

# GENERAL PLAN AND PLANNED DEVELOPMENT ZONING STAFF REPORT

Hearing Date/Agenda Number P.C. 08/11/04	Item:
File Number GP03-03-17 / PDC03-094	
Application Type General Plan Amendment and Planned Development Zoning	
Council 3	SNI University
Planning Area Central	
Assessor's Parcel Number(s) 472-21-034, -037, -040, -041, -083, -084, -099, -102; 472-22-060, -061, -062	

**PROJECT DESCRIPTION** Completed by: Lee Butler / Dionne Early

Location: Southeast corner of South 12th Street and Orvis Avenue (San Jose Christian College site)

Gross Acreage: 8.6                      Net Acreage: 5.3                      Net Density: 10.4 DU/AC

Existing Zoning: R-1-8 Residence & CP                      Existing Uses: San Jose Christian College & Single-family detached residential  
 Commercial Pedestrian

Proposed Zoning: A(PD) Planned                      Proposed Use: Single-family detached residential  
 Development

**GENERAL PLAN** Completed by: Dionne Early

Existing Land Use/Transportation Diagram Designations  
 Medium Low Density (8 DU/AC), Medium High Density (12-25 DU/AC), and for zoning analysis only, Medium Density (8-16 DU/AC), and Public Park/Open Space.

Project Conformance:  
 Yes     No  
 See Analysis and Recommendations

**SURROUNDING LAND USES AND ZONING** Completed by: FLB

North: Single-family Detached Residential                      R-1-8 Residence

East: Coyote Creek & Existing Baseball Field                      R-1-8 Residence

South: 280 Highway / Coyote Creek                      R-1-8 Residence

West: Single-family Detached & Multi-family Attached Residential                      R-1-8 Residence & R-M Residence

**ENVIRONMENTAL STATUS** Completed by: FLB/DEE

Environmental Impact Report found complete                       Exempt  
 Mitigated Negative Declaration circulated on July 13, 2004                       Environmental Review Incomplete  
 Negative Declaration adopted on

**FILE HISTORY** Completed by: FLB/DEE

Annexation Title: Original City                      Date: 3/27/1850

**PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION**

Recommend Approval                      Date \_\_\_\_\_                      Approved by: \_\_\_\_\_  
 Recommend Approval with Conditions (Planned Development zoning only)  
 Recommend Denial (General Plan amendment only)

CURRENT OWNER	DEVELOPER / FUTURE OWNER	ARCHITECT
San Jose Christian College 790 South 12 <sup>th</sup> Street San Jose, CA 95112	KB Home South Bay, Inc, Steve Bull 6700 Koll Center Pkwy, Ste 200 Pleasanton, CA 94566	Strauss Design, Ralph Strauss 1240 Central Blvd., Suite B Brentwood, CA 94513

## PUBLIC AGENCY COMMENTS RECEIVED

Completed by: **FLB**

Public Works; Parks, Recreation, and Neighborhood Services; Urban Runoff Coordinator; Environmental Services Department; Police Department; and Fire Department, and the Santa Clara Valley Water District

Other Departments and Agencies

Historic Landmarks Commission

## GENERAL CORRESPONDENCE

Letters from the University Neighborhood Coalition, Campus Community Association, and San Jose Christian College. Additional letters from David J. Pierce, Steve Ferrari, and Paul Goeltz.

## ANALYSIS AND RECOMMENDATIONS

**BACKGROUND**

This staff report covers two pending applications with the City of San Jose including a General Plan Amendment and a Planned Development Rezoning. The overall area involved with one or both of the pending applications consists of 8.6 gross acres at the southeast corner of South 12<sup>th</sup> Street and Orvis Avenue and three properties located on the north side of East Virginia Street between South 11<sup>th</sup> Street and South 12<sup>th</sup> Street. The subject properties are currently zoned R-1-8, Single-family Residential zoning district, with the exception of one property fronting on South 11<sup>th</sup> Street, which is zoned CP Commercial Pedestrian zoning district. The subject properties currently have General Plan Land Use/Transportation Diagram designations of Medium Low Density Residential (8 DU/AC), Medium Density Residential (8-16 DU/AC), Medium High Density Residential (12-25 DU/AC) and Public Park/Open Space.

The proposed General Plan amendment (file No. GP03-03-017) seeks to change the land use designation on 5.0 acres located at the southeast corner of South 12<sup>th</sup> Street and Orvis Avenue from Medium Low Density Residential (8 DU/AC) and Medium High Density Residential (12-25 DU/AC) to Medium Density Residential (8-16 DU/AC). The eastern 3.22 acre portion of the site which has a General Plan Land Use/Transportation Diagram designation of Public Park/Open Space is not proposed for any change. The proposed Planned Development Rezoning would rezone the entire 8.6 gross acre property to A(PD) Planned Development to allow up to 55 single-family detached residential units.

***Site and Surroundings***

The site is currently owned by San Jose Christian College. Various residential, classroom, and gymnasium structures currently occupy the site. Among the existing buildings are 14 single-family residential structures that the College has used for offices, classrooms, and other residential uses. The western portion of the site is relatively flat; however, there is an approximately 15-foot abrupt grade change running southwest to northeast

along the eastern portion of the site. The area to the east of this grade change is in the Coyote Creek floodplain. The Santa Clara Valley Water District has an access and maintenance easement over the eastern portion of the site. Existing single-family detached and multi-family attached residential uses surround the site to the north and west. Coyote Creek runs to the east and south of the site, and Highway 280 runs east to west directly to the south of the project area at an elevated level of approximately 30 feet.

### ***General Plan Amendment Project Description***

General Plan Amendment No. GP03-03-17 is a privately initiated request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) on 1.0 acre and Medium High Density Residential (12-25 DU/AC) on approximately 4 acres to Medium Density Residential (8-16 DU/AC) on an approximately 5-acre site. The amendment site is bounded by Orvis Avenue on the north, Highway 280 on the south, South 12<sup>th</sup> Street on the west, and Coyote Creek on the east and south. Staff is recommending no change to the General Plan. The existing density is consistent with Urban Conservation/ Preservation and Housing Major Strategies, provides greater ability to comply with General Plan riparian corridor policies, and, by maintaining greater housing capacity, reduces pressure to convert employment lands to residential uses. Additional discussion regarding the proposed General Plan amendment is included in the General Plan Conformance section of this report.

### ***Planned Development Zoning Project Description***

The proposed Planned Development Rezoning (PDC03-094) includes demolition of the majority of the structures associated with the College; however, nine of the 14 existing single-family homes would be preserved, as shown on sheet C-3 of the plan set. As proposed, seven of the homes would remain in their current location, and two of the homes would be relocated to the south side of Orvis Avenue, east of South 12<sup>th</sup> Street. Home preservation and demolition issues are discussed in more detail below in the “Analysis” section under the “Historic Resources.”

Beyond the approximately 15-foot grade change to the east, the proposed project would dedicate 3.22 acres of the floodplain area to the Department of Parks, Recreation, and Neighborhood Services (PRNS). The applicant is proposing to use the areas within the floodplain and outside of the 100-foot riparian setback as a public park. PRNS has indicated that this is an inappropriate site for a public park. More information regarding this issue is found below within the “Environmental Review” and “Analysis” sections.

The proposed residential structures are specified as single-family detached units, and technically they meet that definition. However, they are referred to as “detached garden townhouses” based on the rear-loading garages, pedestrian paseos, and minimal private open space. The proposed design is a hybrid between single-family detached and garden townhouse units. Rear loaded garages along private driveways would provide vehicular access, and front pathways would provide pedestrian connections between the interior units. Private open space for each unit would be in a single side-yard area, and no rear yards would be provided.

The applicant has worked with staff and the neighborhood to markedly improve the proposed elevations. Each proposed residence is two stories with a rear-loaded two-car garage. Front porches are present on each proposed elevation, and each residence would have an active and a passive side. The active side would face the subject residence’s private open space area, and the passive side would face the neighboring property’s private open space area. At the Planned Development Permit stage, the applicant will need to improve the passive side elevations for those residences whose passive side faces a street or driveway, such as residence numbers 10, 17, 24, 30, and 40 through 44. Further articulation of the visible portions of the passive sides of the residences should be accomplished through the extension of rooflines, the addition of windows, or the creation of plane

changes by adding pop-outs. Hip and gable roofs are proposed with composition shingle roofing. Lap siding and stucco are proposed, and accents such as board and batten and shingle siding would be incorporated. The proposed architecture is generally compatible with the surrounding neighborhood.

The project site is located within the University Strong Neighborhood Initiative Redevelopment Area. Therefore, a new residential project would be required to adhere to the City's Inclusionary Housing Policy by providing up to 20% of the units at affordable housing costs to low or moderate income households. Specifics of the agreement will be addressed at the Planned Development permit stage.

## **ENVIRONMENTAL REVIEW**

Planning staff prepared an Initial Study to address the proposed project's effects on the environment. The Director of Planning, Building, and Code Enforcement circulated a Mitigated Negative Declaration (MND) on July 13, 2004. The public review period ends on August 11, 2004. The major issues addressed in the MND include aesthetics, air quality, cultural resources, biological resources, geology and soils, hazardous materials, hydrology, water quality, and noise. Key environmental issues are summarized below:

### ***Cultural Resources***

Based on technical reports prepared by Archives & Architecture Heritage Resource Partners (*Historical & Architectural Evaluation: San Jose Christian College & Vicinity Residential & Related Properties*, prepared October 10, 2003, revised June 16, 2004), none of the existing structures on the subject site were found to be eligible for City Landmarks designation, the California Register of Historic Resources, or the National Register of Historic Places. Therefore, demolition of any structures on the site would not constitute a significant impact under CEQA, and no mitigation is required. Further discussion of historic resources is found below in the "Analysis" section.

### ***Biological Resources***

Protected special status species of raptors and fish have the potential to inhabit the subject site and adjacent riparian habitat. Mitigation measures would be incorporated into the project to ensure that special status species would not be negatively affected by the proposal. Mitigation measures that address potential impacts include, but are not limited to, the following: (1) pre-construction surveys to locate sensitive species; (2) riparian plantings of native species to expand the current riparian habitat; (3) minimization of light intrusion from the project into the riparian areas; and (4) installation of fencing and signs to discourage human trespass into the riparian areas. Standard tree replacement measures are also incorporated into the Mitigated Negative Declaration. The California Department of Fish and Game had no comments on the Initial Study and MND.

### ***Riparian Corridor Policy Analysis***

The Riparian Corridor Policy Study allows exceptions to the 100-foot riparian setback under certain circumstances when a project meets specific criteria including:

- ? Locations in or near downtown San Jose;
- ? Sites which are being redeveloped with uses that are similar to the existing use or more compatible with the riparian corridor than the existing use and the intensity of the new development will have significantly less impact on the corridor than the existing development; and
- ? Instances where implementation of the project includes measures that can protect and enhance the

riparian value of the corridor more than could a 100-foot setback.

The project meets the criteria above, and Olberding Environmental, Inc. (*Biological Resources Section For The Christian College Development Project*, prepared June 15, 2004), a biological consultant, has stated and confirmed in the analysis that the appropriate conditions are present to consider a reduced setback.

An approximately 15-foot grade differential exists at the site between the developable area to the west and the riparian area to the east. This grade differential sets up a physical barrier that essentially delineates the outer edge of the riparian habitat. Appropriate native species planting would expand the riparian habitat to the lower edge of this grade differential, and no development would occur at the lower elevation. On the lower, eastern side of the grade change, the 100-foot riparian setback buffer would be respected. In this area, approximately 1.5 acres of riparian vegetation planting (bordered by the existing edge of the riparian vegetation, the 15-foot grade change, and the 100-foot riparian setback) would protect and enhance the riparian value of the corridor. Use of the exception to the 100-foot riparian setback buffer also aids in the development of a site plan that allows better vehicular circulation and preserves the oak tree noted as the most important tree on the site in the attached arborist report.

### ***Hydrology & Water Quality***

Best Management Practices would be implemented with the construction to prevent erosion and control dust, thereby preventing an alteration of receiving water quality during or following construction. If the proposal is approved, prior to the commencement of any clearing, grading, or excavation, the project would comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, including the development, maintenance, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the filing of a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). Should the rezoning be approved, staff will review the proposal at the Planned Development Permit stage to ensure that pervious materials will be used for all pedestrian pathways and that downspouts from the residences will connect to pop-up emitters within landscaped areas.

### ***Noise***

Due to existing exterior noise levels, sound attenuation techniques would be incorporated into the construction of the project, generally consisting of sound-rated windows, to mitigate indoor noise levels to DNL 45 dB or lower. A noise report verifying this mitigation measure shall be prepared by a qualified noise consultant, and shall be submitted to, and approved by the Planning Divisions' Environmental Principal Planner prior to the issuance of Building permits.

## **GENERAL PLAN CONFORMANCE**

The proposed Planned Development zoning does not conform to the General Plan Land Use/Transportation Diagram designations currently on the site. Specifically, the proposed density along Orvis Avenue would be higher than 8 DU/AC, and the density on the southern portion of the site adjacent to Highway 280 would be lower than the 12-25 DU/AC designation on that portion of the site. To achieve conformance, the applicant has applied for a General Plan Amendment to change the General Plan Land Use/Transportation Diagram designation on the entire 5.0-acre site to Medium Density Residential (8-16 DU/AC). Following are reasons staff believes no change should be made to the General Plan:

- ? Consistency with Urban Conservation/Preservation and Housing Major Strategies. The proposal to change a 5.0-acre portion of the project area to Medium Density Residential (8-16 DU/AC) reduces the overall density and total potential number of units on the site. Maintaining the existing designations provides more options to preserve the existing street frontages on both South 12<sup>th</sup> Street and Orvis Avenue. The proposed General Plan amendment jeopardizes the compatibility of the neighborhood interface with the surrounding neighborhood by moving or eliminating existing houses. The existing designation also affords more options to provide a variety of housing unit types at affordable prices to meet 20% inclusionary housing requirement required in the Redevelopment Area. Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums with surface parking or below-grade parking with podium-style developments. Medium Density Residential (8-16 DU/AC) is typified by patio homes, townhomes and duplexes with parking provided by private garages and surface parking. In some cases, taller buildings balanced with open space are allowed.
- ? University SNI Plan identifies specific areas for reducing density and other areas for increasing density. The University Strong Neighborhood Initiatives Plan does not identify the subject site for either density reduction or density increase. Other sites near (within blocks of) San Jose Christian College were identified in the plan as locations for increasing or decreasing residential density. Staff therefore concludes that the SNI Plan intended for the site's designation to remain Medium Low Density Residential (8 DU/AC) on Orvis Avenue and Medium High Density Residential (12-25 DU/AC) on the college campus site.
- ? Less justification to convert employment lands to residential uses. Between December 2003 and July 2004, approximately 56 acres of employment land (much of it industrial) have been converted to residential designations and currently approximately 750 acres are pending approval for land use changes from industrial to residential designations. Preserving sites such as this with existing higher density rather than help reduce the overall pressure to convert industrial land to residential uses.
- ? Greater ability to comply with General Plan riparian corridor policies. The detached townhouse style single-family housing product developed under the proposed designation, Medium Density Residential (8-16 DU/AC), requires private garages and guest parking, internal private circulation roads able to accommodate garbage trucks and fire trucks, and private and shared public open space. To achieve the applicants desired unit count on this site, units should be built outside of the 100-foot riparian corridor setback, which also serves as a floodplain for Coyote Creek. The attached housing product typified by Medium High Density Residential (12-25 DU/AC) provides a greater design flexibility to build outside of the 100-foot riparian corridor setback, accommodate all parking on-site, and achieve the desired unit count. Attached, two-story apartments or condominiums could be podium-style providing all parking within the podium structure. This type of structure is also more likely to provide protection to the existing residential neighborhood from Highway 280 noise.

If the land use designation change to Medium Density Residential (8-16 DU/AC) were to be approved, the proposed Planned Development zoning would conform to the new General Plan designation. With no change to the General Plan, the southern portion of the subject site would likely be developed with attached units within the interior of the site. The existing detached single-family houses along South 12<sup>th</sup> Street and Orvis Avenue would be maintained.

## ANALYSIS

The primary issues related to the Planned Development rezoning analyzed include conformance with the Residential Design Guidelines, historic preservation, use(s) of the floodplain area, and tree preservation.

Additional issues regarding vehicular circulation, the Santa Clara Valley Water District requirements, and the conversion of E. Virginia Street to one-way are discussed at the closing of the section.

### Conformance with the Residential Design Guidelines

The proposal was analyzed for conformance with the Residential Design Guidelines with respect to parking, open space, and setbacks/separations. Because this proposal is a hybrid between single-family detached and garden townhouse units, specific parameters are not listed in the Residential Design Guidelines, therefore, the analysis will be based on a fusion of the two standards.

#### Parking

The Residential Design Guidelines state that single-family detached residences should provide two covered parking spaces per unit plus one additional off-lot parking space within 150 feet of each unit. Units without a driveway apron of suitable length to park at least one car should provide 1.3 off-lot parking spaces per unit. On-street parallel parking in front of units may be counted towards meeting this guideline. RDG parking standards for garden townhouses are less stringent than those for single-family detached, therefore, the project will be analyzed using the single-family detached standards.

With a total of 55 units, the Residential Design Guidelines state that single-family detached units should provide two covered parking spaces for each unit, bringing the total number of required covered spaces to 110. Each new unit fulfills this requirement by providing two covered parking spaces in an attached, rear-loaded garage. The historic units have detached garages, however, two covered parking spaces are not accessible from the driveways leading from Orvis Avenue for unit numbers H5 to H9. To conform to the Residential Design Guidelines, staff suggests that the tenants in units 51 to 54 access their respective detached garages from the private driveways to the rear. This would allow each historic unit to have two accessible covered parking spaces. Staff suggests that the unused curb cuts on and driveways from Orvis Avenue be removed.

For off-lot spaces, unit numbers H1, H2, H3, 40, 42, and 43 have driveway aprons of sufficient length to park at least one car. At a one off-lot space per residence with a driveway apron, six off-lot parking stalls are required for these units. 49 units would not have driveway aprons, and these units should provide 1.3 off-lot spaces per unit. This calculates to 64 off-lot spaces for these units. In total, 70 off-lot parking spaces should be provided.

Twenty-one spaces are proposed within the project boundaries on the private driveways, and 41 on-public-street spaces border the perimeter of the project area. The applicant is proposing to count the 15 on-public-street parking spaces on the south side of E. Virginia Street towards the overall off-lot parking requirements. Staff has no objection to this because there is no development on the south side of East Virginia Street at that location, as it is adjacent to Highway 280. With the on-private-drive and the on-public-street parking combined, approximately 77 off-lot spaces would be provided. This exceeds the Residential Design Guidelines number of 70 off-lot spaces. Furthermore, if the curb-cuts on Orvis Avenue are closed, additional on-public-street spaces will be created. While the off-lot parking does exceed the minimum requirements called for in the Residential Design Guidelines, the spaces are not distributed in such a manner that one is located within 150 feet of each unit.

#### Private Open Space

For single-family detached lots less than 3,000 square feet, the Residential Design Guidelines call for a minimum of 400 square feet of private open space for each unit, with a minimum width of 15 feet. For garden townhouses, the Residential Design Guidelines call for a minimum of 300 square feet of open space for each unit,

with a minimum width of 15 feet.

Each residence would have at least 400 square feet of private open space, provided within a single side-yard area, however, very few units meet the minimum 15-foot width for this open space area. Staff is very concerned with the usability of the open space areas given that only three new units have private open space with a width of at least 15 feet. Furthermore, the majority of the proposed private open space is boxed in by 26-foot-tall residences on each of their longer sides. With the product type proposed, an increased separation between units would result in a more usable private open space area, however, this would reduce the overall number of units and staff does not feel that a reduction in density is appropriate. Given that the project will provide common open space well in excess of the minimum requirements, staff does not recommend a condition that would increase the private open space.

### Common Open Space

For both single-family detached (on lots less than 3,000 square feet) and garden townhomes, the Residential Design Guidelines call for 150 square feet of common open space for each residential unit. Within the Santa Clara Valley Water District easement to the east (and outside of the 100 foot riparian setback area), approximately 35,000 square feet of area could be used for common open space provided the water district agrees to the use for their easement. This well exceeds the minimum requirements called for in the Residential Design Guidelines and additional, smaller common open space areas are provided within the residential development. The proposed and staff recommended uses of this floodplain area are discussed below in more detail.

### Setbacks

Staff's primary concern regarding setbacks and separations is the project's relationship with the surroundings. To address this, separations between the proposed homes on Orvis Avenue were increased to match the existing pattern of development on the north side of Orvis Avenue. Proposed front setbacks for the two new residences on Orvis Avenue are also similar to those of the existing residences. Staff initially wanted to keep the symmetry of South 12<sup>th</sup> Street intact as well. However, to increase the number of housing units provided at the site, staff recognizes that a sacrifice of symmetry was justified.

### Historic Preservation

Although none of the existing structures on the subject site are currently listed on the City's Historic Resources Inventory, staff recognized the potential historic significance of the existing residences. The historic report confirmed that nine of the existing 14 residences within the project area qualify for the Historic Resources Inventory. Although preservation of all of the existing residences along South 11<sup>th</sup> Street would be ideal, the applicant is proposing to retain all nine residences that were shown to qualify for the inventory. These residences are shown as unit numbers H1 to H9 on the plans. Seven of the nine residences proposed for preservation would remain in their existing locations, and two of the residences on South 12<sup>th</sup> Street would be relocated to Orvis Avenue on the southeast corner of Orvis Avenue and South 12<sup>th</sup> Street.

The Historic Landmarks Commission Design Review Committee recommended that the two new homes on Orvis Avenue have an elevated first floor. The memo submitted on behalf of the Historic Landmarks Commission states that, "the first floor of the new homes should be elevated to match the historic neighborhood in conformance with the *Your Old House* Design Guidelines. Because of the change in grade, the front porches will have a minimum of two risers to reach the elevation of the slab on grade." With a net loss of only one existing residence, with only two new homes, with the preservation of the existing symmetry of the street, and with the raised level of the residences to match the level of the existing historic residences, the south side of

Orvis Avenue will be minimally impacted and the overall historic character Orvis Avenue would be preserved.

### **Uses of the Floodplain Area**

The eastern portion of the site, beyond the change in grade, is within a Santa Clara Valley Water District easement. The applicant is proposing to dedicate the entire 3.22-acre area to the City's Parks, Recreation, and Neighborhood Services Department (PRNS). PRNS has indicated, as noted in the attached memo, that they do not want to accept the land as a public park. PRNS concerns about limited access, limited visibility/surveillance, and maintenance costs are reasons for rejecting the proposed dedication. Instead, PRNS recommends that the area be used as common open space, with maintenance responsibilities falling to the homeowners' association. Planning staff concurs with PRNS and believes that all floodplain areas east of the grade change and outside the 100-foot riparian setback should be used to fulfill the common open space requirement for the subject development. Staff further recommends that (1) all floodplain areas east of the grade change and inside the 100-foot riparian setback should be dedicated to the Santa Clara Valley Water District, and (2) the applicant should be responsible for establishing native riparian vegetation within that area. Should the proposed Zoning be approved, the applicant should work with the appropriate City staff at the Planned Development Permit stage to develop a landscaping and low-intensity development plan for the open space area that is appropriate for the site given the various constraints (i.e. flooding, easements, riparian considerations, security, access, etc.).

Environmental mitigation measures require that the applicant plant native species in "segments of the riparian setback area between the setback and the closest residential buildings." The mitigation measures also state that, "a native plant establishment plan will be prepared by a qualified biologist or wetlands hydrologist and implemented within segments of the setback buffer adjacent to the existing Coyote Creek riparian corridor." Because the environmental mitigation measures are not specific with regard to the extent of the area where native plants will be established, staff recommends that any approval of the proposed Planned Development Zoning would require that all areas within the floodplain (east of the grade change) and within the 100-foot riparian setback be incorporated into the native plant establishment plan referenced in the environmental mitigation measures.

### **Tree Preservation**

The site contains numerous mature trees, and staff has worked with the applicant to preserve as many as possible. Standard mitigation measures were incorporated into the environmental clearance for all tree removals; however, staff is very interested in preserving a number of the more noteworthy specimens.

Of particular concern is the native Valley Oak on the northern half of the site whose trunk measures 44 inches in circumference (listed as tree number 22 on the landscaping plan). Working with the applicant, staff negotiated relocation of the private driveway to increase the distance between the driveway and the tree, however, survival of the tree with the current plans is still questionable. It may be necessary to remove the private driveway and close off vehicular circulation immediately south of the tree in order to protect the tree's root system. Staff recommends that the applicant secure the advice of a certified arborist and, acting upon that advice, continue to work with Planning staff at the Planned Development Permit stage to ensure survival of this valuable resource.

Staff also encouraged preservation of several other trees of significant value, including tree numbers 44, 52, 53, 54, and 58. The following is a brief discussion regarding these important assets to the site and City:

- ? Staff would like to have the Coast Redwood on the east side of the site (tree number 44) preserved. Current plans call for its removal, as it falls within residential building footprints.
- ? Current plans allow for the preservation of the trees numbered 52, 53, and 54 on the landscape plan. These three trees (two London Plane and one Sycamore) are centrally located and would continue to

enhance the scenic beauty of the site should the development be implemented.

- ? Tree number 58 is also of special concern to staff. This Coast Redwood is also centrally located and is another prime candidate for preservation. The tree does not fall within proposed development, however, the tree's root structure may be effected by the private drive and utilities associated with the potential development. Staff recommends that the applicant secure the advice of a certified arborist and, acting upon this advice, continue to work with Planning staff at the Planned Development Permit stage to take all practical measures to preserve this tree.

### Additional Issues

Additional issues analyzed with this proposal include vehicular circulation, construction within the Santa Clara Valley Water District easement area, and conversion of E. Virginia Street to a one-way street with angled parking on the south side.

### Vehicular Circulation

Residents on Orvis Avenue have expressed concern over the additional traffic volumes on their street as a result of the proposed project. The traffic report, however, found that the proposed development would result in approximately 45 additional daily trips to Orvis Avenue. The current plans show bollards blocking access from the proposed Orvis Avenue bulb into the new development. Staff recommends that these bollards not be implemented should the plan be approved. Removal of the bollards would allow for a critical circulation pattern that promotes easy entrance and exit to and from the site by providing two separate points of entry and exit, and by improving access and maneuverability for garbage and delivery trucks. Furthermore, this enhanced circulation will give staff the opportunity to close off vehicular circulation just south of the Valley Oak (tree number 22) as discussed in the above "Tree Preservation" section, if that closure is necessary. Given that the proposed development would add only 45 daily trips to Orvis Avenue, the circulation pattern benefits far outweigh the minor number of trips increased to Orvis Avenue. Staff recommends that with any approval of the subject proposal, the bollards on the Orvis Avenue bulb should be removed to allow for vehicle entry/exit at that location.

### Santa Clara Valley Water District Easement Area

Current plans appear to show construction within the Santa Clara Valley Water District easement area. This issue has been raised with the applicant, but staff has not referenced the actual easement language to determine what is and what is not allowed. Staff recommends that with any approval of the subject proposal, the applicants must work with staff and the Santa Clara Valley Water District to determine the exact location of the easement area and to modify development accordingly to avoid any prohibited encroachments. A Santa Clara Valley Water District permit will be required for development within 50 feet of Coyote Creek or the edge of riparian vegetation, whichever is greater.

### Conversion of E. Virginia Street to a One-Way Street

During the review process, staff has worked with the applicant to explore the possibility of converting the portion of E. Virginia Street adjacent to the project area to a one-way street with angled parking. Given the current configuration of South 11<sup>th</sup> Street and E. Virginia Street, this conversion would affect only one property outside of the project area, and it would provide additional parking stalls along E. Virginia Street that could serve as guest parking for the proposed development. The Department of Transportation has given initial approval on this configuration, but the Fire Department requirement for a 20-foot-wide travel lane would still need to be addressed and additional public outreach would be required for the conversion to take place. Staff

recommends that with any approval of the subject proposal, the applicants are to work with the public and with City staff including Fire Department, Planning Department, Department of Public Works, and Department of Transportation staff to implement any subsequent Planned Development Permit approvals involving the conversion of E. Virginia Street to a one-way street with angled parking to the satisfaction of the City.

## **COMMUNITY OUTREACH**

This proposal has undergone extensive community outreach to involve the nearby residents in the development review process. On February 18, 2004, the applicants and City staff met with a core group of community members who are typically interested in development of the surrounding area. Residents immediately adjacent to the site were also invited to attend this meeting. On March 19, 2004, staff and the applicants attended a regularly scheduled meeting of the University Neighborhoods Coalition to receive community feedback at that venue. On May 19<sup>th</sup>, 2004, the first 1,000-foot noticing radius community meeting was held at the site, and the second of these 1,000-foot noticing radius meetings was held on June 16, 2004.

During the time that this application has been pending, the proposal has been revised. Community members have remained informed of the changes. Concerns of the community in regard to the General Plan amendment include increased density on Orvis Avenue created by concentrating affordable housing on the street, and increased traffic on Orvis resulting from the density increase combined with the dead end streets 670-foot length and 34-foot width. Specific concerns of the community include topics such as the project's interface with the existing neighborhood, preservation of the historic homes and the historic character of the streets, use of the floodplain area, parking for the new residences, security of the site pre-, during, and post-construction, construction mitigation, and tree protection. Plans have evolved continuously as a result of community input.

A public hearing notice was mailed to all residents and property owners within 1,000 feet of the subject site, and staff has been available to discuss the proposal with members of the public. Additionally, prior to the public hearing, an electronic version of the staff report has been made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to make no change to the General Plan.

Furthermore, Planning staff recommends that the Planning Commission forward a recommendation to the City Council, that should the General Plan be amended, to approve the proposed Planned Development Zoning with conditions as follows:

- ? The front porches of the new residences on Orvis Avenue must have a minimum of two risers to reach the elevation of the slab on grade.
- ? All floodplain areas east of the grade change and outside the 100-foot riparian setback shall be used as common open space for the subject development to meet the common open space requirement for the development. Floodplain areas east of the grade change and inside the 100-foot riparian setback should be dedicated to the Santa Clara Valley Water District. The applicant shall be responsible for establishing native riparian vegetation within that area. Should the proposed Zoning be approved, the applicant shall work with the appropriate City staff at the Planned Development Permit stage to develop a landscaping

and low-intensity development plan for the open space area that is appropriate for the site given the various constraints (i.e. flooding, easements, riparian considerations, security, access, etc.).

- ? All areas within the floodplain (east of the grade change) and within the 100-foot riparian setback shall be incorporated into the native plant establishment plan referenced in the environmental mitigation measures.
- ? The applicant shall secure the advice of a certified arborist and, acting upon that advice, continue to work with Planning staff at the Planned Development Permit stage to ensure survival of the Valley Oak tree numbered as tree 22 on the landscaping plan and to take all practical measures to preserve the Coast Redwood tree numbered as tree 58 on the landscaping plan.
- ? The bollards on the Orvis Avenue bulb should be removed to allow for vehicle entry/exit at that location and to allow for preservation of the Valley Oak tree shown as tree number 22.
- ? The applicant shall work with staff and the Santa Clara Valley Water District to determine the exact location of the easement area and to modify development accordingly to avoid any prohibited encroachments.
- ? The applicants shall work with the public and with City staff including Fire Department, Planning Department, Department of Public Works, and Department of Transportation staff to implement with any subsequent Planned Development Permit approvals the conversion of E. Virginia Street to a one-way street with angled parking, if that conversion is able to meet the specifications of each applicable City Department.

## Attachments