



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** October 28, 2004

**COUNCIL DISTRICT:** 5  
**SNI:** Gateway East

**SUBJECT: PDC04-040. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 19 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS ON A 1.75-ACRE SITE LOCATED ON THE SOUTH SIDE OF EAST SAN ANTONIO STREET, AT SOUTH 34<sup>TH</sup> STREET.**

## **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Zito absent) to recommend that the City Council approve 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 Residence to A (PD) Planned Development Zoning District to allow up to 19 single-family detached residential units on a 1.75-acre site. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Members of the community spoke on the project during the public hearing. Most were complimentary of the developer for modifying the plans to address the concerns that were raised at the Gateway East SNI meetings. These changes included the relocation of the driveway to align with 34<sup>th</sup> Street and increasing the project's setback from adjoining residents. Other residents expressed concern regarding the potential impact that a 19-unit project would have on the traffic conditions on San Antonio Street, the ability of local schools to accommodate additional students, and the potential for more than one family occupying the homes as a result of the anticipated market rate cost of the homes. Several area residents wanted assurance that the common areas of the development would be well maintained. One individual indicated that it would be desirable for the homes to be designed to reflect the character of existing older houses in the neighborhood.

The applicant and staff responded to the public testimony, indicating that the proposed driveway will remain in its current location and that a Homeowners Association will be formed to maintain common areas within the project. In response to traffic concerns, staff indicated that a 19-unit project would be projected to add only 14 peak hour trips and thus would not adversely impact traffic levels on San Antonio Street. Staff indicated that the project had been referred to the San Jose Unified School District and that given the small size of the project, no concerns were received to indicate that the additional students could not be accommodated. The applicant indicated that they were willing to continue to work with staff and the community at the Planned Development Permit stage of the project to design the homes in a manner that fits in with the unique architectural character of the area.

Upon the closure of the Public hearing, Commissioner James questioned the applicants regarding their choice to develop a market rate project instead of providing an affordable component. The applicant indicated that they would be contributing fees towards affordable housing instead of including an affordable component in the project. Commissioner Dhillon made a motion to recommend approval of the project as recommended by Staff. He indicated that the project would approve the neighborhood and complemented the developer and residents on their ability to work together to address most of the residents' concerns. Commissioners Campos, James, and Levy spoke in support of the motion and also commented on how the project would contribute to the improvement of the neighborhood, and were appreciative of the developers' efforts to address the neighborhood's concern.

The Planning Commission voted 6-0-1 (Commissioner Zito absent) to recommend approval of the proposed rezoning.

### **PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site. Information on this proposed Planned Development (PD) Zoning application, including staff reports and public hearing schedule has also been available on the City's website. This website is used by the community to keep informed of the status of development applications. Staff has also made itself available to discuss the subject project on an individual meeting-basis with concerned Neighborhood Advisory Committee (NAC) members, nearby property owners, and members of the public.

The developer/applicant was invited to present the proposed PD Zoning project to the Gateway East SNI NAC members; neighborhood property owners, residents, and community stakeholders for direct community feedback and input at two regularly scheduled public NAC meetings. The first NAC meeting was held at the Mayfair Community Center on Tuesday, July 27, 2004. The second NAC meeting was held at the Mexican Heritage Plaza on Tuesday, September 28, 2004. Planning staff attended both public NAC meetings to hear first-hand the community feedback and input on this proposed PD Zoning project.

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**COORDINATION**

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

**CEQA**

Negative Declaration adopted October 27, 2004.

STEPHEN M. HAASE  
Secretary, Planning Commission