

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 5/18/04 Item

File Number
PDC 03-097

Application Type
Conforming Planned Development Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
259-33-053, -057, -076

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lee Butler

Location: Southwest corner of West Julian and North First Streets

Gross Acreage: 1.77

Net Acreage: 1.77

Net Density: 55 DU/AC

Existing Zoning: A(PD) Planned Development

Existing Use: 98 Multi-family attached residential units, including 11 live-work units (under construction)

Proposed Zoning: A(PD) Planned Development

Proposed Use: 98 Multi-family attached residential units, including 11 live-work units, and 1,050 square feet of exclusively commercial space

GENERAL PLAN

Completed by: LB

Land Use/Transportation Diagram Designation
Core Area

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AD

North: Multi-family residential

A(PD) Planned Development

East: Multi-family residential

A(PD) Planned Development

South: Commercial

CG Commercial General

West: Commercial

CG Commercial General

ENVIRONMENTAL STATUS

Completed by: AD

Environmental Impact Report certified 4/27/99
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: AD

Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER

Park Townsend, LLC
5150 Overland Avenue
Culver City, CA 90230

ENGINEER

Dave Heinrichsen
Nolte Associates
1731 N. 1st St., Suite A
San Jose, CA 95112-4510

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LB

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memos from Fire Department and Environmental Services Department

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On March 21st, 2000, the City Council approved the Planned Development Zoning (file no. PDC99-07-062). This approved zoning allows up to 98 for-sale single-family attached dwelling units, including 11 live/work units, in a five-story structure on a 1.77 acre site at the southwest corner of West Julian and North First Streets within the Downtown Core area. A subsequent Planned Development Permit (file no. RPD99-07-001) was approved by the Redevelopment Agency, and construction of the 98 units, including 11 live/work units, is nearing completion.

The subject site occupies the majority of the block bounded by West Julian, North First, Devine, and Market Streets. The area was previously used as surface parking. The remainder of the block consists of four historic commercial structures, two each at the northwest corner of North First and Devine Streets, and the northeast corner of Market and Devine Streets. Each of the four historic structures is listed on the Historic Resources Inventory as a City Landmark (Wards Funeral Home, the Beatrice Building, the Tognozzi Building, and the Sherward Building). Compatibility issues with the surrounding historic structures were addressed in the original Planned Development Rezoning and Planned Development Permit.

Surrounding uses include the three- and four-story Villa Torino apartments to the north across Julian Street, a three- and four-story condominium project to the east across North First Street, commercial uses and surface parking to the south across Devine Street, and commercial offices to the west across Market Street.

Project Description

The previous approvals authorized the construction of 98 for-sale single-family attached dwelling units in a five story structure at the subject site. Of the 98 units, 11 units were approved as ground-floor live-work units. Project parking occurs in a two-level garage (at-grade and basement) generally encapsulated by the ground-floor live-work units. The parking garage is accessed from Devine Street, and a porte-cochere serves as a focal point along West Julian Street. The building is finished in split face masonry block and stucco with a flat roof. The split face masonry forms a base that ranges from one to two stories in height along the various project frontages. The masonry base was added in response to the scale and materials of the historic structures.

The subject Conforming Planned Development Rezoning would convert a 1,050 square foot ground floor portion of the subject structure on the north side of Devine Street to commercial space in a mixed use development. Previously, the space was designated as a residential lobby area. The proposed rezoning would establish the permitted and prohibited commercial uses of that area.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final SEIR entitled, "Downtown Strategy Plan," and certified on April 27, 1999, by the City of San Jose City Council. The Final SEIR covers the environmental impacts of the proposed project in that the 1,050 square feet of commercial area is a minor conversion of space. Additional site-specific environmental analysis has been completed for the project, including preparation of a noise report, tree survey, historic report, and archaeology report. Mitigation measures identified in these reports were incorporated into the previous approvals for the project, so that the project will not have an unacceptable environmental impact.

GENERAL PLAN CONFORMANCE

The proposal is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Core Area. The Core Area "designation includes office, retail, service, residential, and entertainment uses in the Downtown Core Area." The subject project conforms in that it is incorporating 1,050 square feet of ground floor commercial uses into an existing 98 unit high-density residential and live-work project.

ANALYSIS

The primary project issues analyzed for this proposal include parking and compatibility of proposed commercial uses with adjacent residential uses.

Parking

The previously approved Planned Development Rezoning established the required amount of parking for the project's residential and live-work uses. The previously approved standards required a minimum of two tandem spaces for each live-work or dual master unit. A minimum of one parking space was required for all other units. Exceeding the minimum standards, 212 on-site parking spaces are being provided to serve the residential and live-work uses, an average of 2.2 spaces per unit. Eleven additional parking spaces are designated for guest parking.

The proposed Rezoning calls out a minimum requirement of one parking space per 360 square feet of exclusively commercial area. At this ratio, three parking spaces would be required for the 1,050 square feet of commercial space. Per Table 20-140 of the newly adopted zoning criteria for Downtown, no parking spaces are required for retail, personal services, or public eating establishment uses in the DC Zoning Districts. For office uses, Table 20-140 calls out a minimum of one parking space per 360 net square feet of area, matching the minimum requirement in the proposed rezoning. A total of 315 parking spaces are available on-site, therefore, 92 spaces are designated for public use. Of these 92 spaces, three spaces will be used for the 1,050 square foot commercial area.

Compatibility of Commercial Uses

The second major issue analyzed for this proposal involves the compatibility of the proposed commercial uses with the on-site residential uses and the adjacent commercial and residential uses. The permitted uses within the live-work and commercial areas have been revised since the reduced plans were copied in an effort to better reflect the uses specifically enumerated in the Zoning Ordinance. The final plans that would be adopted with the passing of the proposed ordinance include the following permitted and prohibited uses table:

| <u>Uses</u> | <u>Live/Work</u> | <u>Commercial</u> |
|---|------------------|-------------------|
| Business, Administrative, & Professional Offices | P | P |
| Personal Service Shops (with the exception of adult uses) | P | P |
| Retail Uses (with the exception of adult uses) | P | P |
| Art Galleries | P | P |
| Food & Beverage Services* as listed: | | |
| Sandwich Shop | - | P |
| Coffee Shop | - | P |
| Juice Bar | - | P |
| Other Public Eating Establishments | - | - |
| Auto Related Uses | - | - |
| Drinking Establishments | - | - |
| Entertainment Establishments | - | - |

Permitted uses indicated by a "P"

Prohibited uses indicated by a "-"

Any use not listed in this table is not permitted.

* = no incidental entertainment permitted

Hours of operation for both live/work and commercial space are limited to 6 a.m. to 10 p.m.

Staff is recommending support of the proposed use allowances as indicated above, along with the proposed limitation on hours of operation between 6:00 a.m. and 10:00 p.m. The limited commercial uses, coupled with the hours of operation limitation, would be complimentary to the residential uses in the area. Commercial uses that are likely to have a negative impact relative to parking, noise, and other activities on the residential uses in the area have been purposely prohibited, such as adult uses, auto-related uses, intensive public eating establishments, and drinking and entertainment establishments.

COMMUNITY OUTREACH

A public hearing notice for the project was published in the San Jose Mercury News newspaper and mailed to all property owners and tenants within 500 feet of the subject site. 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 the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Core Area.
2. The proposed project will further the goals and policies of the General Plan's Housing Strategy by providing high-density infill housing in close proximity to transit and commercial/retail opportunities.
3. The proposed commercial uses are compatible with and complimentary to the nearby uses.

Attachments