



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 23, 2006

COUNCIL DISTRICT: 6

SUBJECT: PDC05-095, PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO INCREASE THE MAXIMUM NUMBER OF ATTACHED RESIDENTIAL UNITS FROM 500 TO 502, TO ELIMINATE 250,000 SQUARE FEET OF COMMERCIAL, TO REDUCE THE MAXIMUM AMOUNT OF RETAIL FROM 30,000 TO 29,225 SQUARE FEET, AND TO MODIFY THE DEVELOPMENT STANDARDS FOR THE 12.7-ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF SOUTHWEST EXPRESSWAY AND FRUITDALE AVENUE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning as recommended by staff, with a minimum of 50,000 and up to 100,00 square feet of commercial uses focused along the street frontages.

BACKGROUND

On March 22, 2006, the Planning Commission held a public hearing to consider a rezoning from A(PD) Planned Development to A(PD) Planned Development to increase the maximum number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial, to reduce the maximum amount of retail from 30,000 to 29,225 square feet and to modify the development standards for the 12.7-acre site located on the southeast corner of Southwest Expressway and Fruitdale Avenue.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. Staff provided a brief oral report to the Commission regarding changes to the Draft Development Standards recommended in response to community input, including a requirement for residential units with ground-level entrances on the St. Elizabeth Drive frontage of Block C2, the associated increase in allowed residential units from 502 to 505 and a prohibition on fencing the central 0.8-acre open space (in addition to the previously recommended prohibition on gating the paseos).

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Public Testimony

The applicant made a brief presentation regarding the history of the project site and Redevelopment Agency involvement and indicated that he objected to the prohibition on gates and fences, indicating that security would be needed at night and that this issue should be addressed at the Planned Development Permit stage.

Ed Rast, representing the Willow Glen Neighborhood Association, expressed concern about the potential loss of the 7-11 use on the corner of Fruitdale Avenue and St. Elizabeth Drive, indicated that the 8.5 story building would not fit well into the area, that more commercial should be retained on the site and that the mixed-use component should not be lost as it had been at other transit sites. He expressed concern that benches and BBQ pits were not included in the central open space and that trees surrounding the area could be a security issue at night.

Randi Kinman representing the Sherman Oaks Neighborhood Association indicated that the project should provide more employment opportunities, that both retail and office square footage had been greatly reduced and that additional retail uses were needed in this area. She questioned whether the project proposal for the corner of Fruitdale Avenue and St. Elizabeth Drive could be built due to the 15-year lease held by the existing 7-11 retail store and expressed concern regarding the height of the building proposed at this location due to its proximity to the existing residential uses, including a single-family house.

Several speakers expressed concern that the 85-foot maximum height of the proposed building at Fruitdale and St. Elizabeth Drive would be too intrusive and that the Southwest Expressway frontage would be a more appropriate location for this height. Several speakers indicated the need for additional retail in this area, indicating that the former Kmart on the site had provided retail opportunities that served the needs of the neighborhood. Speakers indicated a desire for such retail and personal service uses as restaurants, clothing stores, and cleaners.

Harvey Darnell reiterated concern regarding the loss of retail and tax generating uses and emphasized the importance of providing light rail line patrons opportunities to spend money in San Jose rather than other cities.

In his closing remarks, the applicant asked for flexibility regarding the proposed requirement for ground-floor residential units on the St. Elizabeth Drive frontage of Block C2 to allow for adequate parking and stated that his project should not be treated differently than other projects in regard to the requirement to provide affordable units. The applicant clarified that he is currently proposing 21,000 square feet of retail, where 7,000 square feet were previously proposed.

Commission Discussion

Commissioner James asked whether, in the absence of a market for office space, it would be feasible to provide more retail on the site. In response, the applicant explained how at-grade areas of the project were modified to provide the proposed retail in a u-shaped configuration around the parking. He indicated that additional retail would require additional parking which would need to encroach into the open space area.

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Commissioner Levy expressed concern that the large open space did not provide appropriate amenities. The applicant indicated that it might be possible to include benches around the perimeter of the park and that this could be addressed at the Planned Development Permit stage.

Staff concurred with neighbors that the Southwest Expressway frontage is the best location on the site for height, but that the corner of Fruitdale Avenue and St. Elizabeth Drive is second best. Staff indicated that this is a prominent corner and that the proposed building has a small footprint, steps down at the St. Elizabeth frontage and fits well in this location.

Commissioner James expressed concern that the more residential units were not being constructed. He indicated that since office uses were unlikely in the short term he would like to see more units on the west side of the site and more retail on the 7-11 site. He asked staff to clarify whether the project was being treated the same as other projects in regard to the affordable housing requirement.

Staff responded that the project was being treated the same as other projects located within a Redevelopment Area. Staff clarified that the requirement for affordable units was included in the approved Planned Development Zoning and that the Redevelopment Agency had indicated that already-approved units would provide 15 Percent of the units as affordable, while new units would be subject to a 20-percent requirement.

Commissioner Zito asked about the status of the approved units under the proposed new zoning and questioned the proposed 15-percent parking reduction. Staff responded that the approved plans for the blocks where no changes were proposed (Blocks A, B and D) were incorporated into the new Development Standards by reference and clarified that the 15 percent parking reduction was included in the original zoning and that it was appropriate give the transit-oriented character of the development and proximity to the light rail station. Deputy Director Hamilton further clarified that a 10-percent reduction was allowed under the Zoning Code, but that a higher percentage could be allowed under a Planned Development Zoning,

Commissioner Levy indicated that it would be appropriate to add more commercial and inquired about the typical size of a sit-down restaurant. Staff indicated that such restaurants ranged between 3,000 and 8,000 square feet but that 5,000 square feet was typical and could be accommodated on the site. Staff indicated that most of the proposed retail was located at the street where retail is most successful, but that retail had also been located on the interior side of the parking lot where it would draw customers into the site and allow for uses, such as sidewalk cafes, that would benefit from views of the central open space.

Commissioner James asked if the Commission's recommendation could include more retail along Fruitdale and along St. Elizabeth Drive in Block C2. Staff responded that ground floor uses along these frontages were already proposed to be entirely retail except for the residential entrance lobby on the Block C2 building. Staff indicated that the existing environmental review documents for this site would allow for more commercial.

Commissioner Zito concurred that a stronger commercial component would be advisable and moved that the Commission recommend approval of the project with up to 505 attached residential units, up to 50,000 feet of retail and up to 50,000 square feet of commercial. Commissioner James expressed concern that 100,000 square feet of commercial might be more

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than could be leased at this location. Commissioner Levy suggested a minimum of 50,000 square feet of retail/commercial. Commissioner Zito revised the motion to recommend approval of up to 505 attached residential units, with a maximum of 100,000 square feet of commercial and a minimum of 50,000 square feet and indicated that the commercial should be located along the street frontages. Staff clarified that the C2 Block was the most appropriate location along St. Elizabeth Drive for commercial uses and the Commission concurred.

PUBLIC OUTREACH

A community meeting was held for the project on January 17, 2006, with an attendance of approximately 50. Those in attendance expressed concern regarding the following: the loss of jobs associated with the proposed changes to the project; the height and design of the building proposed for the corner of Fruitdale and St. Elizabeth Drive; the potential for this building to shade nearby residential uses; the need for dedication of park land; the need for adequate maintenance of the recreation and open space facilities; the need for on-site security; the lack of affordable units; the need to preserve the existing 7-Eleven business and a desire for additional neighborhood-serving retail uses; the adequacy of visitor parking; the need to protect retail and visitor parking from LRT riders; the need to synchronize the traffic signals on Southwest Expressway and replace the existing bus shelter; and the existing problem of large trucks parking on Southwest Expressway.

A notice of the public hearing before the Planning Commission and City Council was published and distributed to the owners and tenants of all properties located within 1,000 feet of the project site and to all those who signed the attendance sheets at the November 1, 2000 public meetings. Staff has been available to discuss the project with members of the public. This staff report is available for review on the City's web site.

COORDINATION

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

CEQA

Environmental Impact Reports, Resolution Nos. 69886 and 70356.

Susan Walton

for JOSEPH HORWEDEL
Secretary, Planning Commission

Attachments /: Revised Draft Development Standards

