

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** August 12, 2020

**COUNCIL DISTRICT:** 6

**SUBJECT: FILE NO. PDC18-041 & PD18-047: A PLANNED DEVELOPMENT REZONING FROM THE “R-1-8” SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE “R-M” MULTIPLE RESIDENCE (PD) PLANNED DEVELOPMENT ZONING DISTRICT AND PLANNED DEVELOPMENT PERMIT FOR THE PARTIAL DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND THE REMOVAL OF THREE ORDINANCE-SIZE TREES FOR THE CONSTRUCTION OF FOUR MULTI-FAMILY UNITS ON AN APPROXIMATELY 0.28-GROSS ACRE SITE ON THE SOUTH SIDE OF BRACE AVENUE, APPROXIMATELY 280 FEET EASTERLY OF NEWPORT AVENUE (1168 BRACE AVENUE).**

## **RECOMMENDATION**

The Planning Commission unanimously voted 7-0 to recommend that the City Council take all of the following actions:

1. Consider an exemption in accordance with CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures;
2. Approve an ordinance of the City of San José rezoning certain real property located at the south side of Brace Avenue approximately 280 feet easterly of Newport Avenue (1168 Brace Avenue) from the R-1-8 Single-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to four single-family attached residences on an approximately 0.28-gross acre site; and
3. Adopt a resolution approving, subject to conditions, the partial demolition of an existing single-family residence and the removal of three ordinance-size trees for the construction of four multi-family units on an approximately 0.28-gross acre site.

## **OUTCOME**

Should the City Council approve the Planning Commission's recommendation as outlined above, the R-M (PD) Planned Development Zoning and General Development Standards would apply to the site.

Should the City Council deny the proposed project as outlined above, the existing R-1-8 Single-Family Residence Zoning District development standards would apply to the site and the Planned Development Permit would not be approved.

## **BACKGROUND**

On July 22, 2020, the Planning Commission held a Public Hearing to consider the exemption in accordance with CEQA, the approval of the Planned Development Rezoning ordinance, and the adoption of the Planned Development Permit.

### *Staff Presentation*

Staff provided an overview of the proposed project and its conformance to the General Plan designation, City Council policies, and the San José Municipal Code. Staff provided a summary of project details.

### *Applicant Presentation*

The applicant's representative (architect) gave a brief presentation of the proposed project, indicating that the project would allow four units and the project's density would be less than the prevailing density of the surrounding neighborhood. The representative shared that the existing building was built in 1908 and is not on the City's Historic Resource Inventory. However, a historic survey determined that the single-family residence should be preserved. The design of the project would preserve the existing Craftsman-style residence while allowing the additional units to be built.

Chair Caballero asked how the project's density was determined. The applicant shared that the allowable height and comparable scale for the neighborhood determined the number of units proposed.

### *Public Hearing*

One member of the public spoke on the proposed project. She stated her concerns with removing existing trees, as they buffer noise; provide safety, security and privacy; and are aesthetically pleasing.

The applicant responded that the project's design includes open space at the rear of project site that is well-lit and serves as fire access for the project. The project will keep the existing trees in the rear and plant three 24-inch box trees to provide shading and privacy screening.

*Planning Commission Discussion and Staff Response*

Commissioner Oliverio asked if there were any exceptions proposed for the rear setback. Staff confirmed that there were not any exceptions proposed for the rear setback. Commissioner Oliverio also stated that across the street there is a development that was built 20 years ago with townhomes, apartments adjacent to the site, and existing townhomes to the rear of the site. He shared that the project fits within the cap of allowed density and made a motion (Commissioner Casey seconded) to recommend the approval of the project to the City Council. Commissioner Garcia asked for clarification of the resolution for the removal of three trees and construction of a four-unit single-family building. Staff responded that the project includes the removal of three ordinance-size trees and a total of four attached units, including the existing single-family residence which would be relocated to accommodate the three new residential units.

*Motion and Closing Comments*

Chair Caballero called on the Planning Commission for a motion. Commissioner Oliverio made a motion to approve the staff recommendation; Commissioner Casey seconded the motion. The Planning Commission voted unanimously (7-0) to recommend approval of the project to the City Council.

**ANALYSIS**

Analysis of the CEQA determination for the proposed Rezoning and Planned Development Permit, including project conformance with the General Plan, City Council policies, and the City Zoning Code are contained in the attached Planning Commission staff report.

**CONCLUSION**

The Planning Commission's motion to recommend that the City Council consider the exemption in accordance with CEQA, approve the Rezoning ordinance, and adopt the Planned Development Permit for the proposed project passed unanimously (7-0).

**EVALUATION AND FOLLOW-UP**

Should the City Council approve the Planning Commission's recommendation as outlined above, the R-M (PD) Planned Development Zoning and development standards would apply to the site and the Planned Development Permit would be approved.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José energy and water goals. The project is increasing the residential density of the site.

## **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the project. 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's website. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

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

## **CEQA**

Under the provisions of Section 15303 for New Construction of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San Jose Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- (b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

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This project involves the addition of three attached residential units to the rear of an existing single-family residence. The project occurs in an urbanized area. The site is served by public services such as water, sewer and trash, and is not in an environmentally sensitive area. Based on the Santa Clara Valley Habitat Agency, the subject site is in an Urban-Suburban land cover area. Additionally, the proposed project is consistent with the General Plan land use designation in that the project meets the intention of the land use designation and is within the allowable density. Therefore, a CEQA exemption can be issued under Section 15303(b) for Existing Facilities.

/s/

Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Robert Manford, Deputy Director, Planning Division at [robert.manford@sanjoseca.gov](mailto:robert.manford@sanjoseca.gov).

Attachments: [Planning Commission Staff Report and associated attachments.](#)