

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 29, 2008

COUNCIL DISTRICT: 7
SNI AREA: Tully-Senter

SUBJECT: PDC06-131. PLANNED DEVELOPMENT REZONING FROM R-1-8 SINGLE FAMILY RESIDENCE TO A(PD) PLANNED DEVELOPMENT TO ALLOW UP TO 10 SINGLE-FAMILY ATTACHED AND DETACHED RESIDENCES ON A 1.0 NET ACRE SITE.

RECOMMENDATION

The Planning Commission voted 4-3-0 (Campos, Platten, Kinman opposed) to recommend that the City Council approve a Planned Development Rezoning from R-1-8 Single Family Residence to A(PD) Planned Development to allow up to 10 single-family attached and detached residences on a 1.0 net acre site as recommended by staff, including the preservation of the home built circa 1918 on the site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 9 new single family residences could be constructed, and one existing single family residence built circa 1918 would be preserved on a 1.0 net acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

On December 12, 2006, the applicant, Bert Faucher, submitted the subject Planned Development Rezoning to allow the construction of up to 12 single family attached residences. The application was subsequently amended to reduce the number of units to 10 single family attached and detached residences. A Planned Development Rezoning is required because the applicant has proposed to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts.

This project was heard by the Planning Commission on May 28, 2008. Staff presented a brief report detailing the recommendation to preserve the existing single family residence, which was added to the City's Historic Resources Inventory as a Structure of Merit by the Historic Landmarks Commission at their meeting on May 7, 2008. Staff indicated that they had recommended flexibility

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in the draft Development Standards to accommodate any plan modifications that would result from the on-site preservation of the existing residence.

Mr. Marvin Bamburg, the architect for the project, spoke on behalf of the applicant. Mr. Bamburg stated that the proposal is a well-designed ten-unit project, and that he agreed with staff's recommendation with one exception, that he does not agree that the existing house should be preserved and incorporated into the project. Mr. Bamburg stated that the house is not special nor distinctive, and is in a state of disrepair. He showed the Commission photographs of the house. Mr. Bamburg explained to the Commission that he is a registered preservation architect, and that he does not believe the house should qualify for the Historic Resources Inventory. He stated that he thinks staff is overzealous in their recommendation to preserve the house. Mr. Bamburg detailed specific areas where he disagrees with staff's Historic Resource Tally, and stated that as, in his opinion, the house does not qualify for the Historic Resources Inventory, he does not believe it would be a valuable addition to the project.

Commission Discussion

Commissioner Kamkar noted that almost all of the units are proposed with tandem parking garages. Mr. Bamburg explained that the Residential Design Guidelines (Guidelines) recommend tandem parking for this residential product type, as it allows for more landscaping and better-looking front facades of units. Commissioner Kamkar asked what the dimensions of the on-street parking stalls would be, and Mr. Bamburg stated they would be the City standard size of eight feet by twenty feet.

Commissioner Campos asked Mr. Bamburg to detail any modifications that had been made to the existing house that would negate its historic value. Mr. Bamburg stated that the interior had been modified, and that both the front and rear porches had been enclosed. Commissioner Campos asked staff if the house could remain in its current position on the site and be incorporated into the project.

Staff explained the ongoing disagreement with the applicant regarding the status of the existing house as a historic resource, and stated that staff respectfully disagrees with his assessment of the structure, and reiterated that the Historic Landmarks Commission added it to the Historic Resources Inventory at their meeting on May 7, 2008. In response to Commissioner Campos' question, staff stated that the house would need to be moved, as it is in the location of the proposed project driveway, and because the required street dedication would encroach into the front of the house. Commissioner Campos asked staff if they thought the house would require repairs that would further negate its historic value. Staff responded no structural reports on the house had been reviewed to date, so no comment could be made specifically on any repairs that would be necessary; however, any modifications to the house would have to conform to the Secretary of the Interior's Standards and the City of San Jose Historic Design Guidelines. Staff stated that if these guidelines were conformed to, the historic value of the house would not be compromised.

Commissioner Jensen made a motion to approve the Rezoning per staff's recommendation, including the on-site preservation of the historic house. She stated that she lives in an area of San Jose where there are many aging structures previously neglected that have been purchased by visionary homeowners who restored them to their previous state, and that they now add value to the neighborhood. She stated that deterioration and remodeling of older homes can be reversed.

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Commissioner Kamkar proposed a friendly amendment to the motion to restrict the number of tandem parking garages to no more than 20% of the units. Commission Jensen accepted Commissioner Kamkar's amendment.

Commissioner Zito asked staff how they envisioned the existing home to be incorporated into the project. Staff responded that this had not yet been fully designed, but it could be feasible to move the house to the north on the site and construct a new house adjacent to it, also facing Lucretia Avenue. Commissioner Zito asked staff if it was typical to require units to face the street. Staff explained typical recommendation that units face existing streets, and stated that the proposal by the applicant would also orient the front door of the proposed new front unit towards Lucretia Avenue. Commissioner Zito expressed his concerns about piecemeal developments such as this one on long narrow lots, as the units would be facing essentially a closed-off alley, and would not create a connective and cohesive residential neighborhood in conjunction with other future projects. He hoped that the project could provide more frontage and presence on Lucretia Avenue, and look less like an alley.

Chair Kalra stated that the motion to restrict the number of tandem garages to 20% may be difficult to achieve without reducing units and that he would caution the Commission that such a restrictive condition may not make it possible to also save the historic house.

Commissioner Campos agreed with Chair Kalra, explaining that the Guidelines recommend reducing the width of garages to achieve better project design. He stated that he would not support the motion for that reason. He also stated he believes the existing house is not out of the ordinary, and does not warrant preservation and inclusion in the project. He stated he thought that this requirement would be a burden on the property owner.

Commissioner Kinman explained that she was concerned about the recommendation for a maximum of 20% tandem garages. She thought this number was arbitrary, as an earlier project Commission discussion focused on one third, and that the Commission was not being consistent in their recommendation regarding tandem garages. She stated that she would not be supporting the motion for this reason.

Commissioner Kamkar noted that although he had not previously realized, the plan provided a conceptual diagram of how the adjacent site to the south could be developed while sharing access to the site. He commended the architect for his foresight. Commissioner Kalra suggested that the motion be amended to change the proposed 20% tandem parking condition. Commissioner Zito stated that because there was no on-site guest parking would like to see some sort of a maximum number of tandem parking stalls allowed in the project. Staff clarified that per their recommendation, there would be 9 guest parking spaces provided on-site.

Commissioner Kinman asked if the project proposed provisions to require access easements for the adjacent property should it redevelop. Staff explained that it is difficult to condition one project on the redevelopment of a separate property, but that they would include provisions in the project to facilitate this at the Planned Development Permit and Subdivision stage.

Commissioner Jensen stated she thought that staff understood the Commission's direction to reduce the number of tandem parking stalls at the Planned Development Permit stage, and would amend her

motion to not include a specific limitation on the number of tandem garages. Chair Kalra stated that he thought the difficulties with the project were a result of trying to put too many units on the small property, and although he would support a motion to allow up to 10 units, he believed fewer might be more appropriate. Commissioner Jensen made a motion to consider the Mitigated Negative Declaration in accordance with CEQA and to recommend that the City Council approve a Rezoning to A(PD) Planned Development to allow up to 10 single family residences, including the preservation on-site of the existing 1918 house as recommended by staff.

The motion passed 4-3-0 (Campos, Kinman, Platten opposed). Commissioner Platten stated that he concurred with Commissioner Campos' opinion that the house was not of historic value and not worthy of preservation.

ANALYSIS

The proposed Planned Development Rezoning furthers the General Plan Growth Management Major Strategy which is intended to encourage infill development within urbanized areas to achieve the most efficient use of facilities and services, in that the proposed project is located within the Urban Service Area on an underutilized lot surrounded by existing residential development. It also supports the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, in that it would provide an additional housing option that is compatible in style and scale to the existing single family neighborhood.

The San José 2020 General Plan Urban Conservation/Preservation Major Strategy states that at a strategic level, preservation activities contribute visual evidence to a sense of community that grows out of the roots of San José's past. As a subset of that strategy, the Historic, Archaeological and Cultural Resources (HACR) Goal includes preservation of structures of varying historical and archaeological significance in order to promote a greater sense of historic awareness and community identity, and to enhance the quality of urban living. The Preservation of historic structures identified as Structures of Merit is addressed in the HACR Policy No. 1, which states: "Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process." The retention and rehabilitation of the existing structure, as recommended by staff, this project conforms to the Urban Conservation/Preservation Major Strategy and the Historic, Archaeological and Cultural Resources Policies.

For further analysis please see attached Staff Report.

EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Alternative: Approve the proposed Planned Development Rezoning from R-1-8 Single Family Residence to A(PD) Planned Development to allow up to 10 single-family attached and detached residences on a 1.0 net acre site without the retention of the existing single family residence built circa 1918.

Pros: This alternative would provide the same overall number of units as the staff recommendation.

Cons: The proposal would allow the demolition of a house built circa 1918 that is listed on the City's Historic Resources Inventory.

Reason for not recommending: This alternative would not conform with the Urban Conservation Major Strategies of the General Plan, or the Historic, Archaeological and Cultural Resources Policy #1 of the General Plan, as described in greater detail in the analysis section of this memorandum.

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 the site to notify neighbors of the proposed rezoning. 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.

This project was presented to the Kennedy Neighborhood Association at their regularly scheduled meeting on June 20, 2007. A notice of this meeting was sent to all property owners and residents within 500 feet of the site. At the time the project was presented to the community, the proposal was to allow up to 12 units. The neighborhood expressed concern regarding the density of the project, particularly with regards to parking. Concern was raised that more than one family would likely occupy each unit; therefore, the neighbors expressed that as much parking as possible should be included in the project. Subsequent to the meeting, the proposal was revised to reduce the number of units to ten and provide driveway aprons large enough to park cars for half of the units. Staff informed the Kennedy Neighborhood Association of this change at a later meeting. The Association stated they thought the changes were a step in the right direction, but they continued to indicate that parking should be maximized in the project.

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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, as recommended by staff, is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

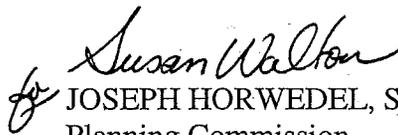
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

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