

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 13, 2007

COUNCIL DISTRICT: 5

SNI AREA: N/A

SUBJECT: FILE NO. PDC06-060. PLANNED DEVELOPMENT REZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 10 SINGLE-FAMILY ATTACHED OR DETACHED RESIDENCES ON A 0.4 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning district to allow up to 10 single-family attached or detached residences on a 0.4 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 10 single-family attached or detached residences may be built on the subject 0.4 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 September 12, 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.

Commissioner Kamkar pulled the item from the Consent Calendar to ask questions regarding the proposed tandem parking. He asked why so many units were proposed in a tandem parking configuration. Staff replied that the project has a hybrid of both garden townhouse and rowhouse units. On the northerly side fronting McKee, three of the six units were proposed with tandem garages. On the southerly side, three of the four units proposed tandem garages. Staff noted that, particularly with the rowhouses, a side-by-side parking configuration would not provide adequate space to accommodate the front door and the landscaping that are needed on the driveway side. Staff further commented that aside from not providing space for the necessary front doors on the

rowhouses, side-by-side parking arrangements across the entire driveway would result in a stark, aesthetically unpleasing appearance with little landscaping, and that since units need to front to this area, that configuration is not ideal. The project architect, Kurt Anderson, echoed some of staff's comments.

Commissioner Zito noted that he too was concerned with the number of tandem units proposed, particularly given that one parking space was proposed to be on-street when using the Residential Design Guidelines parking standards. He indicated that he would like to see at least one additional unit converted to a side-by-side configuration so that all parking could be accommodated on-site per the Residential Design Guidelines standards.

A motion was made to recommend approval of the proposal and it carried unanimously.

ANALYSIS

As noted in the original Staff Report, the proposed rezoning of the site from CP Commercial Pedestrian to A(PD) Planned Development Zoning District, as conditioned, is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of High Density Residential (25-50 DU/AC). Further, the project provides an opportunity to further important goals and strategies of the General Plan and is in conformance with the Residential Design Guidelines.

EVALUATION AND FOLLOW-UP

Not Applicable. The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

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. A sign was posted on-site to notify neighbors of the proposed development. A community meeting was held on

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August 2, 2007, which was attended by several nearby residents. The community was generally supportive of the project, and the concerns raised included impacts to the on-street parking in the neighborhood. 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, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and 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)


 JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Jeannie Hamilton at 408-535-7800.

cc: Kurt Anderson, 12201 Saratoga-Sunnyvale Rd., 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 9/12/07 Item:
CC 9/25/07 Item:

File Number
PDC06-060

Application Type
Planned Development Rezoning

Council District: 5

Planning Area SNI
Alum Rock N/A

Assessor's Parcel Number(s)
601-06-045

PROJECT DESCRIPTION

Completed by: Avril Baty

Location: 3754 McKee Road (southeast corner of McKee Road and La Pala Drive)

Gross Acreage: 0.40 Net Acreage: 0.40 Net Density: 25.0 DU/AC

Existing Zoning: CP Commercial Pedestrian Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development Proposed Use: Up to 10 single-family 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: Single-family residential R-1-8 Single-Family Residence

East: Multi-family residential R-M Multiple Residence

South: Multi-family residential R-M Multiple Residence

West: Commercial Retail CP Commercial Pedestrian

ENVIRONMENTAL STATUS

Completed by: AB

Negative Declaration circulated on August 21, 2007

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: AB

Annexation Title: McKee No. 2

Date: 8/13/1957

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____
 Action
 Recommendation

OWNER/APPLICANT

MJ Core Holdings, LLC
P.O. Box 6942
San Jose, CA 95050

ARCHITECT

Kurt Anderson
12201 Saratoga -Sunnyvale Rd.
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 May 31, 2006, the applicant filed an application for a rezoning from CP Commercial Pedestrian to A(PD) Planned Development to allow up to ten single-family attached residences on a 0.40 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 a vacant lot, and there are no trees existing on the site. The property is situated on the southeast corner of McKee Road and La Pala Drive.

Project Description

The proposed zoning would facilitate development of the existing 0.40-acre site to allow up to ten attached single-family residences arranged in a rowhouse and garden townhouse configuration. Six units are proposed along the front, oriented to McKee Road and four are oriented towards the common driveway, on the south side of the site. All units obtain garage access via a common driveway in the middle of the property.

The units would range in size from 1,358 to 1,500 square feet of living area and include two bedrooms. Two car garages will be provided for each unit. A minimum of 200 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 August 21, 2007. The Director of Planning, Building and Code Enforcement intends to adopt said Mitigated Negative Declaration on September 11, 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 25.0 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 ten single-family attached dwelling units. The primary issue associated with the proposed project is conformance with the Residential Design Guidelines with regards to site design, setbacks, parking and architecture.

Site Design

The site design orients the buildings in such a manner as to face onto McKee Road 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 wood trim, architectural composition roofing, decorative columns, articulated elevations, varying siding, and decorative wood pergolas 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.

This project utilizes two different residential product types as defined by the City's Residential Design Guidelines (RDGs) including both rowhouses and garden townhouses. In short, rowhouses are defined by the fact the garage entrance and living area or pedestrian entrance (front door) are on the same side of the building. By contrast, garden townhouses have garages access via a common vehicle-only alley. The front doors of such unit are on the opposite site of the unit from the garage. The front doors are accessed via a small semi-private patio that is typically oriented towards a public street or well-landscaped paseo.

The RDGs identify that more landscaping should be provided along driveways for rowhouses in order to provide an attractive visual experience for arriving pedestrian and guests. Driveways without pedestrian access that function solely as vehicular only alleys for resident garages only are not expected to provide the same amount of landscaping.

This project, which includes a mix of both garden townhouses and rowhouses, provides a good amount of landscaping along the shared driveway in keeping with the objectives of the Residential Design Guidelines. Staff believes that the combination of landscaping, decorative pavers, building articulation and entry features will provide an attractive driveway design.

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 residences on the east and south sides. The Residential Design Guidelines generally recommend an 18-foot setback from minor residential streets. Where 18 feet is recommended, a minimum setback of 13 feet is proposed along McKee Road and a setback of 11 feet is proposed along La Pala Drive. Staff is supportive of these slightly smaller setbacks in this instance given that the proposed setbacks match the setbacks of the existing multi-family residential buildings on adjacent properties.

To the south, the property abuts a multi-family residential structure. The Residential Design Guidelines state that new three-story structures should match the existing setbacks of adjacent multi-family structures. The setback for the adjacent structure varies between approximately 5 and 18 feet. The proposed setback on this property line conforms is similar, ranging between approximately 9 and 15 feet. Balcony projections would be permitted and are proposed within the setback area. The proposed setbacks on this property line conform to the Residential Design Guidelines recommendations.

To the north, the property abuts a common open space area for a multi-family residential use. The Residential Design Guidelines state that new two-story elements should be set back 5 feet and new three-story elements should be setback 10 feet from common open space areas. The project proposes a 4-foot setback for the two story elements, which substantially conforms to the Residential Design Guidelines recommendations. The project is proposing the same 4-foot setback for the three-story elements. The intent of the guidelines is to protect the privacy of the adjacent common open space area. As proposed, only small windows would be placed on the third story elements of the residential structure (see Sheet 5.2b, Building 1, east elevation). These windows are for bedrooms and bathrooms and would not serve as ingress/egress. Given their size, and their limited potential for visibility to the adjacent common open space, staff is supportive of the reduced setback at this location.

Only Building 1 would have a reduced setback from the adjacent common open space. Building 2 is set back further to accommodate additional parking. The Residential Design Guidelines state that parking and circulation should be setback 5 feet from adjacent common open space. The proposed setback of 4 feet substantially conforms to this recommendation.

Parking

The table below shows a breakdown of unit types and parking recommended by the Residential Design Guidelines:

<u>Unit Type</u>	<u>Number of Units</u>	<u>Parking Ratio</u>	<u>Total Required</u>
2 Bedrooms & 2-Car Tandem Garage	6 units	2.7	16.2
3 Bedrooms & 2-Car Garage	4 units	2.6	10.4
Total	-	-	26.6 spaces

Based on the ratios in the Residential Design Guidelines, 27 parking spaces are required. There are 26 total parking spaces provided on-site. This project includes a two-car garage for each unit. Six additional parking spaces will be provided on-site, and at least two additional on-street parking spaces are available curbside in front of the property. The required parking numbers in the development standards have been modified to account only for parking available on-site. Cumulatively, the project meets the parking recommendations from the Residential Design Guidelines.

Architecture & Massing

This project consists of up to ten three-story, single-family dwellings with stucco exterior siding with architectural composition roofing. The subject site is located within an area that consists of a variety of uses and densities. The proposed design is compatible with the development that has occurred along this area, but has also been designed with some distinctive architectural features, such as such as trimmed windows, articulation of the wall planes, and decorative pergolas that will create an interesting and varied streetscape. Additional design and detailing will be evaluated at the Planned Development Permit stage.

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. A community meeting was held on August 2, 2007, which was attended by several nearby residents. The community was generally supportive of the project, and the concerns raised included impacts to the on-street parking in the neighborhood. 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 High Density Residential (25-50 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.

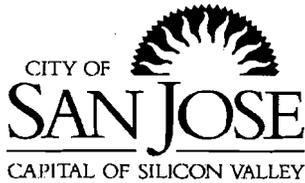
Attachments:

Location Map

Development Standards

Mitigated Negative Declaration

Public Works Final Memo



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: September 4, 2007

T R A N S M I T T A L M E M O

COUNCIL DISTRICT: 5
SNI: N/A

PDC06-060. PLANNED DEVELOPMENT REZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 10 SINGLE-FAMILY ATTACHED OR DETACHED RESIDENCES AND ASSOCIATED IMPROVEMENTS ON A 0.4 GROSS ACRE SITE, LOCATED ON THE SOUTHEAST CORNER OF MCKEE ROAD AND LA PALA DRIVE.

The Planning Commission will hear this project on September 12, 2007. 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, DIRECTOR
Planning, Building and Code Enforcement

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