proposed rezoning from the R-2 Two Family Zoning District to the R-M Multiple Residence Zoning District to allow multiple family residential uses on a 0.2 gross acre site.

OUTCOME

Should the City Council approve the Rezoning as recommended by the Planning Commission, the 0.2 gross-acre site will be zoned R-M Multiple Residence Zoning District, consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC). The applicant could then file a Site Development Permit application to allow a multiple-family residential use consistent with the R-M Multiple Residence Zoning District.

BACKGROUND

On June 11, 2007, the Planning Commission held a public hearing to consider a Rezoning from the R-2 Two Family Zoning District to the R-M Multiple Residence Zoning District on a 0.2 gross-acre site. The Director of Planning recommended approval of the proposal. The item was listed as part of the consent calendar, but was pulled by Sandra Lamboy, a member of the Spartan Keyes community. Staff noted that the conventional rezoning does not propose a specific project, and additional community outreach would occur if a Site Development Permit were filed.

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Commissioner Kalra asked whether four units would be consistent with the neighborhood and the applicant provided a concept plan for review for Commissioners. The City Attorney said the plan was only a conceptual plan and was not under consideration for approval. Sandra Lamboy asked that the item be deferred until the next NAC meeting to allow community discussion, and in response to Commissioner Kinman, stated that the next NAC meeting was June 21.

Commissioner Kalra asked if the applicant would allow a delay in zoning and the applicant said that he would be willing to speak with the Spartan Keyes NAC. In response to Chair Campos, staff and the City Attorney said again that there is no specific development proposal yet, as this is a conventional rezoning only, and that a community meeting could perhaps be premature. Commissioner Jensen said that this could impact a house over 100 years old and should be referred to Historic Landmarks. She then moved continuance to June 27, 2007. The Planning Commission continued the item to the June 27, 2007 meeting, and directed the applicant to present the project to the Spartan Keyes NAC at their next meeting.

Spartan Keyes NAC Meeting

Upon attempting to schedule the meeting with the Spartan Keyes NAC, planning staff was informed by the NAC that the June 21 agenda was full. This item was then scheduled for the July 19, 2007 Spartan Keyes NAC meeting. As a result, Planning staff deferred this item from the June 27 Planning Commission meeting to the August 8, 2007 Planning Commission meeting.

On July 19, 2007, the applicant presented the project to the Spartan Keyes NAC at their regular meeting. Overall, the community members liked the conceptual design that the applicant presented, though they were hesitant to endorse the project for various reasons. Neighborhood concerns with the project included potential overflow of parking on neighborhood streets, densification of the neighborhood, and traffic. There was also concern about the steady development of new residential units without complementary services, such as public parks, schools and community services.

August 8, 2007 Planning Commission

On August 8, 2007, the Planning Commission held a public hearing to consider a Rezoning from the R-2 Two Family Zoning District to the R-M Multiple Residence Zoning District on a 0.2 gross-acre site. The Director of Planning recommended approval of the proposal.

Staff submitted additional correspondence between staff and neighborhood residents, as well as two letters from neighbors. One letter, from Sandra Lamboy, supported the proposed rezoning; the other, from Aurelia Sanchez, opposed it.

The applicant's representative, Mr. Gonzalez, introduced the project and discussed several details of a future project that conforms to the proposed rezoning. He noted that he had heard the neighborhood's concerns and that he would make every effort to satisfy them if and when any actual development is proposed on the project.

Three members of the community submitted speaker cards. Sandra Lamboy spoke in support of the rezoning, and noted that she agreed to support it because the applicant had promised condominiums, but that she would be back at the Site Development Permit stage if the applicant proposed rental units instead. Diego Barragan spoke in opposition to the rezoning, and cited many project specific details, such as emergency access to the site, issues of privacy due to

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potential height of future developments, and the lack of development plans for this application. He also said the lack of adequate partnering with developers fails to guarantee the realization of the community's goals for their neighborhood. Aurelia Sanchez spoke in opposition to the project as well, noting that the neighborhood agreed to an increase in General Plan density in exchange for the equitable provision of neighborhood services and community spaces, and that this rezoning is occurring without the comprehensive provision of such services. Mr. Gonzalez said he would work with the community to help achieve their goals.

Commissioner Zito asked about height differences between R-2 Two Family and R-M Multiple Residence Zoning Districts and whether there had been any research into the safety and emergency access on this site. Commissioner Jensen asked staff if a historic analysis had been done on the existing property. Staff said that there was no official development application on file, and that the only item in question is whether the conventional rezoning application conforms to the General Plan. Commissioner Platten reiterated staff's comments that the scope of this recommendation was only a conventional rezoning, and made a motion to recommend approval of the proposed conventional rezoning to City Council.

ANALYSIS

See original and two supplemental staff reports attached.

POLICY ALTERNATIVES

Not Applicable.

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 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. At the request of the Planning Commission, staff also took this

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item to the Spartan Keyes NAC. Throughout the process, staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable the General Plan Growth Management Major Strategy because it would promote high-density residential uses on an infill site within the Urban Service Area consistent with the City's ability to provide municipal services within a balanced budget.

CEQA

CEQA: EIR Resolution 65459.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Mike Enderby at 408-535-7843.

cc: Tamara Alabastro, 1923 Murguia Ave., Santa Clara, CA 95050
Bruce Williams, 1899 Concourse Dr., San Jose, CA 95131



PC Agenda: 8-8-07
Item #: 4. b.

Memorandum

TO: PLANNING COMMISSION

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: July 31, 2007

SUPPLEMENTAL MEMO

SUBJECT: C07-005. CONVENTIONAL REZONING FROM R-2 TWO FAMILY RESIDENCE ZONING DISTRICT TO R-M MULTIPLE RESIDENCE ZONING DISTRICT ON A 0.2 ACRE SITE LOCATED AT 868 SOUTH 11TH STREET ON THE SOUTHEAST CORNER OF SOUTH 11TH STREET AND HIGHWAY 280

REASON FOR SUPPLEMENTAL

On June 11, 2007, the Planning Commission deferred the item to the June 27, 2007 meeting, and directed the applicant to present the project to the Spartan Keyes NAC at their next meeting. On June 13, 2007, Planning staff asked the applicant to contact Strong Neighborhoods Initiative staff in the Redevelopment Agency to have the rezoning placed on the NAC meeting agenda.

On July 19, 2007, the applicant presented the project to the Spartan Keyes NAC at their regular meeting. Overall, the community members liked the conceptual design that the applicant presented, though they were hesitant to endorse the project for various reasons. Neighborhood concerns with the project include potential overflow of parking on neighborhood streets, densification of the neighborhood, and traffic. There was also concern about the steady development of new residential units without complementary services, such as public parks, schools and community services.

Planning staff recommends that the Planning Commission recommend that the City Council approve the proposed zoning for the following reasons:

1. The proposed rezoning conforms to the General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC).
2. The proposed rezoning would help implement the General Plan's Major Strategies.
3. The proposed rezoning would facilitate a multiple dwelling on this site at a density which is compatible with surrounding development.

Andrew Crabtree
JOSEPH HORWEDEL, DIRECTOR
Planning, Building, and Code Enforcement

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Hearing Date/Agenda Number
P.C. 06-11-07 , Item No. **3d**

File Number
C07-005

Application Type
Conforming Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
472-12-072

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Steven Rosen

Location: Southeast corner of South 11th Street and Interstate Highway 280 (868 South 11th Street)

Gross Acreage: 0.2

Net Acreage: 0.2

Existing Net Density: 10 DU/AC

Existing Zoning: R-2 Two-Family Residence

Existing Use: Two Single-Family Residences

Proposed Zoning: R-M Multiple Residence

Preliminary Proposed Use: Multiple Dwelling

GENERAL PLAN

Completed by: SR

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 Dwelling Units/Acre)

Project Conformance:
 Yes No
 See Analysis and
Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SR

North: Interstate Highway 280

None

East: Single-Family Detached Residence

R-M Multiple Residence District

South: Single-Family Detached Residence

R-2 Two-Family Residence District

West: Interstate Highway 280 Off-ramp

None

ENVIRONMENTAL STATUS

Completed by: SR

Environmental Impact Report (GP2020 EIR certified 8-16-94)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: SR

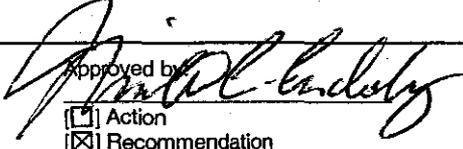
Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 5/29/07

Approved by: 
 Action
 Recommendation

OWNERS

Tamara Alabastro
1923 Murguia Avenue
Santa Clara, CA 95050

Bruce C. Williams
1923 Murguia Avenue
Santa Clara, CA 95050

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SR

Department of Public Works

No comments or requirements.

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Bruce C. Williams, has filed an application for a Conventional Rezoning on the subject 0.2 gross-acre site from the R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District. The subject site, located on the southeast corner of Interstate Highway 280 and South 11th Street, is currently developed with two single-family residences. The applicant intends to pursue subsequent approval for a four-unit multiple dwelling.

The subject site is flat and rectangular in shape with a depth of 137.89 feet and 62.79 feet of frontage on a stub of South 11th Street created when I-280 was built. The site is bordered by single-family detached residential uses to the east and south; freeway off-ramp to the west across South 11th Street; and Interstate Highway 280 to the north.

GENERAL PLAN CONFORMANCE

The subject site is designated Medium High Density Residential (12-25 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-M Multiple Residence Zoning District conforms to this designation in that it will allow construction of multiple dwellings with surface parking which typify the designation at a density of up to 25 DU/AC.

The Growth Management Major Strategy of the General Plan focuses on making land use decisions that help to keep the City fiscally solvent. It also recognizes that, though industrial and commercial land uses are those that produce the most tax revenue and require the fewest services, new housing units provide the workers that attract these economically-productive uses to the City of San Jose. This major strategy calls for infill development at higher density and near employment centers because this type of residential development produces minimal new demand for services. Infill sites are served by existing capital improvements, like sewers and parks, and by existing service organizations like fire companies. Infill development close to employment centers or uses like San Jose State University creates less impact on roads and traffic than development further away because some people will choose to walk and others who choose to drive will drive shorter distances.

At the same time, the Greenline/Urban Growth Boundary Major Strategy has severely limited growth on San Jose's urban fringe. New growth can no longer be accommodated in any other way than by infill

development. Similarly, the Urban Conservation/Preservation Major Strategy states that the City will strive to maintain adequate levels of service for existing neighborhoods by avoiding development at the fringe of the City which could divert these services.

The Downtown Revitalization Major Strategy envisions an attractive downtown that represents a vibrant center of urban renewal, spreading outward. Increasing density on a site such as this that is within bicycling and walking distance of the core area will provide valuable customers for the core itself and the urban business districts that support it. The site, though not within the core itself, is within its market area.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number: 65459 making findings for adoption of the San Jose 2020 General Plan.

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

ANALYSIS

The proposed rezoning to R-M Multiple Residence District would allow multiple dwellings consistent with the General Plan designation Medium High Density Residential (12-25 DU/AC) in a manner that is compatible with surrounding residential uses. The existing density is 10 dwelling units/acre. Rezoning the site R-M would allow one unit per 1,750 square feet of area—a density of up to five units on the 8,777 square foot site, or 25 dwelling units/acre.

Along with the plot plan required of an application to rezone a site, the applicant submitted plans for a four-unit multiple-dwelling for preliminary review. This proposal would provide 20 dwelling units/acre. The proposal conforms to the setback, height, and parking standards of the Zoning Ordinance. The building would need substantial sound insulation to conform to the General Plan's noise policies, though, with its greater bulk, the proposal would shield the adjacent single-family residences from freeway noise.

The proposed multiple dwelling would be compatible with the surrounding area for two reasons. First, half of the block is within the R-M Multiple Residence Zoning District, and could be developed with two-family or multiple dwellings upon obtaining a Site Development Permit. Second, the larger building would act as a buffer between the adjacent Interstate highway and single-family residences.

PUBLIC OUTREACH

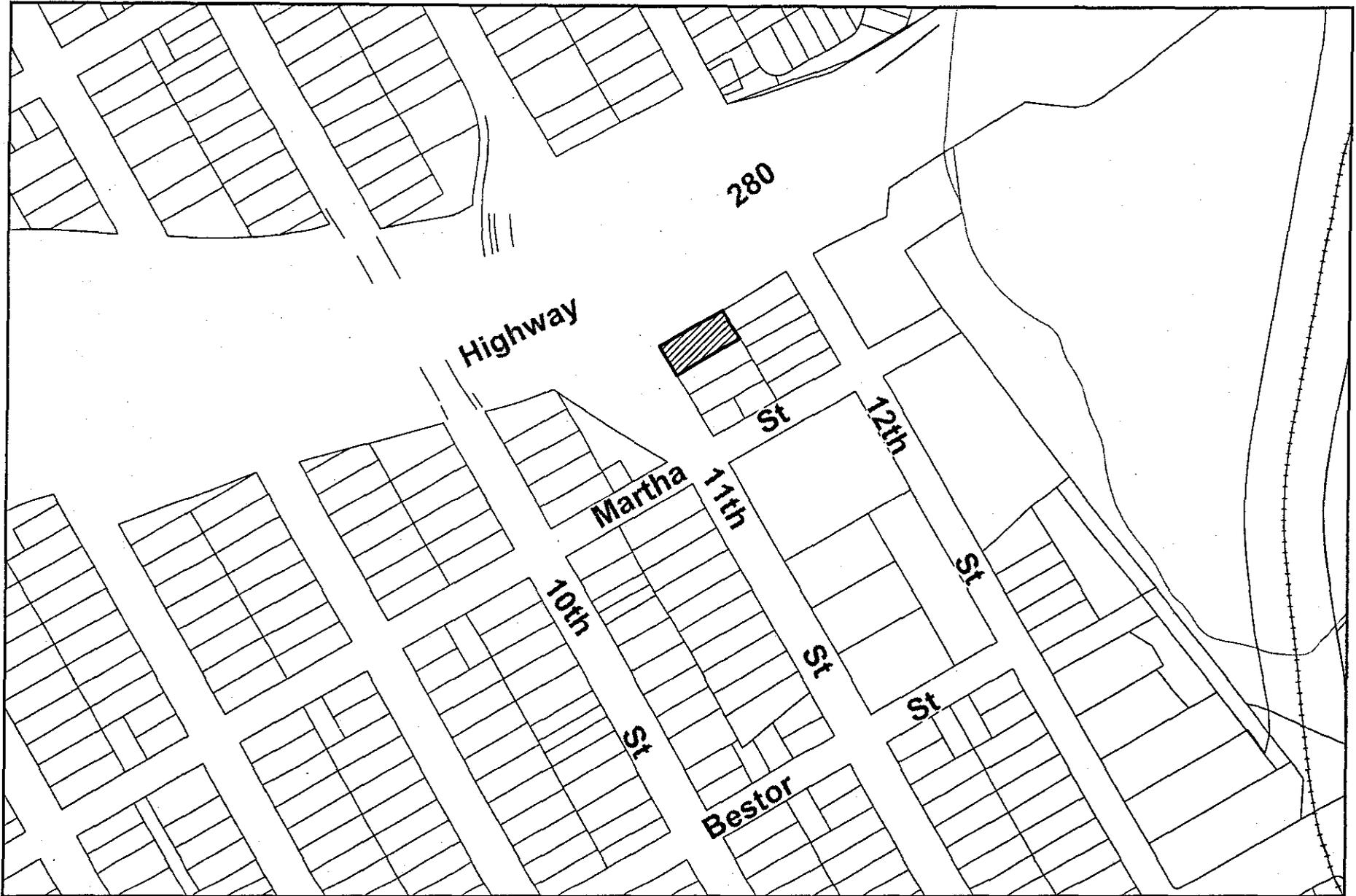
The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report will be posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the proposed zoning for the following reasons:

1. The proposed rezoning conforms to the General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC).
2. The proposed rezoning would help implement the General Plan's Major Strategies.
3. The proposed rezoning would facilitate multiple dwelling on this site at a density which is compatible with surrounding development.

CC: Tamara Alabastro, 1923 Murguia Avenue, Santa Clara, CA 95050

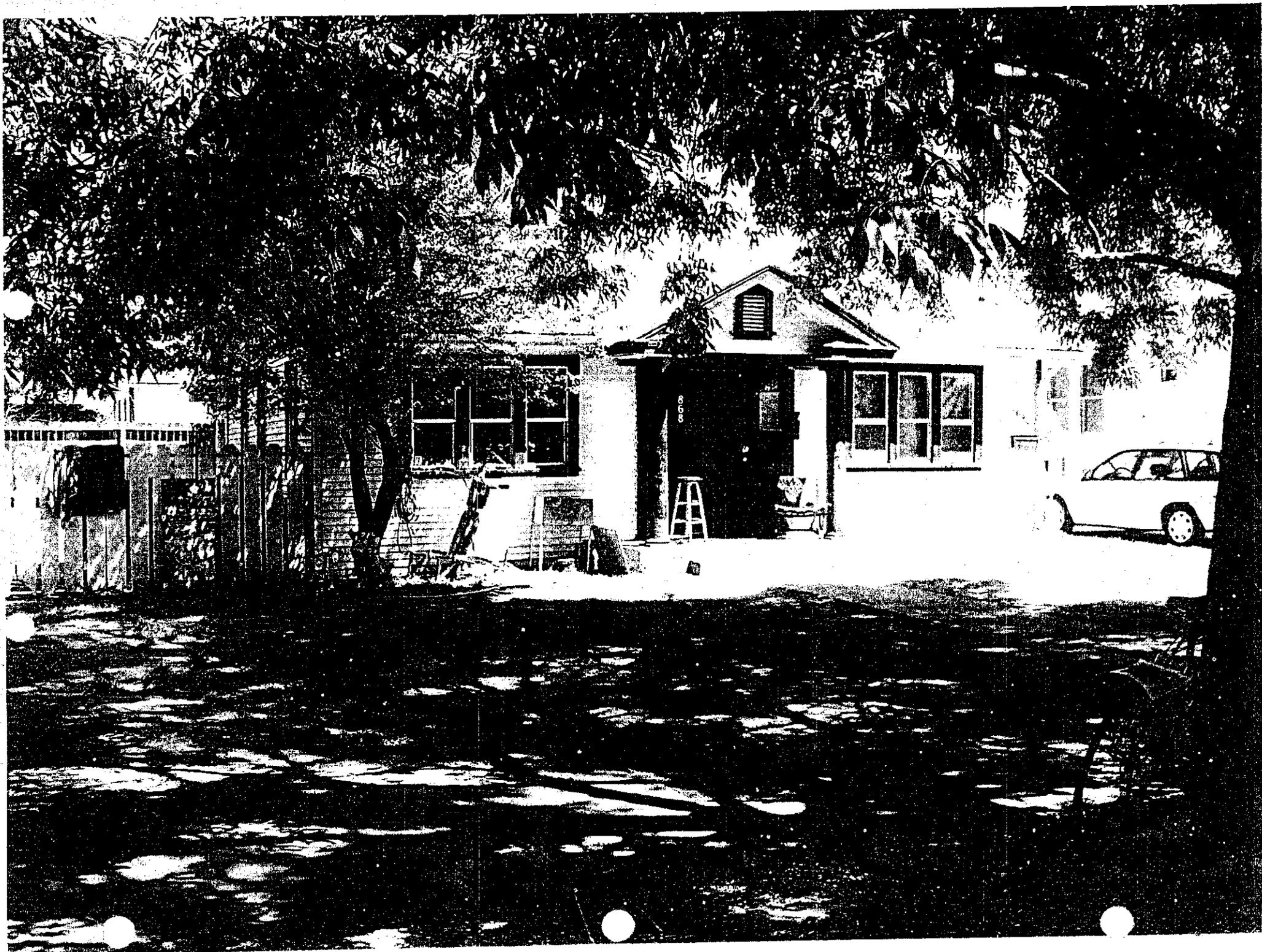


Scale: 1"= 250'
Noticing Radius: 500 feet

File No: C07-005

Council District: 3

Quad No: 83





Panel 83 (2001)

Public Works, GIS-Infrastructure Section

2001 images (3 in pixel res) [Viewing]

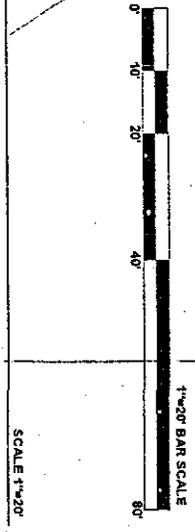
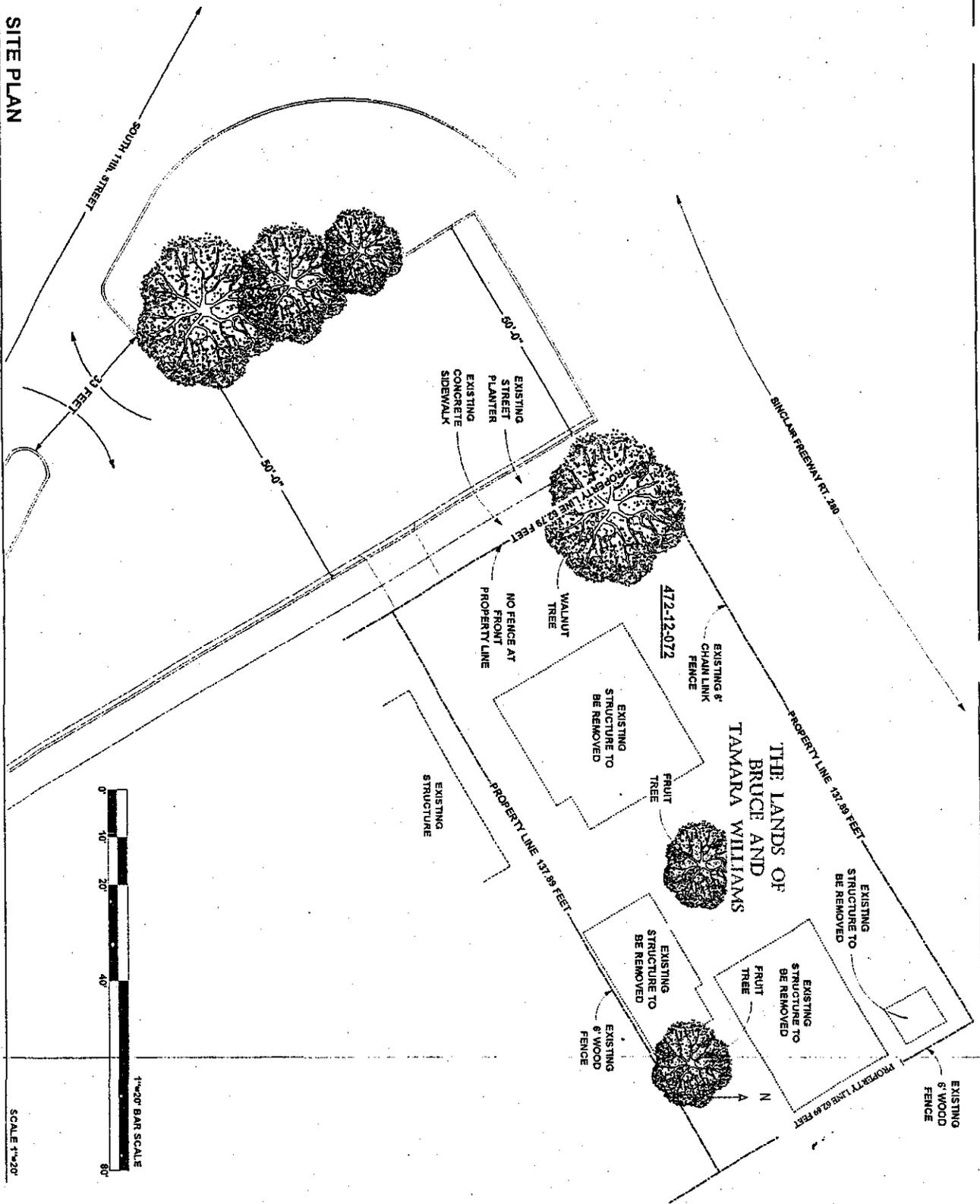
Choose Another Panel:

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[eOrtho Home](#) [inside.Public.Works](#)



SITE PLAN



SCALE 1"=20'

Exhibit B	DATE	APRIL 16, 2007
	REV.	
	REV.	
	REV.	

**PROPOSED REZONING
AT: 868 S. 11th. STREET
SAN JOSE CALIFORNIA
(APN) 472-12-072**

Residential & Commercial Drafting Services
860 S. 11th. St., San Jose, CA 95112
Phone: 408-667-9284
E-mail: anhdaviddo@hotmail.com
Designer: David Do.

