



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 21, 2008

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: PDC06-126 - PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL AND R-2 TWO FAMILY RESIDENCE ZONING DISTRICTS TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO MAINTAIN TWO EXISTING SINGLE FAMILY RESIDENCES AND TO ALLOW THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY DETACHED RESIDENCE ON A 0.22 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve a Planned Development Rezoning from LI Light Industrial and R-2 Two Family Residence Zoning Districts to A(PD) Planned Development Zoning District to maintain two existing single family residences and to allow the construction of one new single-family detached residence on a 0.22 gross acre site, as recommended by staff

OUTCOME

Should the City Council approve the Planned Development Rezoning, the subject property could be subdivided to create one new lot for construction of an additional single family residence. This future development would be subject to a Planned Development Permit.

BACKGROUND

On September 16, 2006, the applicant, Patrick Hadnett, filed an application for a rezoning from LI Light Industrial and R-2 Two Family Residence Zoning Districts to A(PD) Planned Development to maintain two existing single family residences and to allow the construction of one new single-family detached residence as well as subdivision of the property into three single-family lots, on a 0.22 gross acre site. A Planned Development Rezoning is required because the proposed lots are below the minimum size required in a conventional zoning districts.

On August 20, 2008, 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. Staff made a brief presentation regarding the project, noting correspondence from the community had been received subsequent to the preparation

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of the staff report, and staff had revised their recommendation based on this correspondence. The revised development standards and correspondence are attached to this memo. Staff explained that the community concerns focused generally on the neighborhood compatibility of the proposed residence, and specifically on the height, massing, and location of the garage.

Staff explained that the neighbors had expressed the desire to restrict the new house to a maximum of one story; however, that while the majority of the existing houses in the vicinity of the project site are one-story, they all have the right to extend up to two stories, and staff believes it is appropriate to extend the same right to this zoning. Further, the project is designed to lessen the impacts of the second story by setting it back further from the front and sides, and where it is not setback further the house would be restricted to less intensive uses such as bathrooms and closets. The maximum planned height of the house is 25 feet, which is modest for a two story residence.

Staff went on to discuss the comments made by the community regarding the location of the garage in relation to the front property line. Staff concurs with the comment raised by a neighbor that in order to be compatible with the existing development pattern in the neighborhood, the garage should be detached and set back to the rear of the property. Staff noted that it is true that, with the exception of the two existing houses on the property, the majority of the neighborhood is developed with one-car detached garages. The letter submitted by the neighbor indicates a desire to see a detached two car garage; however, given the small proposed lot size, this would unreasonably restrict the developable area of the single family residence. Staff did indicate, however, that a two car attached tandem garage could be provided at a minimum setback of 40 feet from the front property line, or a detached one-car garage could be provided at the back of the property with enough driveway length to park at least three cars. This redesign would achieve the desired effect of a garage at in the back of the property in order to conform to the existing development pattern in the area. Staff explained that they had spoken with the applicant, and he is amenable to such a revision, therefore staff had prepared revised development standards to require such a design.

Mr. Glenn Cahoon, a designer representing the applicant, spoke regarding the proposal. Mr. Cahoon stated that he is in agreement with the revised development standards, and that he intends to work with staff at the Planned Development Permit stage to further refine the project per the community feedback.

Ms. Mara Craggs of 1064 O'Brien Court, spoke. Ms. Craggs stated she would not repeat the information in the letter she had submitted to the Commission, but that she hoped to provide them with more information regarding the context to the proposed development. She stated that the homes in the neighborhood average between 800 and 1,300 square feet in size, and average no more than 15 feet in height. She explained that behind and to the side of the property are industrial uses, and that over time people have been buying and redeveloping property in the neighborhood, which has devastated its character. Vice Chair Kamkar asked Ms. Craggs to further explain the comments she had made in the letter she submitted to the Commission.

Ms. Craggs stated that in order to ensure that the new house would fit in with the existing neighborhood; the zoning should be restricted to allow no more than 15 feet in height and no more than 1,300 square feet in size for the new residence. Commissioner Kalra noted that the development would have to go through Planned Development Permit process, which can be appealed to the Planning Commission. He stated that a two-story house is not inherently incompatible with one-

story houses. He explained that it is neither the desire of staff or the applicant to end up with a house at thirty feet in height, but at the time of zoning the plans are not finalized enough to know for sure what the final height of the house would be, so it is important to allow for flexibility. He explained that this flexibility in the zoning does not limit the neighbor's ability to appeal the project should they not be satisfied with the refined design at the Planned Development Permit stage.

Ms. Cheryl Foust of 1035 O'Brien Court, spoke regarding the project. Ms. Foust stated that she lives four houses away from the subject site, and that she has owned her house since 1988. She explained that when she first moved into the neighborhood it had many neglected properties, including the subject site, but since Mr. Hadnett purchased the property he has significantly improved the situation. She stated that she has no problem with a new single-family home on the property, as it is the most appropriate use. Recently Pulte Homes had constructed a three and a half story townhouse development across Campbell Avenue, which is out of character with the neighborhood. She said that the houses in the neighborhood are generally small, ranging from as little as 600 square feet to over 1,200 square feet, and many of them were constructed by Southern Pacific Railroad to house their employees. She has no objection to a new house provided that it includes period details, and be designed with a historic character to compliment the neighborhood. She noted that this used to be a bad neighborhood that has significantly turned around, and a new opportunity for an owner-occupied house will only further the improvement of the area.

Mr. Cahoon stated that he thought he had done a good job designing the house to be compatible with the neighboring properties, but given the neighborhood concerns he would work with staff at the Development Permit stage to refine the design. Such changes could include making the house smaller, providing greater second story setbacks, and included a detached garage at the rear of the property.

Commissioner Do stated that the neighborhood has many houses designed in the Bungalow and Spanish styles, but the proposed residence does not have a definitive character. He would like to see it redesigned with a distinctive period style.

Chair Zito asked several clarifying questions regarding the proposed side setbacks. Staff explained that the existing houses would have four foot setbacks to the side property lines, and that the new house would have minimum five foot setbacks.

Commissioner Campos made a motion to approve the Planned Development Rezoning as recommended by staff. He noted that all parties agree that single family residences are the most appropriate use on the site, and that he was confident the project would be refined to fit into the neighborhood at the Planned Development Permit stage. Commissioner Jensen stated she would support the motion because the applicant had agreed to work with the neighborhood and staff at the Permit stage to ensure that the project complies with the Residential Design Guidelines. She explained that she likes the historic character of the neighborhood, and that the design of the house should reflect that character. Chair Zito stated he would also support the motion, but that staff should try to widen the side setbacks at the Permit Stage. The motion passed 7-0-0.

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 and industrial 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.

For further analysis please see attached Staff Report.

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 sign regarding the proposed rezoning was posted on the site. 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. 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: Exempt


For JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Development Standards:

Uses Allowed: Those permitted uses of the R-1-8 Zoning District, as amended.

Special and Conditional Uses: Special and Conditional Uses of the R-1-8 Zoning District, as amended, may be approved through the issuance of a Planned Development Permit

Required Minimum Setbacks (In Feet):

Single family residences existing at time of Planned Development Zoning Approval:

Front: 18'
Sides: 4'
Rear: 18'

New Construction/Additions:

Front: 18' to first story,
25' to second story
40' to garage
Sides: 5' to first story living area
3' to attached garage
8' to second story, with the following exception:
The second story setback may be reduced to 5' for
portions of the building that provide alternative
privacy measures such as high windows, and/or less
intensive uses such as bathrooms, hallways,
stairways, or closets
Rear: 0' to garage, 18' to living area

Maximum Building Height (Feet/Stories) 30 feet/2 stories

Accessory Buildings and Structures: Accessory structures shall conform to the requirements of Part 5 of Chapter 20.30 of the San Jose Municipal Code, as amended. Accessory structure of up to 200 square feet shall be permitted by right.

Fences: Per Part 6 of Chapter 20.30 of the San Jose Municipal Code, as amended.

Parking Required: Single family residences existing at time of Planned Development Zoning Approval: One covered parking space per unit

New Construction: Provide either two parking spaces in an attached garage (may be tandem); or, provide one covered parking space in a detached garage with a driveway apron of no less than 50'. Attached garages shall be no wider than one half the width of the house

General Notes:

Performance Standards: Performance Standards are per Part 7 of Chapter 20.30 of the San Jose Municipal Code, as amended.

Minor architectural projections: Minor architectural projections such as fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

Cantilevers and/or balconies may project up to four feet into the rear setback area, subject to discretionary approval by the Director of Planning, Building and Code Enforcement.

Porches and stairs can project into required setbacks subject to discretionary approval by the Director of Planning, Building, and Code Enforcement.

Front Setback - Limitation on Amount of Paved Surface: No more than fifty percent (50%) of the required front setback shall be paved with asphalt, cement or any other impervious surface.

Private infrastructure to meet or exceed public improvement standards.

Water Pollution Control Plant Note: Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

August 18, 2008

Members of the Planning Commission:

Land contained within the Newhall Neighborhood has been converting from Light Industrial to Residential over the past 3-4 years. More than 50% of the residents that I have come in contact with welcome the change if the housing is created in a manner that blends with the existing neighborhood.

In general, most of the single family houses in the Newhall Neighborhood were constructed before World War II and have a certain look and charm to them. These characteristics are:

- 1) 800-1000 square feet
- 2) Detached one car garage in the back of the lot
- 3) Single story
- 4) In general, the exterior wall building materials are either narrow horizontal wood slats or a rough textured stucco(Spanish style)
- 5) Windows are made of wood

I realize times have changed and there is a demand for different home characteristics. However, there are certain measures that may be taken to minimize the impact of a current home on a pre-WWII neighborhood. I believe the strongest aspect of the Newhall Neighborhood bungalows is the garage in the back of the property. This allows the street experience to be windows, doors, and unique roof lines and NOT of a garage door.

I would like to see this home have a detached two car garage (proposal is for a 1800sq ft home - twice the average size of our bungalows) in the back of the property, so the new development blends in style and feel with a vast majority of the homes in the Newhall Neighborhood.

A new home was recently constructed about 250 feet away from 1001-1015 O'Brien Ct at 1126 Cook St. The home was also built from the ground up. It is 1400 square feet (the size does not blend with the neighborhood) with a detached one car garage in the back of the property. The house towers over Cook Street and eliminates what privacy neighbors once had. The only saving element which attempts to blend the development with the neighborhood is the detached garage in the back of the property.

It is imperative that 1001-1015 O'Brien Ct blends with the neighborhood by including a detached two car garage in the back of the property. This has been accomplished by homeowners on O'Brien Ct at 1085, 1087, 1088, and 1090. They have respected the existing feel from the curb and placed two car garages in the back of their property to blend with those homes around them.

The placement of the two car garage at the back of the property is a small start in an attempt to blend a new development with the existing neighborhood.

John Urban
President
Newhall Neighborhood Association

Davis, Martina

From: Judith Dunbar [JDunbar@scu.edu]
Sent: Tuesday, August 19, 2008 10:37 PM
To: martina.davis@sanjoseca.gov
Subject: 1001-1015 O'Brien Court

August 18, 2008

Martina Davis
Project Manager
City of San Jose
Planning Department

Dear Ms. Davis:

Although I strongly affirm the proposal for re-zoning of this property for single family residential use, I have serious objections to the the size of the proposed home for 1001-1015 O'Brien Court (PDC06-:126).

Because this new home must blend with the existing neighborhood, it should be single-story (15 feet maximum height) and of size similar to other homes in the Newhall neighborhood (1,000 sq. ft.). As currently proposed, it has a scale that is extremely out-of-proportion with the neighborhood where most existing homes are 800-1,000 square foot, single story (~13 feet) structures with single garages, located in the back.

Major criteria (maximum height, maximum size, minimum setbacks, etc.) required to ensure that this home blends with the neighborhood must be firmly ensured both for 1001-1015 O'Brien Court; these criteria must then guide future planning for single family homes proposed for this neighborhood.

Please make sure my comments are provided to the Planning Commission before August 20 and to the City Council before September 9.

Thank you for your time.

Sincerely,

Dr. M. J. Dunbar
1137 Delno Avenue
San Jose, CA 95126

Davis, Martina

From: MCraggs [sunpun@earthlink.net]
Sent: Friday, August 15, 2008 3:31 PM
To: martina.davis@sanjoseca.gov
Subject: 1001-1015 O'Brien Cour Re-Zoning (PDC06-126)
Follow Up Flag: Follow up
Flag Status: Red

August 15, 2008

Martina Davis
Project Manager
City of San Jose
Planning Department

Dear Ms. Davis:

As we discussed on Thursday morning, I have 2 key concerns about the Re-Zoning proposal for 1001-1015 O'Brien Court (PDC06-126):

-First, this new home must blend with the existing neighborhood. Thus, it should be single-story (15 feet maximum height) and of size similar to other homes (1,000 sq. ft.). As currently proposed, its scale is severely out-of-proportion with the surrounding neighborhood where most existing homes are 800-1,000 square foot, single story (~13 feet) structures with single garages.

-Second, maximum height, maximum size, minimum setbacks and other key attributes necessary to ensure that this home blends with the neighborhood should be set to their proper limits now. Establishing interim criteria that must still be tightened considerably to produce a structure that reasonably blends with the existing neighborhood only guarantees an extended debate, to no constructive purpose.

Please make sure this input is given to both the Planning Commission and the City Council prior to their decisions on August 20 and September 9, respectively.

Thank you again for your time on Thursday; I appreciated your clear and thorough answers very much.

Sincerely,
Mara Craggs
1064 O'Brien Court
San Jose, CA 95126