

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC10-027

Submitted: 11/18/10

PROJECT DESCRIPTION: Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of a new two story accessory structure (consisting of a home office over a two car garage) on a 0.29 gross acre site currently zoned for single-family, duplex and bed and breakfast uses.

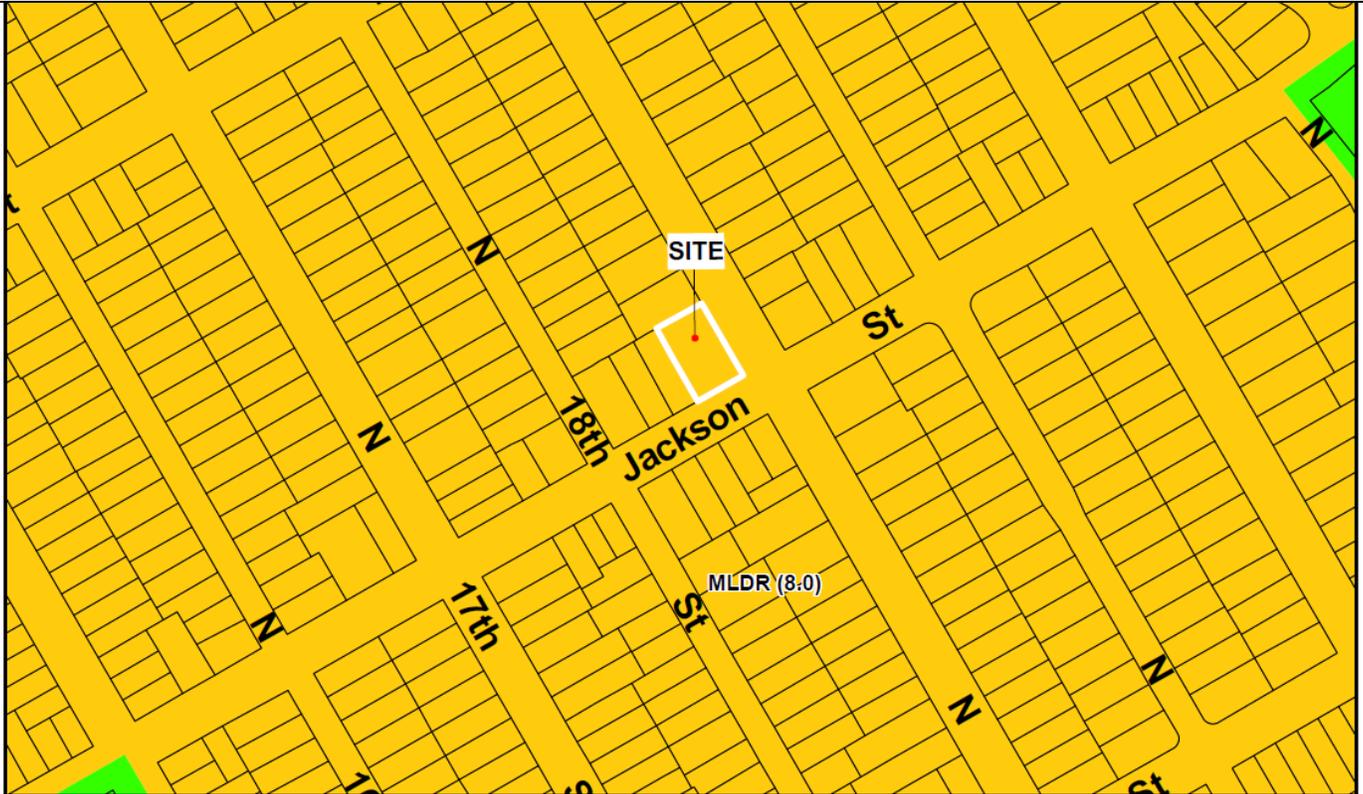
LOCATION: Northwest corner of Jackson Street and N. 19th Street (897 Jackson Street)

Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Medium Low Density Residential (8 DU/AC)
Council District	3
Annexation Date	Original City
SNI	None
Historic Resource	City Landmark
Redevelopment Area	No
Specific Plan	N/A

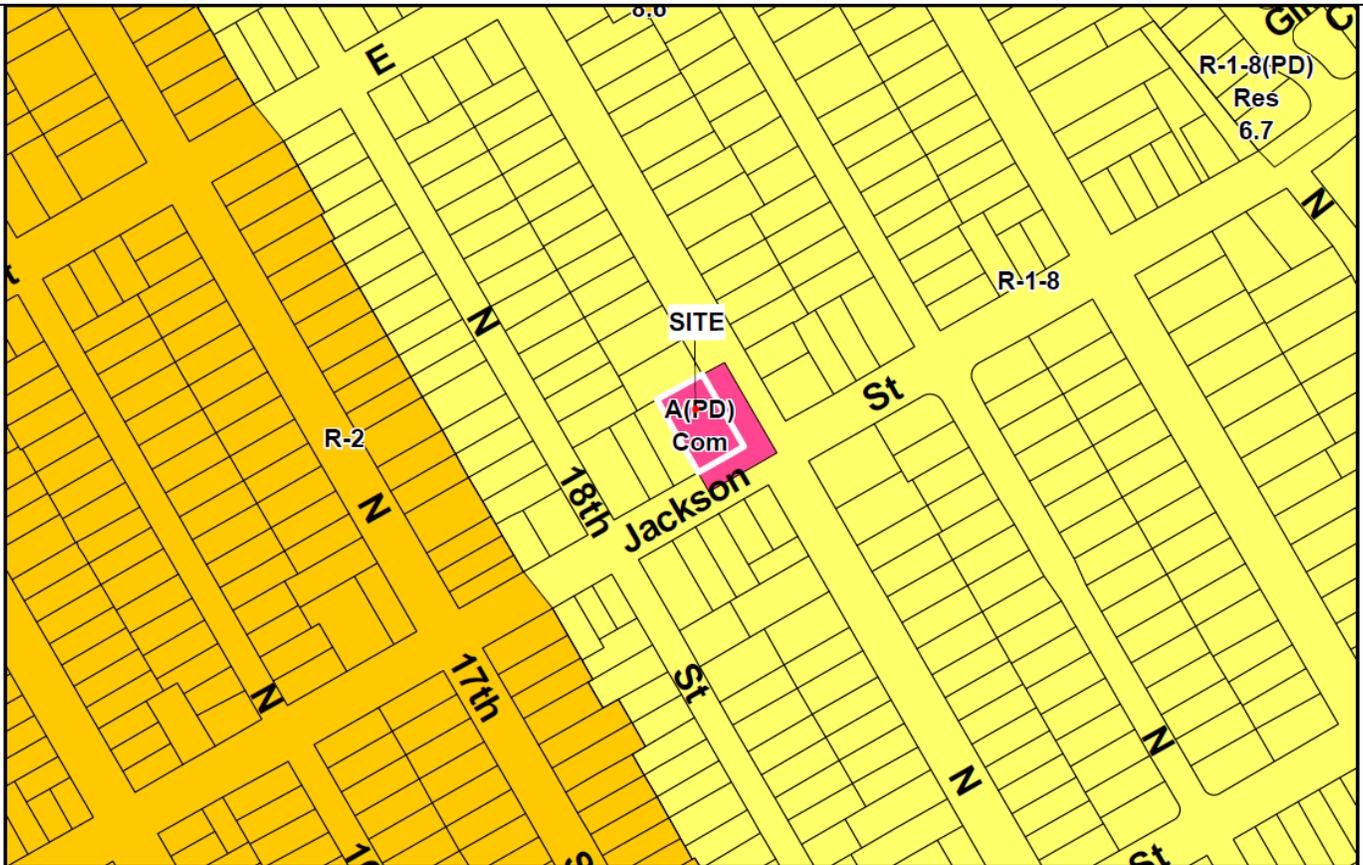
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

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

1. The proposed rezoning will result in development that is not compatible with the surrounding single-family neighborhood.
2. The proposed project is not consistent with the development standards for accessory structures in single-family zoning districts.
3. The proposed project is not necessary for the preservation of the historic site.

BACKGROUND & DESCRIPTION

The applicant, Eric Thacker, submitted a request for a Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow the addition of a 1,470 square foot, two story accessory structure (consisting of a home office over a 2 car garage) to be constructed on the N. 19th Street frontage property line on a 0.29 gross acre site currently zoned for single-family, duplex and bed and breakfast uses. A Planned Development Rezoning, File No. PDC86-046, was approved by City Council to allow the existing building to be used as a single-family residence, duplex, as well as a bed and breakfast. The current use of the property is as a single-family residence. The primary existing structure on the site is listed as City Landmark Site/Structure on the City's Historic Resources Inventory (John C. Morrill House, built circa 1887). The site includes several other smaller accessory structures.

The specific purpose of the rezoning request is to modify the development standards for accessory structures and the use allowance for such structure for "living purposes" (office use) on the General Development Plan to allow a new two story, 28-foot tall accessory structure to be constructed at the rear and corner side property line adjacent to the N.19th Street frontage. The new accessory structure is proposed to have a home office over a two-car garage. All other development regulations remain unchanged. The current Planned Development Zoning limits a new accessory structure to one story and requires a 20-foot driveway. The property is surrounded by single-family houses on lots that generally average about 6,000 square feet in size.

ANALYSIS

Since this rezoning request consists only of a relatively minor modification to the previous approved Planned Development Zoning, the analysis section of this report focuses on those elements of the project that are different from the approved zoning. The only change proposed with the subject rezoning request is to modify the development standards related to accessory structures.

Under the existing Planned Development Zoning, accessory structures for this area of the site are limited to 400 square feet, one-story in height, and must have a 20-foot setback from the street right-of-way. The applicant has proposed an approximately 1,500 square foot structure with a ground floor garage with a tall 14 foot interior ceiling (to accommodate an automobile lift system). An office, with an equivalent floor area to the aforementioned garage, with an 8 foot interior ceiling height would be proposed on the upper floor. Vehicle access to the garage would be from N. 19th Street. The structure is proposed to be set back approximately two (2) feet off the edge of the sidewalk with no driveway apron. The lack of driveway will create access problems for the garage that might result in vehicles blocking the sidewalk or street traffic while waiting for garage doors to open. In addition to the small corner side setback, the applicant is proposing that

the new two-story accessory structure be placed at the edge of the rear property line with no setback. This will abut the side property line of an adjacent house with a roughly 5-foot setback. While no windows are proposed on this side of the building, a 70 square foot second floor deck would be placed at the abutting residential property line offering no opportunity to mitigate privacy impacts to the adjacent house.

In areas with conventional single-family zoning designations, such as the surrounding area, all accessory structures are limited to one-story. Such structures with a sloped roof may be as tall as 16 to the top of the ridge. The size of such a structure is limited to 650 square feet, unless otherwise approved with a Special Use Permit. In past practice, the City has allowed accessory structures greater than 650 square feet, however maintained the one story limitation, for large lots where such structures can maintain larger setbacks, typically 10 feet or more, to minimize the visual impacts on adjoining properties.

With respect to the consideration of modifying the use allowance for this accessory structure, staff has consistently recommended denial of any Planned Development Zoning requests. This site already has a zoning that supports a variety of uses for the primary structure to support the historic preservation of the property. This structure has sufficient floor area to accommodate all the living needs of any residents and there is not the need to add additional living space in accessory structures to either provide for the needs of the residents or support the preservation of the historic structure.

Environmental Review

Under the provisions of Section 15303(e) of CEQA, this project is exempt from the environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

General Plan Conformance

The subject property has a land use designation of Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The existing use conforms to the General Plan land use density; however, the proposed accessory structure is not compatible with the surrounding land uses, and the existing single-family detached neighborhood.

Conclusion

The proposed accessory structure is significantly larger and taller than would be allowed under the current Planned Development Zoning and any of the conventional residential zoning districts and is proposed to be used in a manner contrary to the definition of an accessory structure in the City's zoning regulations. The proposed placement of such a tall structure at the edge of the rear and corner side property lines would have severe visual impacts on the adjacent single-family property and would be incompatible with the streetscape along N. 19th Street. Given the large size of the existing parcel as compared to the surrounding properties, staff had encouraged the applicant to modify and/or reduce the scale of the project to limit the height to one-story and provide larger setbacks from the street and adjacent property. Additionally, staff does not agree that there is a need to expand the living area for this site to accessory structures. Due to the applicant's unwillingness to modify his project, staff recommends denial of this application.

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, 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.

Although the project site is not within an SNI area, the applicant presented his proposal at a regular meeting of the Thirteenth Street NAC on March 17, 2011. The NAC indicated support of the proposal.

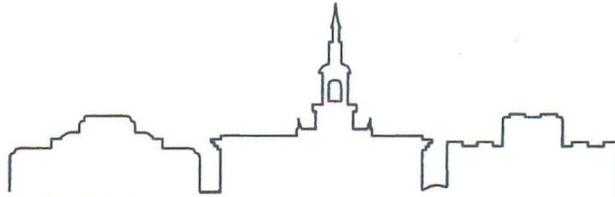
Project Manager: Lori Moniz

Approved by:



Date: 08-03-11

Owner/Applicant:	Attachments:
Eric Thacker Trustee, et al. 897 Jackson Street San José, CA 95112	Public Correspondence Reduced Plan Set



PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

March 29, 2011

Joe Horwedel
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street
San Jose CA 95113

RE: PDC10-027

Dear Joe:

Our Board has reviewed the above referenced rezoning and would like to make the following comments.

We believe a project such as that proposed by the homeowner can work on this site as long as it is historically sensitive to the existing structure. A project that is in line with the Secretary of the Interior's Standards should be compatible and protect the historic integrity of the property and its environment.

We believe the design of the new carriage house should reflect the original carriage house which is now a separate residence next door.

In closing, we believe a project can be constructed on this site that complements the existing home and maintains the historic characteristic of the site.

Thank you for the opportunity to comment on this rezoning application.

Sincerely,

Brian K. Grayson
Executive Director

c: Lori Moniz

Moniz, Lori

From: Eric Thacker [ethacker@yahoo.com]
Sent: Tuesday, March 29, 2011 11:29 AM
To: Moniz, Lori
Subject: FW: Eric Thacker Rezoning

Wanted to forward this in case it doesn't get through to you anytime soon. I removed the two attached letters since I already sent them to you over the weekend. You should be getting one more letter from Preservation Action Council.

Eric

--- On Tue, 3/29/11, Donald P. Gagliardi <DPG@robinsonwood.com> wrote:

From: Donald P. Gagliardi <DPG@robinsonwood.com>
 Subject: FW: Eric Thacker Rezoning
 To: "joe.horwedal@sanjoseca.gov" <joe.horwedal@sanjoseca.gov>
 Cc: "Bybee, Debbie" <debbie.bybee@sanjoseca.gov>, "cate@sonic.net" <cate@sonic.net>, "natfoxen@yahoo.com" <natfoxen@yahoo.com>, "Buzo, Fred" <fred.buzo@sanjoseca.gov>, "ethacker@yahoo.com" <ethacker@yahoo.com>
 Date: Tuesday, March 29, 2011, 11:22 AM

Joe:

On behalf of the board of the Thirteenth Street Neighborhood Advisory Committee (13th St. NAC), a 501c(3) non-profit representing four downtown area neighborhoods which is part of San Jose's Strong Neighborhoods Initiative, I am writing to support rezoning application PDC10-027 for the addition of a carriage house at the site of the John C. Morrill House, 897 Jackson St. within our Northside neighborhood.

Owner Eric Thacker presented the matter at our monthly meeting on March 17, 2011. After an extended discussion, we found the application had merit, would be in keeping with the property and the neighborhood and voted unanimously to support it conditioned on (1) the support of the immediate neighbors, which is reflected in the attached correspondence received through Mr. Thacker; and (2) Mr. Thacker returning to present his plans to us for a HP permit for construction following approval of the rezoning, which he has promised to do.

Accordingly, the Thirteenth Street Neighborhood Advisory Committee hereby supports rezoning application PDC10-027.

Regards,

Don Gagliardi

President, 13th St. NAC

408-836-9850 (cell)

895 Jackson Street
San Jose, CA 95112
March 27, 2011

Joe Horwedel
Director of Planning, Building, and Code Enforcement
City of San Jose City Hall, 3rd Floor
200 East Santa Clara Street
San Jose, CA 95113

Dear Mr. Horwedel:

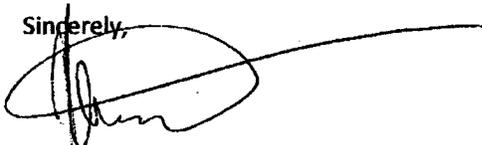
I live in the original carriage house for the John C. Morrill House located next door at 897 Jackson Street. The owner of that house, Eric Thacker, has shown me his application to the city to rezone the property to allow for the construction of a carriage house that reflects the design concepts in my house, thus maintaining a consistency of style and adding to the character of the neighborhood. I ask that you approve this application.

Mr. Thacker has spent a lot of time, energy, and money on restoring the property since moving in back in 2003. He has worked closely with The City to preserve the integrity of the historic landmark and even served on the Historic Landmarks Commission and Preservation Action Council. He has a very uncommon sensitivity to ensuring the historic character of the property. So he has built a high level of trust among his neighbors.

The rezoning requested will allow the construction of a 2-story carriage house with zero setback. In addition to the aesthetic benefits of having a set of decorative carriage house doors visible from 19th Street and flush with the existing fence, positioning the structure in this way will prevent out-of-sight loitering by some of the people who sometimes leave alcohol bottles and garbage along that parkstrip, making the area less of a draw for these people and avoiding the creation of another public nuisance.

I believe that this project will add to the character of the property and request your support for his efforts. Please feel free to contact me if you need me to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rigter", with a long horizontal flourish extending to the right.

John Rigter

615 N 19th Street
San Jose, CA 95112
March 19, 2011

Joe Horwedel
Director of Planning, Building, and Code Enforcement
City of San Jose City Hall, 3rd Floor
200 East Santa Clara Street
San Jose, CA 95113

Dear Mr. Horwedel:

I live adjacent to and behind the John C. Morrill House located at 897 Jackson Street. The owner of that house, Eric Thacker, has applied for new PD zoning for the property (PDC10-027) in order to construct a carriage house on the northeast corner of the lot. I have thoroughly reviewed the rezoning proposal that Mr. Thacker submitted and urge you to approve that application.

As the Housing Rehab Specialist for Santa Clara County, I have directly experienced how structures can add or detract from neighborhoods. The structure as proposed would be in keeping with the character of the property and the neighborhood, as it is modeled after the original carriage house for the property (now located at 895 Jackson Street). By having zero setback, it will prevent the creation of a "hidden" drive that attracts loitering (already a problem on the N 19th side of the property) and will provide an unimpeded view from the street of the structure and its carriage doors.

I hope you take my support for the rezoning into account when reviewing the proposal. Thank you for your attention in this matter.

Sincerely,



Carlos Sanchez

REVISION	

JOHN C MORRILL HOUSE

897 JACKSON STREET
SAN JOSE - CALIFORNIA

PROJECT INFORMATION

TOTAL SITE AREA 18,600 SF

PROPOSED USE : SINGLE FAMILY HOME, BED AND BREAKFAST
TWO STORY CARRIAGE HOUSE/ GARAGE WITHOUT DRIVEWAY

ALTERNATIVE USE : TWO FAMILY HOME

FOOTPRINT AREA : RESIDENCE - 2,079 SF
COTTAGE - 236 SF
SHED - 30 SF
CARRIAGE HOUSE - 735 SF

LANDSCAPED AREA : 15,520 SF (83%)

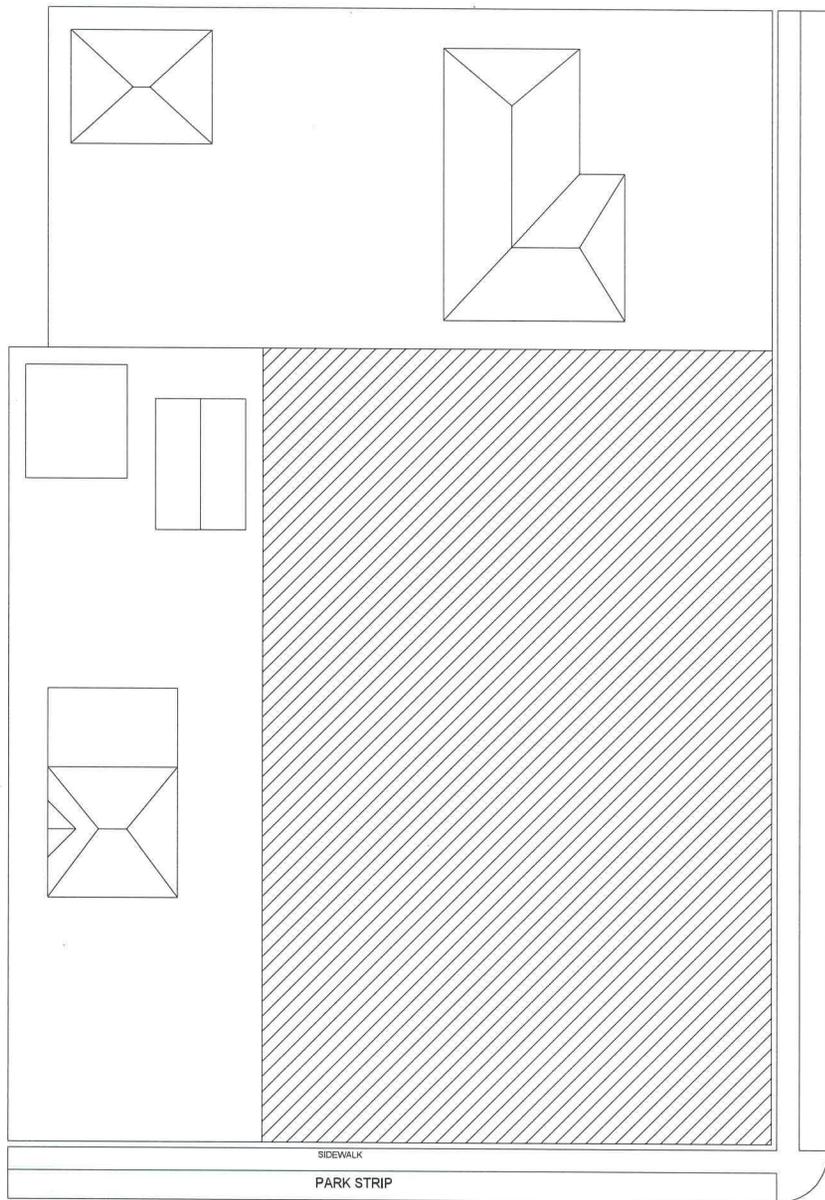
NUMBER OF PARKING SPACES - 3

START OF CONSTRUCTION : TBD

DRAWING INDEX

1. TITLE SHEET
2. LAND USE PLAN
3. CONCEPTUAL SITE PLAN
4. CONCEPTUAL ELEVATIONS
5. CONCEPTUAL LANDSCAPING PLAN

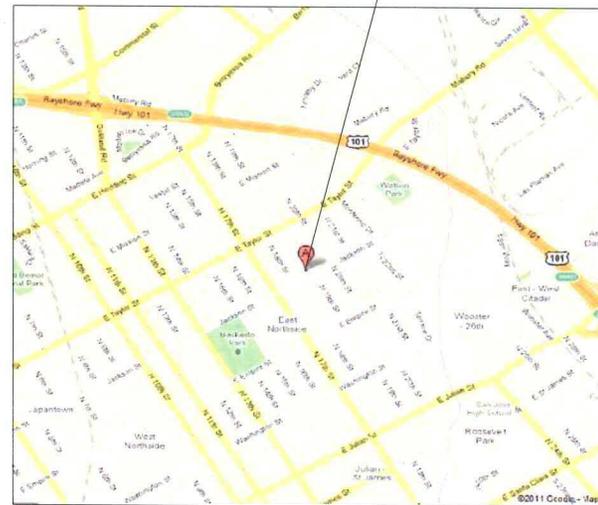
JOHN C MORRILL HOUSE	
SINGLE - FAMILY DEVELOPMENT	
897 JACKSON STREET SAN JOSE - CALIFORNIA	
DATE	
PROJECT NO	
SHEET TITLE	TITLE
SCALE	NO SCALE
SHEET NO	1



REVISION	

LOCATION MAP

PROJECT SITE



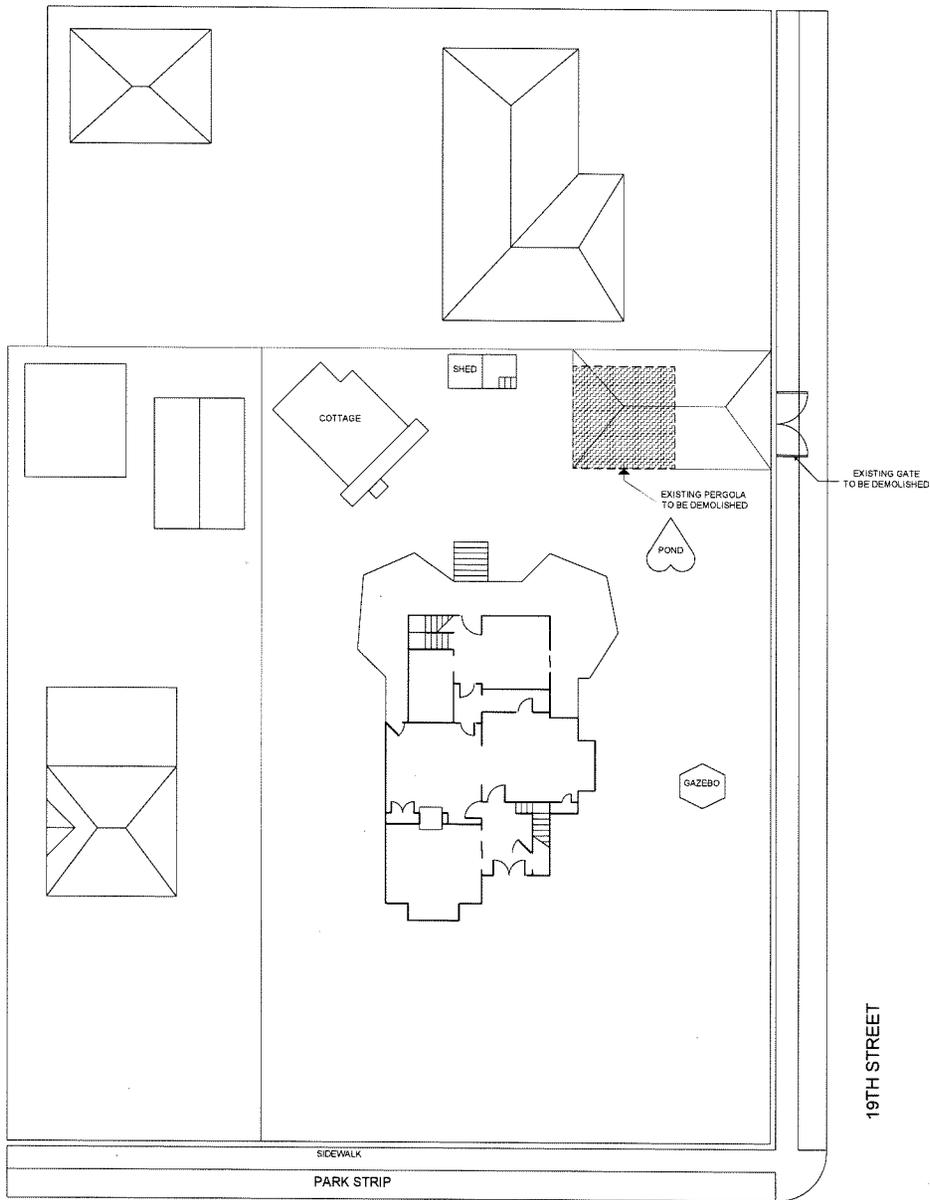
JOHN C MORRILL HOUSE
 SINGLE - FAMILY DEVELOPMENT
 897 JACKSON STREET
 SAN JOSE - CALIFORNIA

DATE	
PROJECT NO	
SHEET TITLE	LAND USE PLAN
SCALE	1" = 20'
SHEET NO	2

LAND USE PLAN

 SINGLE FAMILY RESIDENCE

REVISION	



SITE PLAN

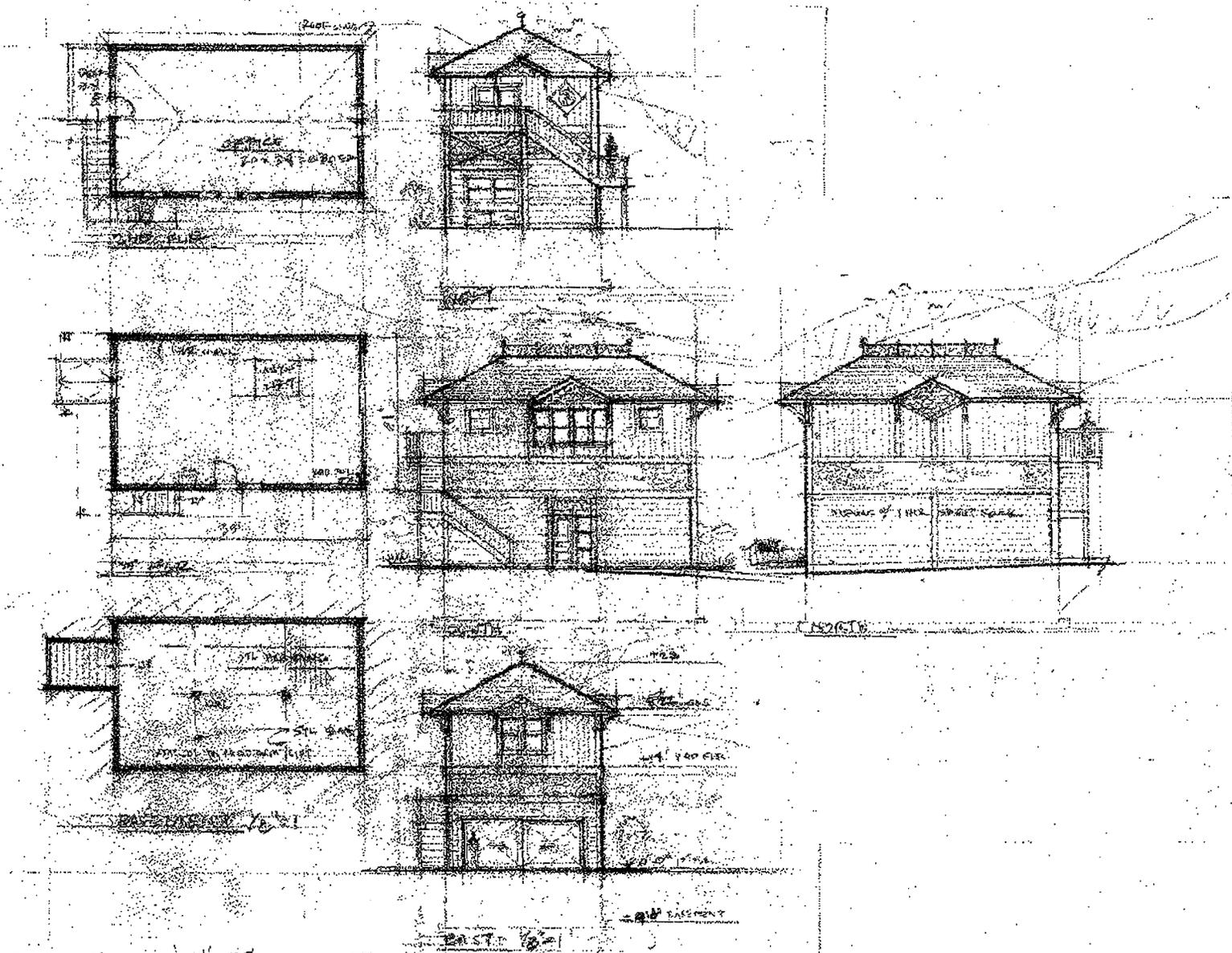
JACKSON STREET

JOHN C MORRILL HOUSE

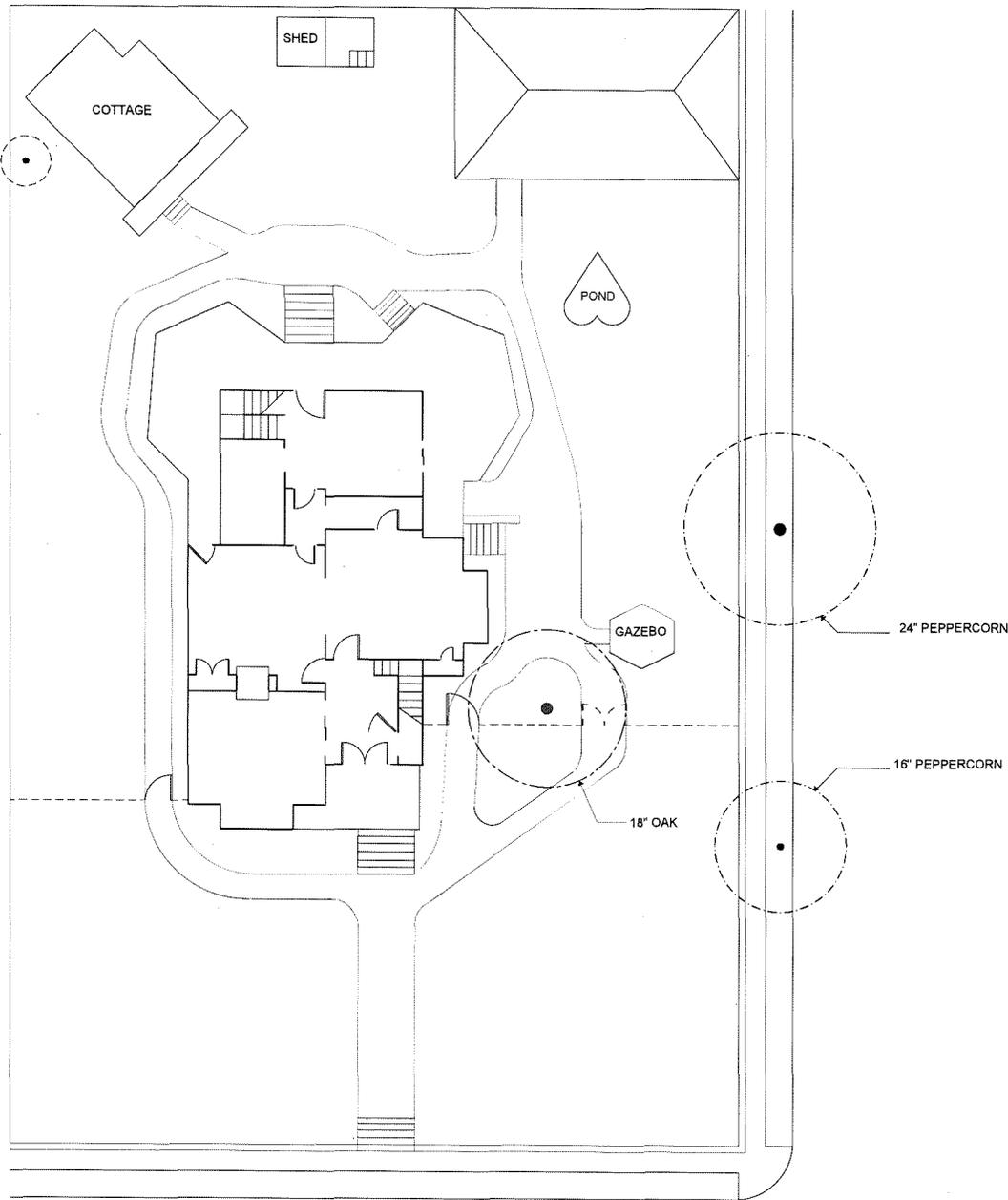
SINGLE - FAMILY DEVELOPMENT

897 JACKSON STREET
SAN JOSE - CALIFORNIA

DATE	
PROJECT NO.	
SHEET TITLE	CONCEPTUAL SITE PLAN
SCALE	1" = 20'
SHEET NO.	3



HICKER CARRIAGE HOUSE
891 E JACKSON ST. S.D.
10-19
E. J. HICKER, ARCHT. SAN JOSE, CALIF.



REVISION	

CONCEPTUAL LANDSCAPING PLAN

JOHN C MORRILL HOUSE
 SINGLE - FAMILY DEVELOPMENT
 897 JACKSON STREET
 SAN JOSE - CALIFORNIA

DATE _____

PROJECT NO _____

SHEET TITLE CONCEPTUAL LANDSCAPING PLAN

SCALE 1" = 50'

SHEET NO 5