



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: July 1, 2011

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: FILE NO. PDC10-025, A PLANNED DEVELOPMENT ZONING FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW FOR THE DEVELOPMENT OF UP TO 96 SINGLE-FAMILY ATTACHED RESIDENCES ON A 4.30 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 4-3-0 (Commissioners Jensen, Cahan, and Kamkar opposed) to recommend that the Council approve the Planned Development Zoning as requested by the applicant.

OUTCOME

Should the Council approve the Planned Development Zoning as recommended by the Planning Commission, the applicant would be able to move forward with a subsequent Planned Development Permit and building permits to allow for the construction of a 96 single-family attached residences on the subject site with three-story building setbacks from single-family rear yards of 22 feet for first-story and second-story building elements and 28 feet for three story building elements; and a third-story setback of 22 feet for buildings adjacent to Havenwood Drive.

BACKGROUND

On June 22, 2011, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended a conditional approval of the proposed Planned Development Rezoning.

Staff provided introductory comments as to the recommend conditional approval stating that as discussed in the staff report, the subject Planned Development Rezoning is inconsistent with the intent of the Residential Design Guidelines with respect only to the proposed setbacks adjacent to its most sensitive interface, the existing single-family detached residences. Staff does not support the request for reduced setbacks at the northern and eastern property lines given the proposed three-story building height and their relationship to existing single-family houses;

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therefore, a conditional approval is being recommended. Specifically for the building setback from Havenwood Drive, which should be 25 feet for three-story buildings and for the building setback from the northern property line, which should be 33 feet for three-story buildings.

Erik Schoennauer, representing the applicant, Trumark Companies, then spoke on the item. He stated that the project would eliminate a source of blight for the neighborhood and would complete the construction of Havenwood Drive that is currently constructed as a half street along the project frontage. The site is located between two light rail stations; therefore the project, as designed, maximizes the number of units allowed under the density of the General Plan land use designation, and with staff's recommendation the project would lose units. He requested the use of an average setback on Havenwood Drive and at the northern property line for flexibility, and to further rear yard privacy for the existing single-family residence at the northern property line, the applicant offered to keep the existing shrubs that provide immediate landscape screening and to heavily landscape at this property line.

The Commission then closed the public hearing and discussed the item. The Commission primarily discussed what an appropriate third story setback should be and the allowance of tandem parking.

Staff explained that an average setback would not achieve a quality community, especially as the City approves more density adjacent to, and within, single-family neighborhoods. Infill projects should provide a transition to single-family residences to respect that sensitive interface. Other similar projects recently developed and/or on file have been able to accomplish a more sensitive setback including a third story setback greater than that of the first and second story and greater than what the applicant proposes.

A motion was made to recommend that the Council approve the Planned Development Zoning as proposed by the applicant (per the handout provided to Commissioner Bit-Badal that was read into the record and later provided to staff, and is attached to this memorandum) and to add more trees/landscaping at the northern property line to provide a further buffer to the existing single-family residences, as represented by the applicant. A friendly amendment was added to reflect the applicant's initial presentation to the Commission to eliminate balconies adjacent to the single-family rear yards at the northern property line.

Chair Jensen explained that staff's recommendation is better as it is respectful to the community and the existing neighborhood. In past projects the Commission has dealt with this issue of reduced setbacks and average setbacks and the projects never turn out as nicely as represented in the pictures shown to the Commission. Commissioner Cahan could not support the motion as the setbacks along Havenwood Drive were not respectful of the existing single-family detached residences across the street.

The Planning Commission then voted 4-3-0 (Commissioner's Jensen, Cahan, and Kamkar opposed) to recommend to the Council approval of the Mitigated Negative Declaration and the Planned Development Rezoning as requested by the applicant.

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ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the staff report to the Planning Commission (see attached).

EVALUATION AND FOLLOW-UP

If the Planned Development Rezoning is approved, the applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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 1,000 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.

On March 2, 2011, a community meeting was held for the subject rezoning at the Berryessa Community Center, at which approximately 12 community members were in attendance.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

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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.

CEQA

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the Planned Development Rezoning (File No. PDC10-025). The documents were circulated for public review between June 1 through June 20, 2011. The Planning Commission found that the project was in conformance with the California Environmental Quality Act (CEQA)

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

Attachment: Staff Report

For questions please contact Lesley Xavier, Project Manager, at 408-535-7852