



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 4, 2008

COUNCIL DISTRICT: 3
SNI AREA: Five Wounds/
Brookwood Terrace

SUBJECT: PDC08-038. PLANNED DEVELOPMENT REZONING FROM R-1-8 RESIDENCE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO DEMOLISH EXISTING STRUCTURES AND CONSTRUCT UP TO 84 ATTACHED AFFORDABLE RESIDENTIAL UNITS ON A 1.92 GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted 6-0-0 to recommend that the City Council approve a Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to demolish existing structures and construct up to 84 attached affordable residential units on a 1.92 gross acres site.

OUTCOME

Should the City Council approve the subject Planned Development Rezoning, the applicant could file a development permit for up to 84 attached affordable units on the subject site.

BACKGROUND

On July 1, 2008, the applicant, ROEM Development Corporation, filed an application for a rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to demolish existing structures and construct up to 84 attached affordable residential units on a 1.92 gross acres site. This Planned Development Rezoning is required because the applicant has proposed a multi-family project on a podium with smaller setbacks than are supported by the R-M Multiple Residence Zoning District. In addition, the project proposes a residential density that exceeds the existing San Jose 2020 General Plan Land Use/Transportation Diagram designated density.

The project was originally scheduled for a public hearing before the Planning Commission on November 19, 2008. Planning staff received some new information from the applicant on the day of the scheduled hearing, and so the hearing was deferred to December 3, 2008. An updated staff report and revised development standards were prepared, but the original report was redistributed

instead of the updated report. The updated development standards were distributed correctly. The revised staff report is included as an attachment to this memorandum.

On December 3, 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 with the updated development standards. Staff noted that the changes in the project that had been reflected in the updated staff report that was not distributed, as well as changes to the updated development standards. No members of the public appeared to speak on the item. Commissioner Jensen requested that staff continue to be cognizant of neighborhood compatibility as the design of the project moves forward, and cited the low-rise context of the surrounding buildings. The Planning Commission voted 6-0-0 to approve the project as recommended by staff with the updated development standards.

ANALYSIS

The proposed project is 100% affordable, and therefore may be determined to be in conformance with the General Plan under the "Location of Projects Proposing 100% Affordable Housing" General Plan Discretionary Alternate Use Policy. This Policy allows flexibility in the use and density of the existing General Plan designation on parcels where 100% affordable projects are proposed, so long as the proposed project is designed in such a way as to be compatible with the surrounding neighborhood. Staff believes the proposed project will be compatible with the existing neighborhood because of site design and setbacks incorporated into the project. Neighborhood compatibility is further discussed in the attached revised staff reports.

The project furthers the San José 2020 General Plan Housing Major Strategy in that it provides high-density, affordable housing on an infill parcel. The project proposes efficient use of land and would provide housing for lower income families where urban services already exist.

For further analysis of the project, please see attached Staff Report.

EVALUATION AND FOLLOW-UP

Should the rezoning be approved by the City Council, the applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Denial of the subject rezoning would mean that the existing zoning, R-1-8 Single-Family Residence, and likely the existing uses on the site, would remain.

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 was posted on-site to notify neighbors of the proposed development. On August 26, 2008, the project was presented as an agenda item at the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative area monthly meeting. The project 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. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site.

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: Mitigated Negative Declaration.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

REVISED STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC08-038

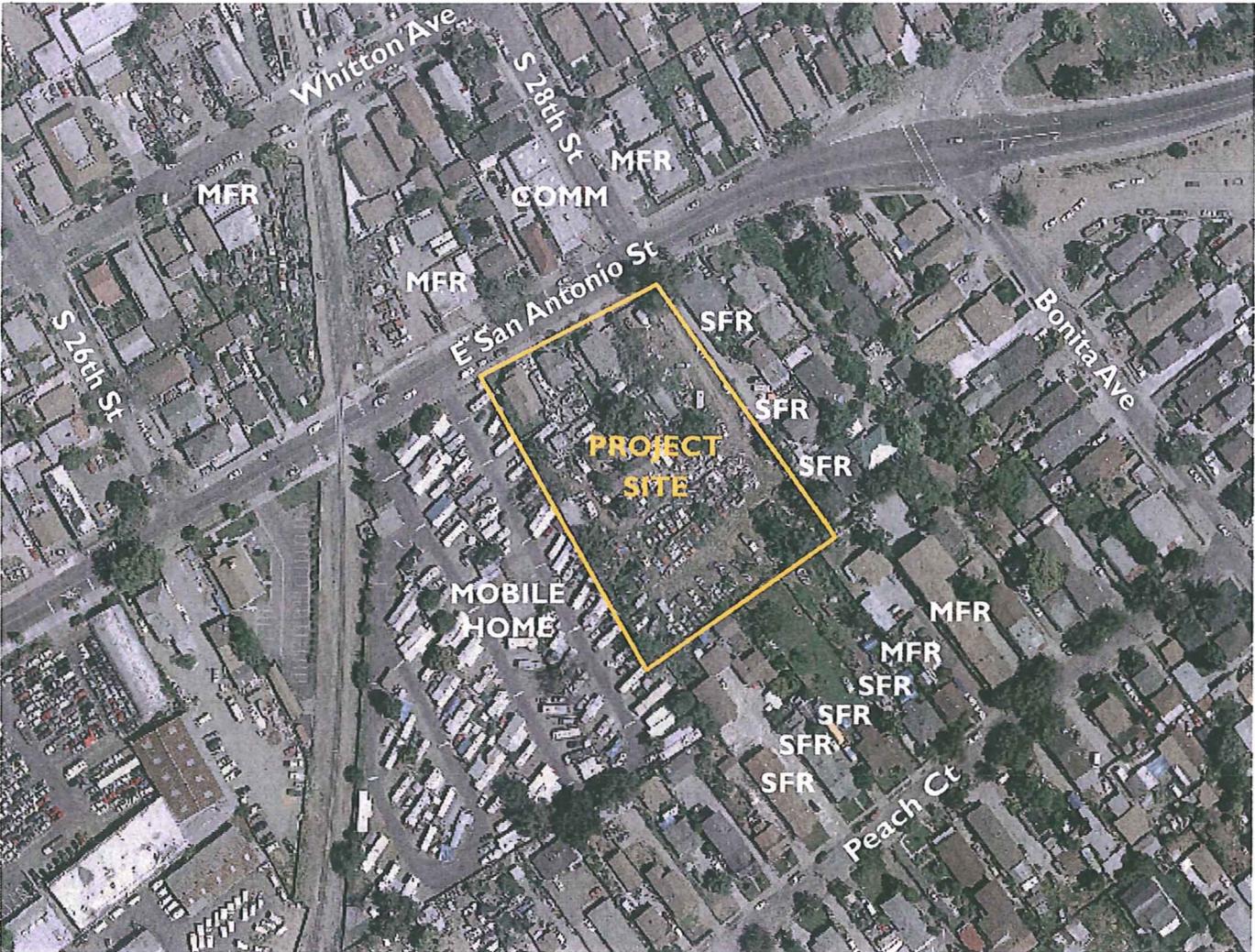
Submitted: 07/01/08

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 84 affordable attached residential units on a 1.92 gross acres site.

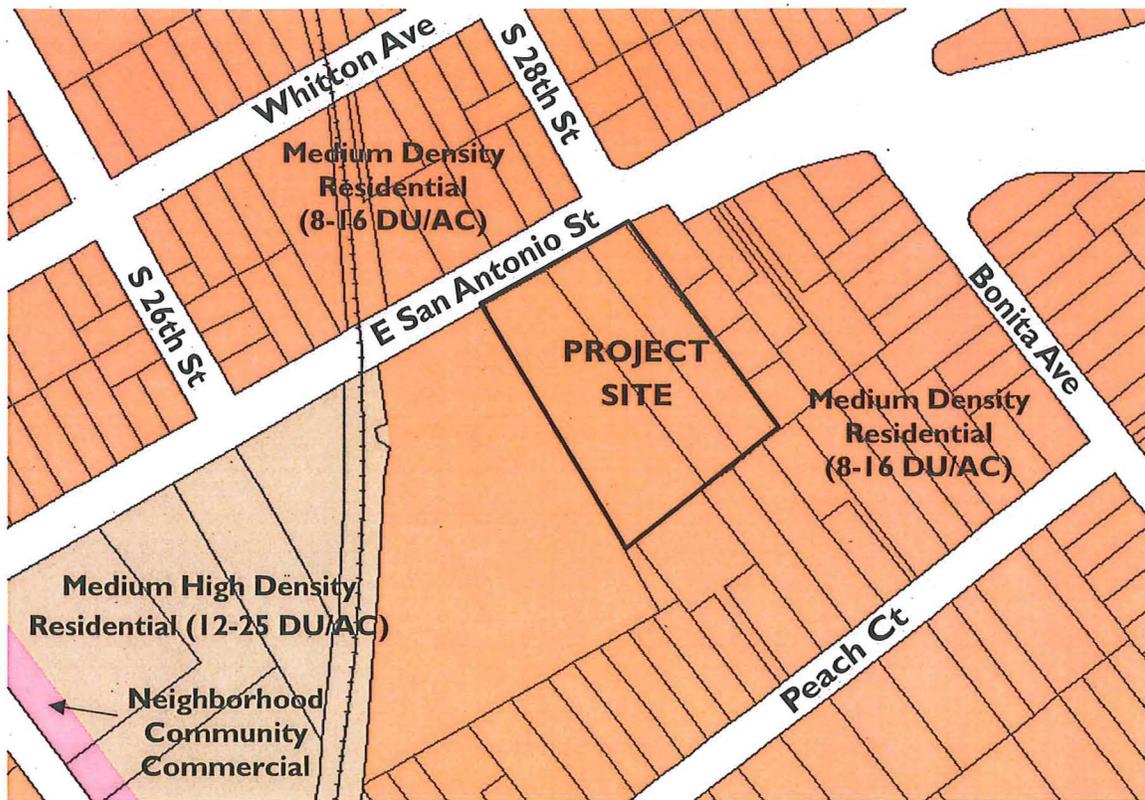
LOCATION: South side of E. San Antonio Street approximately 950 feet east of S. 24th Street.

Existing Zoning	R-1-8 Single Family
Proposed Zoning	A(PD) Planned Development
General Plan	MDR (8-16 DU/AC)
Council District	3
Annexation Date	07/27/1981
SNI	Five Wounds/Brookwood Terrace
Historic Resource	No
Redevelopment Area	Yes
Specific Plan	N/A

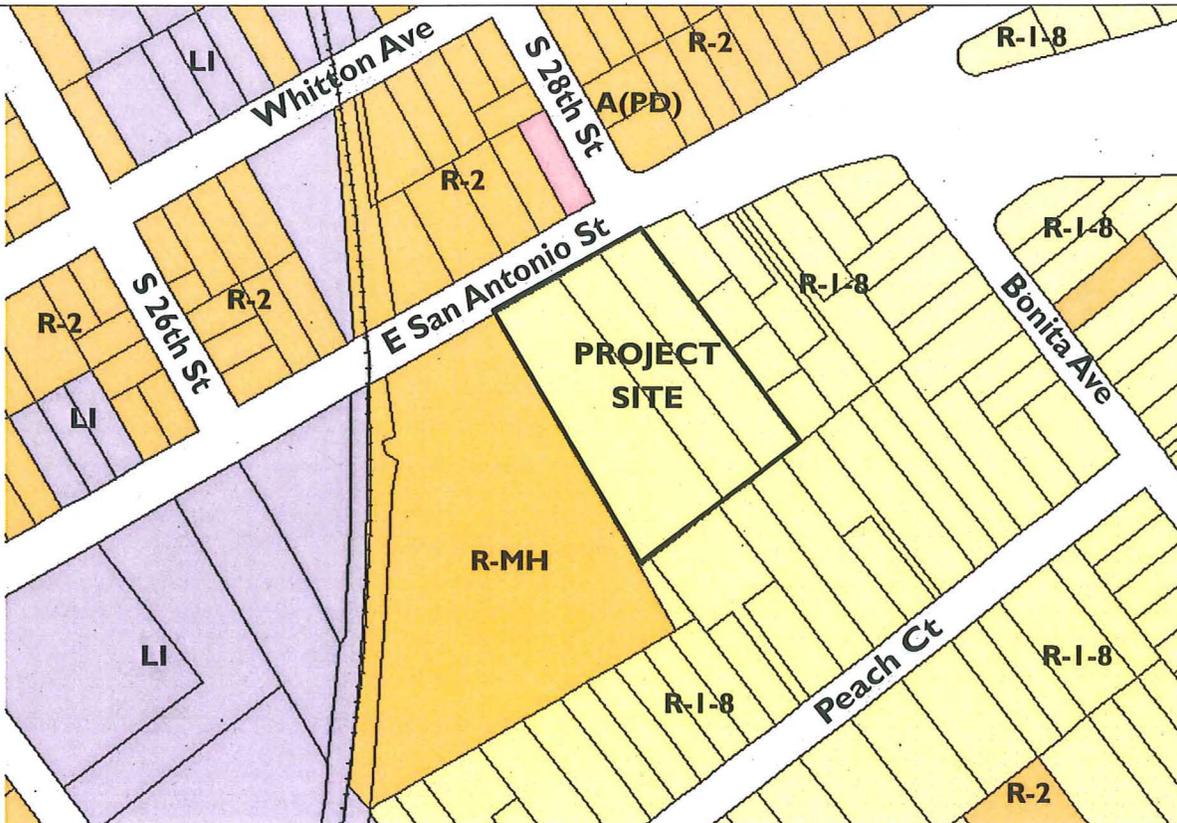
Aerial Map



GENERAL PLAN



ZONING



PURPOSE OF STAFF REPORT REVISION

Subsequent to the distribution of the original staff report, staff received updated plans that required changes to the setback and height discussion in the staff report, as well as the draft development standards. The setback and height section under the Analysis heading in this staff report has been modified to reflect the changes. The remainder of the staff report remains the same as the original version. The draft development standards have also been revised to reflect the plan changes.

RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Housing Major Strategy.
2. The project is proposed to be 100% affordable and is consistent with the "Location of Projects Proposing 100% Affordable Housing" General Plan Discretionary Alternate Use Policy.
3. The proposed project is in conformance with the Residential Design Guidelines through its site and architectural design.
4. The proposed project, 84 attached residences, is compatible with surrounding single-family residential, multi-family residential, and commercial land uses.

BACKGROUND & DESCRIPTION

On July 1, 2008, the applicant, ROEM Development Corporation, filed a Planned Development Rezoning to allow up to 84 affordable attached residential units on a 1.92 gross acres site, on the south side of East San Antonio Street, approximately 950 feet east of South 24th Street. A Planned Development Rezoning is required because the developer proposes to subdivide and develop the property in a configuration that is not supported in a conventional residential zoning district. Specifically, the project proposes a multi-family project on a podium with smaller setbacks than are supported by the R-M Multiple Residence Zoning District. The project proposes one-, two-, and three-bedroom rental units.

ANALYSIS

The proposed Planned Development Rezoning would facilitate development of an underutilized infill parcel into 84 affordable attached residential units. The primary issues associated with the proposed project are conformance with the San José 2020 General Plan, compliance with the California Environmental Quality Act (CEQA), and neighborhood compatibility conformance with regards to, setbacks, open space, and parking. The applicant has worked diligently with staff to modify the site layout to address staff concerns throughout the process, and staff notes below how each of these criteria are addressed in the proposed project.

General Plan Conformance

The San José 2020 General Plan includes several Discretionary Alternate Use Policies to encourage development that meets the intent of the General Plan Major Strategies but may not specifically fall into the use category or density range proscribed by the specific land use designation. This site has a designation of Medium Density Residential (8-16 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram, which would yield approximately 30 dwelling units. The residential density associated with this application is 43.75 DU/AC, which exceeds the range of the existing land use designation.

The proposed project is 100 % affordable, and therefore may be determined to be in conformance with the General Plan under the "Location of Projects Proposing 100% Affordable Housing" General Plan Discretionary Alternate Use Policy. This Policy allows flexibility in the use and density of the existing General Plan designation on parcels where 100% affordable projects are proposed, so long as the proposed project is designed in such a way as to be compatible with the surrounding neighborhood. Staff believes the proposed project will be compatible with the existing neighborhood because of site design and setbacks incorporated into the project. Neighborhood compatibility is further discussed in the Analysis section of this report.

The project furthers the San José 2020 General Plan Housing Major Strategy in that it provides high-density, affordable housing on an infill parcel. The project proposes efficient use of land and would provide housing for lower income families where urban services already exist.

Environmental Review

Planning staff prepared an Initial Study for the proposed project. The Initial Study concluded that the proposed project could have significant effects on the environment, which would be reduced to a less than significant level by mitigation measures that the applicant has agreed to implement. A draft Mitigated Negative Declaration (MND) has been circulated for public comment.

The environmental issues addressed in the initial study and Draft MND include (1) air quality, (2) hazardous materials, (3) noise, (4) traffic, and (5) historic. As described in the MND, the project is required to incorporate specific measures to prevent dust emissions from the site during construction. Also, the project will be required to sample the soil where vehicle storage has occurred to ensure that no hazardous chemicals have been introduced into the soil. The project will also be required to incorporate mitigation to ensure that the project meets the City's Noise policies, and that all residences would not be exposed to interior noise in excess of 45 DNL. Also, to improve traffic circulation, the project will be required to restrict parking along the street frontage to allow adequate line of sight distance for vehicles. As described below in the *Neighborhood Compatibility* section, the existing on-site structures were evaluated for historic significance in accordance with the City's criteria and did not receive sufficient ratings to be considered for inclusion on the San José Historic Resources Inventory.

The applicant prepared a tree survey and indicated that Ordinance-sized trees would be removed as part of the project. All trees removed for development must be mitigated at the ratios indicated in the adopted MND.

The public review period for the Draft MND began on October 29, 2008 and will end on November 18, 2008. The Initial Study and MND are available for review on the City website at: <http://www.sanJoseca.gov/planning/eir/MND.asp>. The Director intends to adopt the MND on November 18, 2008. No public comments have been received on the environmental process for this project to date.

Neighborhood Compatibility

The site is currently developed with three single-family houses and associated outbuildings. The lot has also been used as a storage facility for inoperable vehicles, with over 140 vehicles stored there at once. The three single-family homes all have construction dates before 1963, which meet the city's threshold for historic review. Historic reports were prepared for each of the houses, and all of the houses were found not to be historically significant.

The project is surrounded by single-family residential on the east, commercial and multi-family residential on the north, single-family on the south, and mobile homes on the west. As the project site is very deep, measuring more than 339 feet in length, it shares an easterly property line with four single-

family homes, which are arranged in a four-lot flag configuration and accessed by one driveway which runs on the other side of the project site's eastern property line.

Setbacks/Height

For podium cluster development, the Residential Design Guidelines (Guidelines) recommend first and second story setbacks that match the adjacent uses when the project is surrounded by single-family or multi-family dwelling units. Along the eastern property line, the existing single-family houses are located a minimum of 23 feet, and a maximum of 35 feet, from the shared property line. In addition, the single-family residences are separated from the proposed project by the existing driveway access to the homes, which is approximately ten feet wide. No private open space for the homes exists adjacent to the project site. The first two stories of the proposed project are set back a minimum of 25 feet from the eastern property line. Therefore, the proposed project meets the Guidelines for side setback on the first two stories by matching that of the adjacent residential uses.

The Guidelines also state that the third story should be set back two feet for every one foot of building height. As the building height is 40 feet, this guideline would suggest an 80 foot setback from the single-family residences to the east. The project provides a minimum of a 34-foot setback to the third story (a ten-foot step back from the lower floors) along the eastern property line. This 34-foot setback occurs on only one of the building segments that face the single-family homes. The other two segments have third story setbacks of 40 feet. Also, the segment that includes the 34-foot third story setback is adjacent to the existing single-family house that is located the farthest from the property line. While this setback is less than that recommended by the Guidelines, the project has been designed in such a way as to minimize the potential massing and privacy impacts to adjacent single-family residences.

The intent of the Guidelines is to limit the sightlines to the third story from and to reduce massing impacts to the adjacent single-family. The proposed project is designed with a flat roof to minimize the overall height, and the third floor steps back ten feet from the lower stories in order to move as much of the building away from the adjacent single-family residences as possible. In addition, the building was designed in the "E" configuration so that the single-family residences to the east would experience the least massing possible. In the current design, the project only presents three sections, each of them about 55 feet long, to the eastern side of the property. Utilizing this design, Planning staff believe that the proposed 34-foot setback for the middle segment, and the proposed 40-foot setback for the other two segments, meets the intent of the Guidelines.

The project currently provides an 18-foot setback to the porches in the front, and 20 feet to the living area along E. San Antonio Street. The block average on E. San Antonio Street is approximately 15 feet. Planning staff recommends a 15-foot front setback as the development standard for this site to maintain flexibility for the Planned Development Permit. To allow architectural flexibility while respecting the smaller scale of the surrounding built environment, Planning staff is recommending that at least 50% of the third story massing maintain a minimum 18-foot setback. The conceptual elevations show how this can be accomplished.

The project currently proposes a side setback of at least 30 feet along the west side, the property line that is currently shared with a mobile home park. Similar to the proposed front elevation of the building, the west side of the building introduces significant variation and changes in plane, which diminish the overall massing that the proposed project presents to the adjacent mobile homes. While the minimum proposed setback on this elevation is 30 feet, the setback increases to 33 feet as the building continues south. Also, articulation of the building increases the setback up to ten feet (to 40 feet and 43 feet, respectively) in some areas. The third story of this elevation is not set back from the lower stories, but much of the building that extends closest to the western property line is private open space in the form of balconies. These balcony sections have the appearance of two-story elements, as they have no roof above them.

The adjacent mobile homes are irregularly distributed on the site, but most of those along the eastern side of the site are within 10 feet of the shared property line. The Residential Design Guidelines recommend that the side setback of the proposed project match the setbacks of existing adjacent mobile home development. However, Planning staff feels that, given the scale of this project, a 10-foot setback was not appropriate, and requested that the applicant increase the setback to lessen the impacts of the new development on the adjacent mobile home park. Planning staff believes that the proposed 30-foot setback is sufficient to address the compatibility issues between the proposed development and the adjacent mobile homes. Therefore, the proposed project exceeds the Residential Design Guidelines' recommendation for the side setback along the western property line.

For residential projects adjacent to single-family and two-family rear yards, the Residential Design Guidelines recommend that the first two stories of new projects should maintain a 20-foot setback, and that the third story be set back two feet for every one foot of building height. Along the rear property line, the project proposes a minimum setback of 26 feet, which increases to the east along the rear property line to 48 feet due to the irregular shape of the lot. With the proposed articulation of the building, the building is set back as far as 54 feet in some locations. Therefore, the project exceeds the recommendation of the Residential Design Guidelines for the first two stories.

As the proposed height at this interface is 40 feet, the Guidelines would recommend an 80-foot setback for the third story. The lot backs up to single-family and two-family homes on very deep lots, some measuring in excess of 300 feet deep. Currently, no single-family residential structures exist within 50 feet of the rear property lines of these lots, and the Zoning Ordinance would only support construction of new accessory structures or garages in this location. Because of the depth of these lots, the nearest residential structure would be separated from the proposed project by more than 80 feet. At the minimum setback of 26 feet for the proposed project, increasing to 48 feet easterly along the building, the nearest structure on the adjacent lot is 220 feet away. Additionally, the General Plan calls for increased density on these parcels and it is envisioned that parcels this deep would remain as single-family lots in the future. For these reasons, Planning staff is comfortable with the proposed rear setback of 30 feet.

As described above, Planning staff recommends setbacks of 15 feet in the front with a minimum of 50% of the third story at a minimum setback of 18 feet, 25 feet to the first and second stories, and 34 feet to the third story for the middle building segment and 40 feet to the outer two building segment to the east, 30 feet to the west with a minimum of 10% of the building at a minimum setback of 40 feet, and 26 feet for the proposed project, increasing to 48 feet easterly along the building, in the rear. These proposed setbacks meet the intent of the Residential Design Guidelines.

The proposed maximum building height is 40 feet, with an exception for the elevator tower, which is not to exceed 48 feet in height. The maximum height for this site, as set out in the Urban Design section of the San José 2020 General Plan, is 50 feet. A two-story portion, measuring 31 feet in height, is also proposed along the eastern side of the building as a buffer from the single-family portion. With the variations in massing and step backs incorporated for the third story, Planning staff is able to recommend this height as appropriate for the neighborhood and consistent with the General Plan height requirements.

Parking

For parking provided in an open configuration, the Residential Design Guidelines recommend 1.5 parking spaces for one-bedroom units, 1.8 spaces for two-bedroom units, and 2.0 spaces for three-bedroom units. The proposed development would include 18 one-bedroom, 51 two-bedroom and 15 three-bedroom units, for a total parking requirement of 148.8 spaces. The project proposed a subterranean garage with 149 parking spaces, meeting this criterion.

Staff also recommends a development standard requiring the project to meet the Zoning Ordinance bicycle parking ratio, which is one bicycle space per four units, or 21 bicycle spaces. Bicycle parking is not currently shown on the plans.

Open Space

For podium cluster development, the Residential Design Guidelines recommend 60 square feet of private open space and 100 square feet of common open space per unit. The current proposal includes private balconies for each unit of approximately 60 square feet per unit, and approximately 345 square feet of common open space per unit, both in common courtyards and interior community spaces, as well as a walkway and exercise area surrounding the project. Planning staff recommends a development standard of 60 square feet per unit of private open space, and 100 square feet per unit of common open space, consistent with the Residential Design Guidelines.

PUBLIC OUTREACH

Consistent with the City Council Public Outreach Policy, a sign was posted on-site to notify neighbors of the proposed development. On August 26, 2008, the project was presented as an agenda item at the Five Wounds/Brookwood Terrace monthly meeting. Approximately 25 members of the community were in attendance. Community members were concerned with parking and traffic on a neighborhood level. The neighbors also expressed concerns about safety and gang violence. They also expressed their appreciation that someone would be redeveloping the site, and requested that the site be secured and demolished as quickly as possible to eliminate the vandalism and other negative impacts to the neighborhood.

Staff responded that the applicant's proposal meets the parking requirement of the Zoning Ordinance, and that traffic would be analyzed at a project level during the review of the project. The applicant has worked with staff to incorporate staff and community comments in order to expedite the process and assist with the security of the site as quickly as possible. Revisions to the massing of the project have been sent to the neighborhood for review through the SNI leaders, and no comments were received prior to this report. An oral report will be given at the Planning Commission hearing if further correspondence is received. Staff shares concerns about the site being an attractive nuisance and will work with the applicant for expeditious site clearance subsequent to City Council approval of the proposed rezoning.

The project 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. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site.

Project Manager: Licinia McMorrow **Approved by:**  **Date:** 11/12/08

Owner/Applicant: Jim Rendler ROEM Development Corp. 1650 Lafayette Street Santa Clara, CA 95050	Attachments: Development Standards Mitigated Negative Declaration Final Public Works Memo Reduced Plan Set
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