



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** August 17, 2018

**COUNCIL DISTRICT: 3**

**SUBJECT: PDC17-005 & PD17-003: PLANNED DEVELOPMENT REZONING FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND PLANNED DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF UP TO THREE ATTACHED RESIDENTIAL UNITS ON A 0.2-GROSS ACRE SITE (895 SOUTH SECOND STREET).**

## **RECOMMENDATION**

The Planning Commission voted 5-0-2 (Commissioners Vora and Griswold absent) to recommend that the City Council:

1. Consider the Exemption in accordance with CEQA.
2. Adopt an Ordinance rezoning certain real property located on the northwest corner of South Second Street and Martha Street (895 South Second Street) from the CN Commercial Neighborhood Zoning District to the R-M(PD) Planned Development Zoning District on an approximately 0.2-gross acre site.
3. Adopt a resolution approving a Planned Development Permit to allow the construction of up to three single-family attached residences on a 0.2-gross acre site.

## **OUTCOME**

If the City Council approves the ordinance adopting the proposed Planned Development Rezoning and the resolution approving the Planned Development Permit, the applicant will be able to implement the zoning and apply for a building permit to construct up to three attached single-family residences on the 0.2-gross acre site located at 895 South Second Street.

## **BACKGROUND**

On July 25, 2018, the Planning Commission held a Public Hearing to consider the proposed Rezoning.

The item was agendaized on the consent calendar, but was pulled by Commissioner Yesney for public hearing to discuss the style and color palette of the proposed project. During the oral presentation, staff summarized how the proposed project is consistent with the General Plan Land Use/Transportation Diagram designation of Mixed Use Neighborhood in terms of density and housing types. A Planned Development Zoning was requested since the project will not be able to meet the minimum lot size and rear setbacks of a conventional zoning district, while still conforming with the General Plan. Staff added that the three units would be compatible in scale, design and height to the adjacent homes and that the site was located in the Victorian Neighborhood sub-area of the Martha Gardens Specific Plan area. Additionally, a new permit condition was added to have three separate wall and trim colors for the three units. A new color board was also provided to the Commission.

The project architect, David Wong, provided an overview of how the project was carefully designed with consideration of the City's Residential Design Guidelines, as well as compatibility with adjacent homes. He added that he was willing to work with staff for color selection and provide alternatives.

### Public Testimony

Public testimony included one member of the public who spoke in support of the project. This local business owner also expressed concern about existing traffic safety at the intersection of South Second Street and Martha Street. Staff has referred these concerns to the Department of Transportation as the issue is an existing condition that would not be exacerbated by this three-unit project.

### Staff and Planning Commission Discussion

Commissioner Yesney stated her support for the project's architectural style and design, however, shared that the colors were bland and monochromatic, and not true to Victorian color palettes. She suggested that the colors should be more vibrant and varied to distinctly break up the building form and mass into three separate units.

Staff indicated that they will work with the applicant in selection of true Victorian colors and add a colors and materials condition to the Resolution. Subsequently, this change has been made and is reflected in Condition No.18 of the attached resolution.

Commissioner Leyba asked staff to clarify how the project was consistent with the General Plan Land Use/Transportation Diagram Goal LU-8, which states that employment lands should be maintained in areas that are designated for mixed industrial and compatible commercial uses, and non-employment uses should be prohibited.

Staff stated that the Mixed Use Neighborhood designation emphasizes residential uses at higher densities. Commercial uses may be allowed under the current zoning district, but would not be compatible with the adjacent residential uses. The Senior Deputy City Attorney added that the proposed rezoning will bring the site into conformance with the City's current 2040 General Plan designation.

Commissioner Ballard inquired about the compatibility of the proposed garages at the front of the houses with the existing neighborhood pattern.

Staff commented that at least one of the garages will be accessed by an alley at the rear. Additionally, the narrow shape and size of the subject site with street frontage along Martha Street would not support detached garages.

Commissioner Marquez suggested a more holistic approach to the design of the site and questioned how the project would promote walkability and pedestrian safety as envisioned by the Spartan Keyes Strong Neighborhood Initiative Plan.

Department of Public Works staff stated that the Martha Gardens area had not been reviewed recently for pedestrian safety and traffic improvements. All new projects generally require public street improvements and upgrades required by the Americans with Disabilities Act (ADA). City staff will monitor the area for future modifications and improvements.

Commissioner Yesney made a motion, seconded by Commissioner Leyba, to recommend approval of the project, with an added condition to require the use of Victorian colors (See Condition No. 18 of the attached resolution). During the discussion, Commissioner Ballard reiterated that she was disappointed in the design because of the front orientation of the garage toward the public street. Commissioner Yesney agreed stating that the City's Residential Design Guidelines discourage the prominence of garages on front elevations, but she liked the project's density and the design was very creative with no flat roofs.

Commissioner Allen shared similar concerns about the garages, but said it was a trade-off as the project advances the City's General Plan goals and policies. The project was approved (5-0-2, Commissioners Vora and Griswold absent).

## **ANALYSIS**

A complete analysis of this project, including Envision San José 2040 General Plan conformance, is contained in the attached Planning Commission staff report. The materials and color board presented at the public hearing was not approved by the Commission. The applicant has provided revised elevation sheets and a new materials and color board (see Attachment 3).

### **EVALUATION AND FOLLOW-UP**

If the City Council approves the Planned Development Rezoning and Planned Development Permit, the developer would need to apply for a Building Permit for construction of the proposed residential development.

### **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings for the project were mailed to the owners and tenants of all properties located within 500 feet of the project site. An electronic version of this memorandum has been available online, accessible from the City Council Agenda for the August 28, 2018 hearing. Staff has been available to discuss the proposal with members of the public.

### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

### **CEQA**

Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended (CEQA). The Section 15303(a) (New Construction or Conversion of Small Structures) exemption applies to one single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, this exemption applies to construction of up to three single-family residences. The proposed project is for three attached single-family residences, and therefore, fits within the bounds of this exemption.

/s/  
Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Interim Planning Official, Sylvia Do, at (408) 535-7907.

Attachment 1: Planning Commission Staff Report with plan set

Attachment 2: Revised Resolution with a new permit condition No. 18 regarding colors and materials

Attachment 3: Revised Elevation Sheets (A7 and A8) with new Materials and Color Board