

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** February 26, 2009

**COUNCIL DISTRICT:** 3  
**SNI AREA:** University

**SUBJECT: PDC07-094. PLANNED DEVELOPMENT REZONING FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW THREE SINGLE-FAMILY DETACHED RESIDENCES ON A 0.2 GROSS ACRE SITE**

## RECOMMENDATION

The Planning Commission voted 4-2-1 to recommend that the City Council adopt an ordinance approving a Planned Development Rezoning from RM Multiple Residence Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.2 gross acre site.

## OUTCOME

Should the City Council approve the Planned Development Rezoning, the subject 0.2 acre parcel would be subdivided into three lots developed with single-family residences, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

## BACKGROUND

On February 25, 2009, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The item was pulled from the Consent Calendar by members of the public. Staff gave a brief verbal staff report summarizing the project context, proposed development standards and conformance with City guidelines.

The applicant's representative, Marvin Bamburg, was present and spoke in support of the project. Mr. Bamburg stated that he felt the proposed design would fit in well with the existing neighborhood because it offered a transition between the higher density attached developments and single family detached development existing in the neighborhood. He spoke of designing the project to provide the amenities of a single family home, such as private yard and garage, while providing three units on the site. He also stressed that the architecture proposed for the single family homes would reflect the style of the craftsman bungalows in the neighborhood.

Two members of the public spoke on the item, Craig Yeutter and Anjee Helstrup-Alvarez. Mrs. Helstrup-Alvarez stated that she was concerned with the density of the project, specifically with the resulting height of the proposed homes. She opined that the proposed development would not be suitable within the neighborhood because the majority of the historic single family homes are a single story in height and the existing multistory apartment buildings are an eyesore inconsistent with the neighborhood. Furthermore, she felt the two story homes would be imposing and shade her yard resulting in lowered property values. She also was not enthusiastic about the preliminary architecture. Mr. Yeutter reiterated Mrs. Helstrup-Alvarez's concern about the homes being two stories in height. He went on to state he was concerned about the impact on parking from the additional unit on the site, explaining that the neighborhood has an existing problem within unavailability of street parking. He also was very concerned about the location of the garages near to the property line because his garage was on the property line and he needed access from the adjacent property to do maintenance.

Commissioner Zito clarified that the project under discussion was a zoning, and therefore details, such as the architecture and exact location of garages, will be determined with the Planned Development Permit.

Commissioner Do inquired about how the current design of the site plan was developed. He wondered if an attached product had been considered. Mr. Bamburg replied that they had considered an attached product but developed the current conceptual site plan to correspond to the pattern of the existing neighborhood and in response to preliminary comments from Planning Staff. Commissioner Kamkar asked staff as to why they recommended detached units. Staff responded that the original design from the preliminary review was proposed with a duplex in the rear and that staff recommended reducing to three units to bring the density of the proposal into conformance with the General Plan designation. Staff further explained that the applicant applied for a Planned Development Zoning specifically because they wanted to develop detached units, otherwise they would be able to develop an attached multifamily building under the existing RM Multiple Residence Zoning District. They also could, in the existing zoning district, construct a single family home that is two stories in height, with a five foot side setback, and a detached garage on the property line.

Commissioner Kamkar commented that he was concerned about the design of the driveway and the circulation on site. Commissioner Cahan concurred, and added that she was concerned about the amount of paving on the site. She was also concerned that the amount of parking was insufficient because she would expect that each home would have more than

three cars. If that was the case, she conjectured that there would be no guest parking for each home, and people would be tempted to park in the yards. She wondered if these homes would be well maintained and in a style consistent with the neighborhood.

Mr. Bamburg clarified that each private yard was protected by a fence, and pointed out that each house has a two car garage and a guest parking space, which was above the minimum required for single family homes in San José. He also assured the Commission, as the project architect, that they intended to do a traditional style of home with varied materials and colors, which would be an aesthetic addition to the neighborhood.

Commissioner Jensen made a motion to recommend approval the Planned Development Zoning with up to 2 units. She considered the proposal for three units to be too dense given that the site was adjacent to single family homes on substandard sized lots that have limited yard space and a small setback from the common property line. She also stated she was making her recommendation because the parking and amount of pavement was problematic. She stated that the parking was especially deficient given that in the University neighborhood many of the residents will be adults with their own vehicles. Commissioner Cahan seconded the motion.

Commissioner Do stated that he felt the project was reasonable in scale and density. He felt that the commission could not expect to solve neighborhood issues on a single site and he would support the project as recommended by staff.

Commissioner Kamkar brought up that, density aside, he was uncomfortable with the site design, and questioned the use of detached garages.

Commissioner Campos agreed with Commissioner Do, and that if the decision was between allowing a triplex or detached single family homes, or not development, he would support approval of the project as recommended by staff.

Commissioner Zito commented that he thought the site layout was "cluttered" and could use further refinement. However he pointed out those details could be resolved at the development permit stage. He felt that two or three units could be appropriate for the site.

The commission voted 3-3-1 (Campos, Do, Zito opposed, Platten absent) and the motion failed.

Commissioner Do made a motion to recommend approval of the Planned Development Zoning for up to three single-family residences as recommended by staff but with the recommendation that staff work with the applicant to revise the site layout at the Planned Development Permit. He suggested the applicant consider making the building footprints more compact because the current configuration was scattered and circulation awkward.

Commissioner Kamkar asked to clarify if by approving the zoning as recommend by staff if they were cementing the site layout with the detached garages and "meandering" driveway. Staff explained that the Planned Development Rezoning approval does not "lock in" any specific site plan, which is implemented at the Planned Development Permit stage based on the approved development standards. Staff referred to the draft development standards, which if approved, would govern the site, to clarify that there was flexibility to revise the site layout. Staff further stressed that the site plan submitted with the zoning was conceptual.

Commissioner Jensen wanted to clarify that the site design was reviewed by the Fire Department, which staff confirmed, and reiterate that she felt the density was too high. She commented the site redesign should try to lower the heights of the homes and the number of bedrooms in each house, thereby reducing the number of persons and demand for parking.

Commissioner Do reiterated his motion and Commissioner Campos seconded the motion. The Commission voted 4-2-1 (Jensen and Cahan against, Platten absent) to recommend approval of the Planned Development Zoning as recommended by staff, with the recommendation that staff work with the applicant to improve the site layout at the Planned Development Permit Stage.

### **ANALYSIS**

Please see attached Staff Report for analysis of the project's conformance with the San José 2020 General Plan, compliance with the California Environmental Quality Act (CEQA), and consistency with the Residential Design Guidelines.

### **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**

Policy Alternative #1 – Should the Council not support the development of the property as proposed, denial of the rezoning is an option. The result of a denial would not affect the existing use of the site but would preclude redevelopment and subdivision of the property and the development of the single family residences. The site could be redeveloped for attached units consistent with the RM Multiple Residence Zoning District.

### 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. The rezoning was also published in a local newspaper. This staff report is posted on the City's website and staff has been available to respond to questions from the public.

In addition the proposed project was discussed at the University NAC monthly meeting, held on February 12, 2008 and at a community meeting held March 13, 2008. Neighbors expressed concern about the proposed houses having two stories because it may block light and be imposing from their yards. Concern was also voiced over available street parking in the neighborhood and the impact of adding another unit to the site. Finally neighbors recommended that the detached garages not be placed on the property line due to maintenance issues. In response to the feedback the development standard for the parking was adjusted so that the guest parking spaces had to be added on-site and the applicant adjusted the design of the project, which will be reviewed and approved with the Planned Development Permit, so that all the garages are at least a foot off the property line, and windows on the side of the unit closest to the single-family homes will be placed high on the wall to protect neighbors privacy

### COORDINATION

This project was coordinated with the Department of Public Works, Building Department, Environmental Services Department, Fire Department, Department of Transportation, and San José Water Company.

### FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and the Zoning Ordinance as further discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

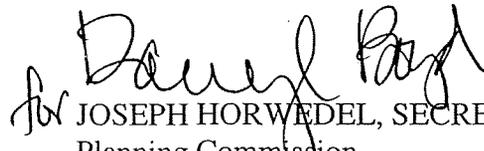
Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

CEQA: Exempt

  
JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Darryl Boyd at 408-535-7800.