COUNCIL AGENDA: 08-23-11
ITEM: 11.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: **SEE BELOW**

DATE: August 16, 2011

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUPPLEMENTAL

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.

REASON FOR SUPPLEMENTAL

The purpose of this Supplemental Memo is to clarify the motion made by the Planning Commission in regards to the above mentioned project at their public hearing on June 22, 2011.

A transmittal memo dated July 1, 2011 sent to the City Council from the Planning Commission detailed the Planning Commission's recommendation for the proposed Planned Development Rezoning. Attached to the memo were the Development Standards for the project as recommend by the Planning Commission, which contained three errors.

In consultation with the applicant and re-listening to the Planning Commission Hearing itself, it was determined that the Planning Commission recommended Development Standards were to be as presented by the applicant with no modifications, except one friendly amendment that balconies should not be placed adjacent to the existing single-family residence rear yards located along the northern property line. In revising the Development Standards an average setback was deleted that should not have been and the words "rear yard" were not added to the recommended balcony location requirement. Also, due to the friendly amendment, language should have been eliminated from the Minor Architectural Projections standard for consistency with the recommend setback exceptions.

Attached to this memo are the revised Development Standards with the errors in strike-out and underline form. To review, the following are the three errors:

1. Three-Story Building(s) – ~~22 feet (average)*~~ 15 feet to 22 feet (average)* (*Building to Easterly Property Line (Havenwood Drive*))
2. No balconies shall be placed adjacent to the existing single-family residences rear yards located along the northern property line.
3. Minor architectural projections such as, fireplaces, bay windows and porches, may project into any setback or building separation. ~~by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.~~

ANALYSIS

As presented in the staff report, Planning Staff does not support the request for reduced setbacks at the northern and eastern property lines given the proposed three-story building height and relationship to existing single-family houses. In neighborhoods where redevelopment of adjacent single-family properties to a more intensive use is reasonably foreseeable, based on the adjacent General Plan designations, the City has been slightly more lenient with respect to imposing the 2:1 setback recommendation for three-story structures.

Havenwood Drive Setback (Eastern Property Line)

The proposed 15-22 foot average setback at the easterly property line (Havenwood Drive) is particularly problematic as the "average" is difficult to determine and does not provide a very clear expectation as to the actual setback. In this case using an average setback of 15 feet would look quite different than an average of 22 feet as there is no minimum setback defined.

Northern Property Line Setback (Shared Property Line with Single-Family Residences)

The Residential Design Guidelines give careful consideration with respect to recommend building setbacks when transitioning from between two different types of development. Significantly reduced setbacks have been approved by the City Council in the past and while in some instances reduced setbacks are appropriate, such as when there is reasonable protection of the privacy of existing houses with dense and or tall landscaping for instance, in this case it is not.

As a result of the Planning Commission hearing, the project is now proposing a 28 foot third-story building setback to adjacent single-family residences at the northern property line. Previously the project proposed an 18-20 foot average setback from the northern property line. While the change is in the right direction, the third-story setback of 28 feet is still inadequate. Again the Guidelines recommend a 2:1 setback, which for a three-story building should be 64 feet. Given that the City has been slightly more lenient with respect to imposing the 2:1 setback, and based on past practices, staff continues to recommend a 33 foot third story setback adjacent to single-family rear yards. To further the point, below are some examples of projects where a

significantly reduced setback was approved and turned out to be quite imposing on the adjacent existing single-family residences.

This 3-story townhome project is located at the northwest corner of King and Mabury Roads and has a setback of 12 feet to property line (soundwall) and 22 feet between the single-family detached residence and the townhome (building to building).

This 3-story townhome project is located at the southeast corner of Willow Street and Delmas Avenue and has a setback of 30 feet to property line. There is a distance of 40 feet between the single-family detached residence and the townhome (building to building).

/s/
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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