



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 11, 2005

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: PDC04-099 PLANNED DEVELOPMENT REZONING FROM R-1-8 RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 10 SINGLE-FAMILY DETACHED RESIDENCES ON A 1.0 GROSS ACRE SITE LOCATED AT THE WEST SIDE OF DELMAS AVENUE APPROXIMATELY 170 FEET NORTH OF DOROTHY AVENUE

RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioner Zito opposed and Commissioner Platten absent) to recommend that the City Council approve the proposed rezoning.

BACKGROUND

On August 10, 2005, the Planning Commission held a public hearing to consider a Planned Development rezoning from R-1-8 Single Family Residence to A(PD) Planned Development to allow up to 10 single-family detached residences on a 1.0 gross acre site.

Staff Presentation

Staff indicated that since the distribution of the staff report, 13 additional e-mails had been received from residents of the neighborhood surrounding the project. Of these 13 e-mails, 12 were in opposition to the proposed project. Staff also made a brief comparison between the current project and the previously approved Delmas Avenue project, File No. PDC04-092. Staff noted that PDC04-092 provided garages in the rear, a street-like private drive, similar lot widths to the surrounding neighborhood, a view corridor to the trail and the majority of houses fronting on Delmas Avenue. The current project, PDC04-099 is deficient in these categories.

The Director of Planning, Building and Code Enforcement recommended denial of the proposed rezoning.

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Applicant Presentation and Public Testimony

Erik Schoennauer, representing the applicant, indicated that he had provided the Planning Commission with a total of 23 letters in support of the project. He commented that the project was located in a very eclectic neighborhood that contained a mix of uses including non-residential uses (a mortuary and a church) and a townhouse development. He noted that the applicant has been working with Planning staff for 16 months and that the project had come down from an original density of 16 units to its current density of 10 units. He stated that the applicant had responded to community concerns by providing additional parking on the site and adding detached garages to some of the units. Mr. Schoennauer noted that the proposed development would provide additional small houses to the neighborhood that display vintage architecture. He stated that the proposed development is under 40 bedrooms (a figure he stated that the neighborhood association had provided), provided a path to the spur trail in the rear and had narrower driveways.

Robert Severin, a resident of 1155 Delmas Avenue, spoke in opposition to the project. He noted that the density of the project would increase traffic on a street that was already in poor condition. He stated that single-family residences on big lots is the way the neighborhood is currently developed and new development should respect that development pattern. Mr. Severin also noted that a parking issue currently exists on Delmas Avenue.

Commissioner James questioned Mr. Severin about whether improvements to the street would be made with the development of the property. Staff responded that, the developer would be responsible for frontage improvements including repair or replacement of curb, gutter and sidewalk and pavement to the center of the street.

Ed Rast, a resident on Spencer Avenue and President of the Willow Glen Neighborhood Association stated that he agreed with the staff recommendation for the project. He stated that eight units per acre should not be exceeded in the neighborhood. He noted his concern that the project included mostly front-loading attached garages and was not in conformance with the Single-Family Design Guidelines. He also noted that all the existing trees on the site would be lost with the new development. Mr. Rast requested a denial of the proposed rezoning or for the applicant to ask for deferral in order to work with the neighborhood to come up with a better design.

Bob Szutk, a resident of 560 Minnesota Avenue, spoke in support of the project stating that any new development would help the area and that the project should move forward.

Dan Mennel of 1061 Vernon Avenue also spoke in support of the project stating that attached garages are fine and are common throughout the city in newer development. He also stated that trees can be removed and new ones can be replanted. Commissioner Zito questioned Mr. Mennel whether he supported the project because it would revitalize the area. Mr. Mennel responded that that was one of the reasons he supported it.

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Jessica Voigtlander, of 1145 Delmas, spoke in support of the project, stating that it would be good for the neighborhood. She mentioned that traffic and parking should be mitigated as a result of the project and the existing houses on the project site did not look very visually appealing.

Amber Piazza, a resident of 1136 Delmas, also supported the project, noting that the existing houses on the project site were dilapidated and that the street needs to be improved.

Eddie Nevarez noted that he lived across the street from the project (at 1188 Delmas) and the project was what he wanted to see when he looked out his door.

Brian Rossman, a resident of Willow Glen, noted that Delmas Avenue is not like Willow Glen. He noted that the trees were mostly located at the rear of the lots and that the streets were narrow. The area had a lot of non-residential uses and non-single family detached residences. He supported the project and noted that bigger houses in the project would look worse.

Harvey Darnell, a resident of Delmas Avenue north of Willow Street and a member of the North Willow Glen Neighborhood Association, spoke in opposition to the project. He noted that the previous project in the area, PDC04-092, had worked significantly with the neighborhood to produce a product that would fit into the neighborhood. Mr. Darnell noted that the density of the current project was a concern. He stated that while the existing houses were not important to be preserved, the massing of what replaced them should not overwhelm the neighborhood. Mr. Darnell cited the Single Family Design Guidelines and noted that the proposed project had garages that made up more than 50% of the front façade, did not have specified architectural styles and did not provide porches along the private street. He noted that the project should be developed as a part of the neighborhood, not a separate enclave. Commissioner James asked Mr. Darnell whether his opposition to the project was because of aesthetics. Mr. Darnell responded affirmatively and noted that the density was also a major concern. Commissioner James then noted that the garages on the private street would not be visible from Delmas Avenue.

Larry Schear, a resident of 643 Dorothy Avenue, spoke in opposition to the project and noted that he also had spoken with 10 of his neighbors who he was representing. He stated that the density of the project was too high and that the project would be different from the existing neighborhood. He mentioned that he would like to see older houses renovated or restored rather than demolished. Mr. Schear supported the recommendation of Planning staff.

Chris Wagner, a resident of 504 Coe Avenue, spoke in opposition to the project. He stated that the increased density would lead to a change in the character of the neighborhood. He noted that a new project should stay with the eclectic trend of the neighborhood and should conform with existing themes throughout the area.

Heidi LeVell of 494 Coe also spoke in opposition. She stated that she agreed with Mr. Darnell's earlier statements. She noted that she was concerned about the density of the project and the precedent it may set in the area. Ms. LeVell noted the Delmas Avenue neighborhood has some

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problems, but there are many existing fine properties in the area as well. She also noted that the proposed project would add to parking and traffic problems.

Clark Williams of Spencer Avenue spoke in opposition to the project. He stated that the project was inconsistent with the City's Single-Family and Residential Guidelines and did not conform to the General Plan. He also noted that residential homes should provide for new residents of all types. Commissioner James then questioned why he opposed the current project, since the homes built would be more affordable and mentioned that PDC04-092 proposed much larger homes. Mr. Williams responded that he opposed the project because it had numerous other deficiencies.

Kevin Christman, a resident of Delmas Avenue north of Willow Street and a member of the Greater Gardner SNI Neighborhood Advisory Committee, opposed the project. He noted that prior applicants had worked significantly with the neighborhood to help ensure that the projects would be compatible. He noted that development in the area should stay under 8 DU/AC. He also noted that the project should provide front porches and proper massing as per the Single Family Design Guidelines. Mr. Christman stated that the neighborhood wished to work with the applicant to improve the project

Mr. Schoennauer responded to the public testimony, noting that the garages along the private street would not be visible from Delmas Avenue. He noted that this neighborhood needed to do its fair share to provide housing for San Jose. In particular, this area along Delmas Avenue needed new investment. He noted that the project provided 10 smaller homes rather than fewer larger homes. Mr. Schoennauer pointed out that there were very few significant trees on the site. Because of the dimension of the site, which is very deep, the front of the site would not change whether there were 10 units or some lesser amount of units. He noted that he believed that staff used an inconsistent application of the design guidelines in recommending approval of PDC04-092 and recommending denial of the current project.

Commissioner Levy asked what was exceptional about the project in order for it to be approved under the "Two-acre Rule." Mr. Schoennauer stated that the size of the homes and the provision of the detached garages made the project exceptional.

Commissioner Zito asked the applicant why he believed staff supported PDC04-092 and not the current project. Mr. Schoennauer responded that he believed it was because of the density issue. Staff wouldn't support this project because it exceeded the General Plan Density. Commissioner Zito then asked whether the project would pen out with only 8 units and Mr. Schoennauer responded that it wouldn't – approximately 18,000 square feet of living space would be required to make the project pen out.

Commissioner James noted that the developer of the project was actually a nearby resident. He then asked the applicant why staff did not consider the garages proposed on the project to be detached. Mr. Schoennauer responded that because the garages were only set back 35 feet, staff stated that they did not conform to the Zoning Code requirements of a 60-foot setback. He noted that the developer would be willing to get rid of the breezeways if that was a significant issue.

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Commissioner James questioned the applicant about the porches and the park strip and Mr. Schoennauer responded that the project had come forward with providing porches and a park strip, while the previous project had not. He stated that the Planning staff was not being consistent and fair in their application of the design guidelines.

The Planning Commission then closed the public hearing.

Planning Commission Discussion

Staff responded to the comparisons between PDC04-092 and the prior project by noting that the diagram that Mr. Schoennauer had used in his analysis, did not reflect the changes to the project recommended by staff and approved by the City Council through the Development Standards. These Development Standards increase setbacks and provided for a standard street-like private drive. Staff reiterated that the prior project included garages at the rear of the site for all but one of the units, that the 50-foot wide lots with houses oriented to Delmas Avenue reflected the existing pattern of the neighborhood, and that the Development Standards provided a private drive that included the standard elements of a public street. Staff indicated that the current proposal included attached garages for most of the units with garage doors that dominated the facades and that the detached garages facing Delmas Avenue did not reflect the existing pattern because these garages were set beside the units rather than at the rear of the site.

Commissioner Zito asked staff whether the prior applicant's willingness to work with staff and the neighborhood was why the previous project had been recommended for approval. Staff noted that the applicant's willingness to work with staff and the neighborhood had resulted in significant improvements to the project and the expectation that remaining issues could be worked out at the Planned Development Permit stage. Commissioner Zito asked whether it was because the current project had too many insufficiencies that it had been recommended for denial or whether there were analysis inequities. Staff responded that staff's standard approach is to address project deficiencies through development standards that modify the project in specific areas, but that in this case, the deficiencies were more fundamental than could be addressed by tweaking the project standards. Commissioner Zito then asked whether density was the ultimate issue. Staff responded that the non-conformance with the Single-family Design Guidelines was the major issue and that the project was fundamentally incompatible with the surrounding neighborhood.

Commissioner Levy asked staff what the most basic issues were in terms of lack of conformance with the Guidelines were. Staff noted that the garage configuration and private street design were the most significant flaws. The prior project (PDC04-092) did not provide detached garages, but had provided garages at the rear of the site in conformance with the recommendations of the Guidelines. Staff noted that private street did not include provision for street trees on both sides, included a substandard width sidewalk that was rendered discontinuous by the interruption of 16-foot driveways and a parking lot.

Commissioner Dhillon noted that some flexibility in the design guidelines occurs in the PD Zoning process and questioned what design guidelines in particular has been compromised. He

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referred in particular to the 20-foot building setback to adjacent rear yards. Staff responded that there is always some compromise in the planning process; however the current project had fairly major deficiencies. Staff pointed the Commission to the staff report which indicated that the 17-foot building setback from adjacent rear yards was a minor deficiency.

Commissioner James noted that he did not believe that detached garages were necessary on the site, pointing to the townhouse development at the corner of Willow and Delmas. Staff responded that townhouses traditionally have attached garages and that the townhouse development was developed according to the design standards for townhouse development. The current proposal, however, was for single-family detached residences. The pattern in the neighborhood was for detached garages, detached sidewalks and eclectic architecture. Detached garages set back 60 feet or more result in cars that are parked behind or beside houses rather than in front of houses, which occurs with attached garages and wide driveway aprons.

Commissioner James then noted that the townhouse development was still in the context of the neighborhood and that currently on Delmas Avenue there were driveways full of cars in front of houses.

Commissioner Zito made a motion to recommend denial of the proposed rezoning. The motion failed.

Commissioner James then made a motion to approve the proposed rezoning, which was seconded by Commissioner Pham.

Commissioner Zito stated that he was not supporting the motion because the project did not meet the requirements of the Two-acre rule and that the project did not reach an exceptional level.

Commissioner Dhillon stated that in many neighborhoods throughout the city infill development was occurring at higher densities. He stated that the garages would not dominate the site and would not be visible from the public street.

Commissioner Levy concurred with Commissioner Dhillon and stated that larger homes on the site wouldn't conform to the neighborhood. The fact that the homes are only 1,800 square feet makes the project exceptional.

Commissioner Campos stated that the existing project met the Residential Design Guidelines better than the previous PDC04-092. He noted that there are numerous other residences in the neighborhood that had attached garages and that the neighborhood was a hodgepodge of different uses and home types. He noted that the residents immediately around the project support the project.

Commissioner Zito then noted his concern as to what would happen to the property that was located in between the two projects (PDC04-092 and the current project).

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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. A community meeting was held for this project at the Gardner Community Center on March 7, 2005. Community members expressed concern that the project would change the character of the existing neighborhood (characterized by homes with detached garages on larger lots); that the project would create safety concerns because of poor pedestrian/automobile interfaces; that the project would add more traffic to an area that already has problems; that the density of the development was too high and that this project could set a precedent for future development in this area. Neighborhood residents requested that the site design provide for visibility of the future trail from the private street. The staff report was available on the Planning Department web site one week prior to the original Public Hearing date. Staff has been available to discuss the project with interested members of the public.

COORDINATION

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

CEQA

A Mitigated Negative Declaration was adopted by the Planning Commission on August 10, 2005 for file PDC04-099.


For STEPHEN M. HAASE
Secretary, Planning Commission

Attachment

c: Erik Schoennauer, The Schoennauer Company, 2066 Clarmar Way, San Jose, CA 95128

