



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: October 29, 2004

COUNCIL DISTRICT: 5

SUBJECT: PDC04-016. PLANNED DEVELOPMENT REZONING LOCATED AT BETWEEN MOUNT PLEASANT ROAD AND MOUNT KENYA DRIVE, APPROXIMATELY 250 FEET NORTHERLY OF MARTEN AVENUE (1795 MOUNT PLEASANT ROAD).

RECOMMENDATION

The Planning Commission voted 4-2-1 (Commissioners Campos and Pham opposed, Commissioner Zito absent) to recommend that the City Council deny the proposed Rezoning.

BACKGROUND

On October 27, 2004, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-1-8 Single Family Residence District to A(PD) Planned Development to allow the subdivision and development of up to 6 single-family detached dwelling units on a 0.73 gross acre site.

Staff gave a brief oral presentation, stating that the project site is located within the boundaries of the Evergreen Development Policy (EDP) Area. The City Council adopted the EDP to set limits on growth (total number of dwelling units) within this specific area so that the transportation level of service of the area remains at an acceptable level. The Evergreen Development Policy together with the Evergreen Specific Plan identified the means to create sufficient traffic capacity and guide the build out of vacant parcels within the Policy area. The needed infrastructure, which supports the established set number of dwelling units within the Policy area, was paid for by existing landowners/developers through the Evergreen Development Policy Benefit Assessment District.

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The Evergreen Development Policy Benefit Assessment District Map identifies the subject site as having allocation for three (3) additional units above the owner's existing single-family residence located on the site. Therefore, the proposed six (6) unit project exceeds the four (4) units previously "assigned" to this site.

On January 27, 2004, the City Council adopted a resolution reaffirming the City's position regarding development under the existing Evergreen Development Policy. As a result the City Council has directed staff to discourage all new and pending General Plan Amendments and Rezonings from moving forward which involve residential development proposals without unit allocations or those requesting increased densities until the completion of the new Evergreen Strategy. Therefore, staff cannot support the request to rezone the property from R-1-8 Single Family Detached Residence District to A(PD) Planned Development District to allow up to six individual single family lots, when the site only has allocation for a total of four (4) dwelling units under the EDP Assessment District Map.

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

Joseph Louis spoke on behalf of the applicant regarding the project, commenting that the project site is not located in District 8 and that the additional two units proposed for development on the site would not result in a significant unavoidable impact as discussed in the adopted Mitigated Negative Declaration. Additionally, Kurt Anderson spoke on behalf of the applicant stating that his discussions with the Council Office indicated that the Council policy which directs staff to discourage new projects requesting additional unit allocation in the EDP Area was only intended for projects in District 8.

The applicant, Mr. Fahmy, also spoke on behalf of his proposed project reiterating the previous comments and that traffic mitigation will be incorporated into the subject project.

One surrounding resident spoke against the project, making a brief statement requesting that the property be developed with the existing allocation under the Evergreen Development Policy Assessment District for a total of four (4) units.

The Planning Commission then closed the public hearing and requested that staff provide a brief background on provisions of the Evergreen Development Policy, and subsequently voted 4-2-1 to recommend that the City Council deny the proposed rezoning. The Planning Commission directed staff to clarify that their recommendation was based entirely upon the City Council's Memorandum reaffirming the City's position regarding development under the Evergreen Development Policy and that in other respects, the project was an excellent design.

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PUBLIC OUTREACH

Notices of the public hearings before the Planning Commission and City Council were published, posted on the City of San Jose web site, and distributed to owners and tenants of all properties within 1000 feet of the project site. Staff has been available to discuss the proposal with members of the public. Additionally, an electronic version of the staff report has been made available online, accessible from the Planning Commission Agenda on the Planning Division's website.

CEQA

Mitigated Negative Declaration, File No. PDC04-016

STEPHEN M. HAASE
Secretary, Planning Commission