



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 30, 2006

COUNCIL DISTRICT: 3
SNI: N/A

SUBJECT: GENERAL PLAN TEXT AMENDMENT, GP04-T-02, TO ALLOW A MAXIMUM BUILDING HEIGHT OF 200 FEET AND PLANNED DEVELOPMENT REZONING, PDC05-101, TO ALLOW AN INCREASE IN BUILDING HEIGHT FROM 150 TO 200 FEET, AND ADDITION OF 100 UNITS FOR A TOTAL OF 500 RESIDENTIAL UNITS ON A 2.8 ACRE SITE LOCATED ON THE BLOCK BOUNDED ON THE EAST BY NORTH FIRST STREET, TO THE SOUTH BY TAYLOR STREET, ON THE WEST BY MILLER STREET, AND TO THE NORTH BY ASBURY STREET

RECOMMENDATION

The Planning Commission voted 4-0-2 (Commissioners Platten and Pham absent) to recommend that the City Council approve the proposed General Plan Text Amendment. The Planning Commission voted 4-0-2 (Commissioners Platten and Pham absent) to recommend that the City Council approve the proposed Planned Development Rezoning.

BACKGROUND

The Planning Commission held a public hearing to consider a General Plan Text Amendment to allow an increase in height from 150 to 200 feet on a 2.8 acre site located on the block bounded on the east by North First Street, to the south by Taylor Street, on the west by Miller Street, and to the north by Asbury Street.

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On May 24, 2006, the Planning Commission considered concurrently a Planned Development rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a maximum building height up to 200 feet and 100 additional units for a total of 500 residential units on the subject site.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed text amendment and rezoning.

Staff, at the hearing, modified the recommendation for setbacks to the property line along N. First and Taylor Streets from five (5) feet to two (2) feet for the concrete structure and zero (0) feet for exterior modulations, finish treatments, and signage.

The Commission considered a formal protest to the Mitigated Negative Declaration for the project. Marc Boyd, the protestant, spoke against the adoption of the MND citing many issues such as the misuse of exemptions, failure to gain FAA clearance, failure to consider cumulative impacts of the project, lack of implementation of traffic calming, concerns with blocking views, concern with incremental increase in height by the applicant, and concern about increased traffic at the intersection of First and Taylor Streets.

Henry Cord spoke in support of the proposed project on behalf of the applicant Barry Swenson Builder. Michael Slatt spoke against the project with concerns regarding the increased height and density of the project and the potential negative traffic impacts on the neighborhood. Don Gagliardi, represented the 13th Street NAC, and spoke in favor of density in the area as a way to support smart growth. Mark Gerhardt, President of the Vendome Neighborhood Association, spoke in support of pedestrian friendly mixed-use project with retail uses on the ground floor, 5-foot setbacks to 1st and Taylor, an articulated top and base to the project, and using the Downtown Design Review process for the project.

Barry Swenson, the applicant, spoke in favor of high-density residential development in transit areas as a way to save farmland and provide housing near jobs to reduce the need for auto use. Erik Schoennauer spoke as a resident in support of the project, citing that increase in housing will drive new retail in the area.

Commissioner Dhillon closed the public hearing and requested clarification from staff regarding the environmental issues raised by the protestant. Staff responded that the cumulative impacts of the projects have been incorporated into the MND and do not have a significant impact on the project area. Staff confirmed that traffic-calming fees have been paid to the city by the applicant during Phase I of the project, and are reserved for use in this neighborhood when a specific project is identified. Staff responded that the height of buildings in the area are subject to the FAA Determination of No Hazard recommendation, and that building heights would not be increased above 200 feet because of restrictions imposed by the FAA.

Commissioner Campos made a motion to uphold the Mitigated Negative Declaration. The motion was seconded by Commissioner Zito. The motion passed 4-0-2 (Commissioner Platten and Pham

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absent). A motion was made and seconded to recommend to the City Council approval of the proposed General Plan Text Amendment. The motion passed 4-0-2 (Commissioner Platten and Pham absent). A motion was made and seconded to recommend to the City Council approval of the proposed Planned Development Rezoning according to staff recommendation as amended at the hearing. The motion was passed 4-0-2 (Commissioner Platten and Pham absent).

ALTERNATIVES

No change to the General Plan Text, which would nullify the Planned Development Rezoning application. The maximum height would remain at 150 feet, and maximum units would be 400 feet with previously approved development standards.

PUBLIC OUTREACH

Notices of the public hearing and the community meeting that was held on May 10th to discuss the proposed General Plan text amendment and Planned Development Rezoning were distributed to the owners and tenants of all properties located within 1,000 feet of the subject site. The community can be kept informed about the status of General Plan amendments on the Department's web site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule. In addition, the Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has also been available to discuss the project with interested members of the public.

A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy.

A Community Meeting was conducted on May 10, 2006 at 777 North First Street during which the applicant presented the project to residents surrounding the subject site. Approximately 10 residents were present at the meeting. Project related comments included concerns about the height of the proposed development, increased traffic, incorporation of green design, and the ability of the ground floor commercial to accommodate neighborhood services such as restaurants and cafés. Several residents expressed support for the project, citing the need for convenience of public transit, and a local need for an increase in residents in order to attract a grocery store. Other community input has included one phone call from a resident expressing concern about the height and traffic impacts of the proposed project.

COST IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

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CEQA

Mitigated Negative Declaration, GP04-T-02 / PDC05-101.



for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Planning, Building and Code Enforcement at (408) 535-7800.

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
P.C. 5-24-06 Item # . *7.e.2&3*
C.C. 6-20-06

File Number
GP04-T-02, PDC05-101

Application Type
Planned Development Rezoning

Council District 3

Planning Area
Central

Assessor's Parcel Number(s)
Various

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Michelle Stahlhut

Location: Block bounded by North First, Taylor, Miller, and Asbury Streets

Gross Acreage: 2.8 ac

Net Acreage: 2.8ac

Net Density: 178.5 DU/AC

Existing Zoning: A(PD) Planned
Development

Existing Use: One residential tower 120 feet in height
surrounded by surface parking, limited office and commercial
uses

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Maximum height increase from 150 to 200
feet, and increase maximum number of dwelling units from
400 to 500.

GENERAL PLAN

Completed by: MS

Land Use/Transportation Diagram Designation
Transit Corridor Residential (20+ DU/AC)

Project Conformance:
 Yes No
 Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: MS

North: Office, Residential, Surface parking lot

CO, CG Commercial, R-2 Residential

East: Office, Residential

CO Commercial, R-2 Residential

South: Office, Surface parking lot

CG Commercial

West: Office, Residential, Surface parking lot

CO Commercial

ENVIRONMENTAL STATUS

Completed by: MS

Environmental Impact Report found complete (GP 2020
EIR certified 8/16/1994)

Exempt
 Environmental Review Incomplete

Negative Declaration circulated on

Negative Declaration adopted on May 9, 2006

FILE HISTORY

Completed by: MS

Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date *5-18-06*

Approved by:

- Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Barry Swenson Builder
777 North First Street, 5th Floor
San Jose, CA 95112

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: MS

Department of Public Works

See attached memorandum

Other Departments and Agencies

See attached memoranda from Airport Department

GENERAL CORRESPONDENCE

See attached correspondence

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This staff report covers two pending applications with the City of San Jose including a General Plan Text Amendment and a Planned Development Rezoning. The applicant, Barry Swenson Builder, is proposing a General Plan Text Amendment to allow an increase in building height from 150 feet to 200 feet on a 2.8 acre site located on the block bounded on the east by North First Street, to the south by Taylor Street, on the west by Miller Street, and to the north by Asbury Street. The applicant is concurrently proposing a Planned Development Rezoning from A(PD) Planned Development to A(PD)Planned Development to allow an increase in the maximum building height from 150 feet to 200 feet, and an increase in the maximum number of residential units from 400 to 500 total units on the site.

Site and Surrounding Uses

The subject site is centrally located in San Jose. It is one block south of the old City Hall and three blocks west of the Japantown Business District. The Vendome residential neighborhood is located south and west of the project site. Major transportation facilities here or adjacent to the site include Highway 87 to the west and Highway 880 to the north, Taylor Street on the south; and North First Street containing the Civic Center light rail station to the west.

The site is currently developed with one 120-foot tall residential tower. Three other residential towers of up to 150 feet in height are currently planned for the site. Other buildings remaining on site that have not yet been demolished include three two- and three-story office buildings and a surface parking lot.

The subject site is bordered directly to the north by Asbury Street. Uses on the north side of Asbury include office, surface parking, and one single-family home. The site is bordered directly to the west by Miller Street, also a local street with mostly commercial office uses as well as one single-family home and two duplexes located northwest of the site. Taylor Street is a 4-lane arterial transportation corridor. Uses bordering the site across Taylor include offices and

surface parking. This street provides a physical barrier between the project and single-family residential uses in the Vendome neighborhood located south of the site.

On the east, N. First Street forms a more urban edge. The project fronts onto the Guadalupe Transit-Oriented Development Corridor, with the Civic Center light rail station located approximately 400 feet north of the site along First Street. Uses along N. First Street include office and residential.

The site is located near a cluster of mid and high-rise development located along the North First Street Corridor. The three proposed buildings of up to 200 feet would be the highest structures in the immediate area. Other buildings in the area include the existing 120-foot tall residential tower, a seven-story office building north of the site at 777 North First Street, the 13-story County Government Building, and a 13-story office building at 675 North First Street.

Project History

In 1998, the City Council approved a General Plan Amendment (GP98-T-02) for an increase in the allowable building height from 120 to 150 feet at the subject site.

An initial rezoning for this site was approved by City Council on May 7, 2002 (PDC00-09-086) allowing up to 400 attached residential units and 7,000 square feet of commercial uses in four towers up to 150 feet in height, and an associated parking garage.

The project was anticipated to be built in several phases, depending upon market demand:

Phase I: Completed. On March 12, 2003 the Director of Planning approved permits for the first phase of development in conformance with the subject property's Planned Development zoning. Planned Development Permit File No. PD02-061 allowed a mixed-use project consisting of up to 67 attached dwelling units and 6,600 square feet of ground floor commercial uses in the first of four towers to eventually be built on the subject block.

Phase II: The second phase would place a second tower at the corner of Taylor and Miller Streets. Parking would be provided in a multi-story parking garage accessed from Asbury Street. The garage would be screened from First Street by live/work or retail uses, depending upon market demand.

Phase III: The third phase would complete redevelopment of the site, extending the parking garage south to Taylor Street, and placing two towers facing North First Street. This extended garage would also be screened from First and Taylor Streets by live/work or retail uses, depending upon market demand. Landscaping and recreational uses would be placed on the roof of the garage to serve project residents.

After the initial rezoning was approved, the city determined that only commercial uses could be allowed on the ground floors of the project buildings because the project site is in the 100-year flood zone for the Guadalupe River. The initial proposal for the project included a number of ground-floor residential units. To allow the entire ground floor to be used as commercial space,

the applicant applied for another rezoning (PDC00-089) to allow an increase of up to 18,000 square feet for commercial use.

Due to recent flood map changes, there is currently a Planned Development Amendment application on file to convert the ground floor commercial space in the existing tower back to residential.

ANALYSIS

Environmental Review

An Initial Study was prepared for the project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning, Building, and Code Enforcement on March 24, 2006 and adopted on May 9, 2006.

The Vendome Place Initial Study only provides environmental review for the additional 100 residential units and 50 feet in building height as an addition to the previously approved project. The impacts associated with the previously permitted project and their mitigation measures are included in the background for the currently proposed project and are therefore inherently included in the environmental review for the project.

The Initial Study identified the project could result in potentially significant impacts in the areas of Hazards and Hazardous Materials and Noise but concludes that the incorporation of identified feasible mitigation measures will reduce all impacts to a less than significant level. A comprehensive compilation of the environmental mitigation measures required as part of this project can be found in the Initial Study and Mitigated Negative Declaration attached to the Mitigated Negative Declaration Protest staff report.

On April 18, 2006, a protest to the Mitigated Negative Declaration was filed. The protest addressed the adequacy of the Mitigated Negative Declaration especially related to air quality, traffic, parking, cumulative impacts, noise, and scenic vista and shadows of the original project. The City of San José sent a staff report to the protestant on May 12, 2006 that contains the response to the protestant's concerns.

Shade and Shadow

The shade and shadow analysis concluded that the backyards of an additional ten to 15 single-family houses would be affected by shadows cast by 200-foot tall buildings constructed on the project site during the winter solstice. No public open space would be affected by shade and shadow impacts from future buildings constructed to 200 feet. The backyards of residences in these neighborhoods are already affected by shadows from adjacent residences at these times, and the proposed project would not significantly increase the duration of shading on these private open spaces.

Traffic

A traffic report was completed for the previous project on the site which analyzed the impact of traffic from the completion of Phase I of the project, as well as the impact of traffic from full

build-out of the proposed 400 residential units and commercial and office space. This analysis was updated in January of 2006 and found that no significant transportation level of service impacts were anticipated from the full build-out of the project.

General Plan Text Amendment (File No. GP04-T-02)

This is a privately initiated General Plan Text amendment to add a new "Specific Site and Geographic Area Exception" as an amendment to the *San José 2020 General Plan* (General Plan) Land Use/Transportation text so that *Community Development: Urban Design Policy Number 10* will read as follows:

10. The maximum building heights set forth are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building heights, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions:
 - **TRANSIT AREAS:** Within a reasonable walking distance of an existing or planned passenger rail station, the maximum building height shall not exceed 120 feet ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway). Along the Guadalupe Transit-Oriented Development Corridor, within the City/County Civic Center and for properties within reasonable walking distance of the light rail stations located within the boundaries of the North San Jose Area Development Policy, the maximum building height is 150 feet.
 - **SPECIFIC SITES AND GEOGRAPHIC AREA EXCEPTIONS:** At a site bounded by Asbury Street to the north, North First Street to the east, Miller Street to the west, and East Taylor Street to the south, the maximum allowable building height is 200 feet above ground level.

General Plan Conformance

The General Plan has seven Major Strategies that together provide the "vision" for San José. This proposed General Plan Amendment has been analyzed relevant to the Major Strategies, goals and objectives to further the major strategies, and direction related to special strategy areas.

Major Strategies

The proposed project is consistent with several of the General Plan Major Strategies (see Attachment 1-4) such as Growth Management, Housing, Sustainable City, and Downtown Revitalization.

The project is consistent with the Growth Management strategy because it is an urban infill project on a site currently occupied largely by surface parking, as well as some low-rise office buildings. The Housing strategy encourages high-density near public transportation. The proposed density of the project is approximately 178.5 DU/AC, and it is located approximately

400 feet from the Civic Center light rail station. Additionally, the project is consistent with the Sustainable City strategy due to its location near jobs and a major transportation corridor. Finally, the project is consistent with the Downtown Revitalization strategy because it provides housing near jobs downtown

Goals and Policies

The proposed project is consistent with many General Plan goals and policies related to City Concept, Residential Land Use, Housing, and Urban Design.

City Concept

Goals and policies for the City Concept support the quality of life and the livability of San Jose. The proposed development furthers the policy of developing a balanced community by developing at a high density near transportation that supports the use of public transit, and providing a residential base to an area previously dominated largely by surface parking.

Residential Land Use

Goals and policies for Residential Land Use are guidelines for the physical development of residential neighborhoods and proximate land uses. The proposed project maximizes the residential use of the site, and with a mix of commercial uses will allow residents to conduct routine errands close to home and create a pleasant walking environment.

Housing

Goals and policies for Housing are intended to help improve San Jose's existing housing resources and to meet the housing needs of all segments of the community. The City Council Housing Initiative is a program designed to encourage the production of high-density housing and supportive mixed uses near public transit corridors.

Urban Design

Policies regarding Urban Design allow greater flexibility in building height in special areas for the achievement of specific goals and objectives contained in the General Plan such as encouraging more intense uses within 2,000 feet of a light rail station and at key gateway locations. The project is located within 2,000 feet of the Civic Center light rail station. It is also located on N. First Street, which is a direct route into Downtown San José.

Staff supports the 200-foot height allowance because the project does not set a height precedent for all light-rail corridors, and is site specific. The actual height of the project is contingent on several factors, including the Federal Aviation Administration Determination of No Hazard, as well as the ability of the project to meet the City of San Jose Residential Design Guidelines for parking and open space, and other relevant design guidelines for massing, scale, and street-level relationship.

Special Strategy Area

There are six key Transit-Oriented Development Corridors identified in San Jose where higher intensities of development are encouraged consistent with the goals and policies of the General Plan. The project site is located in a Special Strategy Area called the Guadalupe Transit-Oriented Development Corridor. This designation, which was adopted by City Council with the San Jose 2020 General Plan, is intended to expand the potential for residential development in proximity to major public transportation lines. The project provides high-density residential development at 178.5 DU/AC and live/work uses on the ground floor, taking advantage of the numerous transit opportunities along North First Street.

Planned Development Rezoning (File No. PDC05-101)

The existing zoning for the subject site allows development of 400 residential units in 4 towers up to 150 feet in height and 18,000 square feet of commercial on a 2.8-acre lot with associated parking.

The proposed Planned Development Rezoning from A(PD) Planned Development Zoning District (PDC02-089) to A(PD) Planned Development Zoning District (PDC05-101) would allow an increase of up to 100 residential units and an increase of 50 feet in height to each of the three remaining towers for a total of 500 residential units, and a height limit of 200 feet from ground level at a site bounded by Asbury Street to the north, North First Street to the east, Taylor Street to the south, and Miller Street to the west. The primary issues analyzed for this project include setbacks, land use, height, scale and massing, urban design, parking, and open space.

Setbacks

Development of a mixed-use high-rise residential project would generate a higher level of pedestrian activity on adjoining streets. The proposed project would have 0 setbacks to N. First Street and Taylor Street. Staff recommends a setback of 5 feet to N. First Street, and 5 feet to Taylor Street for buildings up to four stories to create a pedestrian oriented environment of wide sidewalks, street trees, and adequate separation from high-volume traffic. In this way, retail commercial uses could be viable by providing for pedestrians and active uses facing the street such as retail storefronts and sidewalk cafes.

Staff recommends that buildings over 4 stories have setbacks of 15 feet (west building) and 20 feet (east building) to Taylor Street to reduce the mass of the Phase II building on Taylor Street, and the Phase III building on the corner of N. First Street and Taylor Street.

Land Use

The project is located within close walking distance of the light rail station at North First and Mission Streets. It capitalizes on existing infrastructure, services, and amenities present along North First Street and in the surrounding neighborhood, by making efficient use of existing roads and transit facilities.

Land Use Compatibility

The project is separated by public streets from the limited single-family development in the vicinity of the project. Additionally, the project is contained entirely within one block and will be the only land use on the block. North First and Taylor Streets are two major streets that serve as buffers to separate the proposed project from the lower density residential neighborhoods to the east and south.

Height

At 200 feet, the height of the proposed project becomes a visual asset of the San José skyline. The four towers are consistent with the cluster of tall buildings near the Civic Center area, although the proposed project at 200 feet will become a focal point as the highest buildings in the vicinity.

Under FAA Regulations, Part 77, a Determination of No Hazard is required for proposed structures before development permits may be issued. The applicant has submitted an application for subsequent phases but has not yet received a Determination of No Hazard. Future development height would be limited to any FAA height limitations.

Staff supports the increase in maximum height to 200 feet if the actual height of buildings proposed at the Planned Development Permit stage is contingent on several factors, including an FAA Determination of No Hazard, project consistency with the Residential Design Guidelines regarding land use compatibility, parking and open space, as well as relevant sections of the Downtown Design Guidelines related to building scale and massing, building transparency, and ground floor commercial design and function.

Scale and Massing

Design guidelines usually reserved for downtown high-rise housing apply to this project in terms of scale and massing. The project proposes a maximum height of 200 feet for the three remaining towers on the site. The Downtown Design Guidelines suggest that for buildings taller than 75 feet, variation in massing and form should be encouraged. Staff suggests that during the Planned Development Permit process, the average size of the floor plate for all stories above 75% of the buildings' total height shall not exceed 85% of the average size of the floor plates, which would result in articulation of the top 50 feet of the proposed buildings.

Relevant design guidelines for high-rise buildings state that buildings over 150 feet or more than nine stories in height, should have a discernible treatment that distinguishes the base, middle, and top of each building on all facades. Also, buildings taller than 75 feet must have at least two vertical breaks or reveals greater than 2 feet in depth to divide the bulkiness of the mass. The proposed project has balconies for 10 stories of the project, but does not divide the vertical mass of the project.

The guidelines also suggest avoiding continuous massing longer than 100 feet that is not articulated with shadow relief, projections and recesses. The conceptual First Street elevations for the project currently extends approximately 375 linear feet and does not appear to conform to

these guidelines. Staff suggests incorporating these design guidelines during the Planned Development Permit process for the remaining stages of the project.

Urban Design

The project proposes live/work units directly accessible from the sidewalk along the entire frontage of North First Street. Relevant design guidelines encourage active uses on the ground floor of high-rise buildings. Staff recommends retail commercial uses along N. First and Taylor Streets in addition to live/work uses to activate the street and to provide neighborhood services for area residents.

Parking

City of San José Municipal Zoning Code requires 1.5 parking spaces per studio or one-bedroom apartment, 1.8 spaces per two-bedroom apartment, and 2.0 spaces per three-bedroom apartment. The proposed project proposes 150 one-bedroom units, and 274 two-bedroom units, as well as up to 18,000 square feet of commercial space. The Zoning Ordinance allows flexible parking requirements for projects located within 2,000 feet of an existing or proposed rail station by allowing up to a 10% reduction in required parking upon issuance of a Planned Development permit.

With the 10% reduction, the project requires a total of 716 residential and commercial parking spaces. The proposed project would construct a four-level, 722 space parking structure, to provide parking per the City of San José's parking requirements. The parking structure for the site is anticipated with the beginning of the Phase II development.

Open Space

The Residential Design Guidelines require a minimum of 60 square feet of private open space that is at least 6 feet wide for each residential unit. The guidelines also require 100 square feet of usable common open space per unit. For 500 units, the project requires 50,000 square feet of usable common open space in the form of courts, turf areas, and interior areas such as a fitness center, business center, community room, or theater.

Although many of the units feature private open spaces in the form of patios and balconies, the total amount of private open space may not been determined from the plans. The project proposes 30,042 square feet of landscaped area in the common area on top of the podium. Assuming that the entire 30,042 square feet is usable common open space, the project would have a deficiency of approximately 20,000 feet of common open space. To conform to the Residential Design Guidelines, this deficiency would need to be compensated by interior amenity space at the Planned Development Permit stage.

PUBLIC OUTREACH

Notices of the public hearing and the community meeting that was held on May 10th to discuss the proposed General Plan text amendment and Planned Development Rezoning were distributed to the owners and tenants of all properties located within 1,000 feet of the subject site. The

community can be kept informed about the status of General Plan amendments on the Department's web site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule. In addition, the Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has also been available to discuss the project with interested members of the public.

A notice of the rezoning was also published in the newspaper, in accordance with the City Council's Public Outreach Policy.

A Community Meeting was conducted on May 10, 2006 at 777 North First Street during which the applicant presented the project to residents surrounding the subject site. Approximately 10 residents were present at the meeting. Project related comments included concerns about the height of the proposed development, increased traffic, incorporation of green design, and the ability of the ground floor commercial to accommodate neighborhood services such as restaurants and cafés. Several residents expressed support for the project, citing the need for convenience of public transit, and a local need for an increase in residents in order to attract a grocery store. Other community input has included one phone call from a resident expressing concern about the height and traffic impacts of the proposed project.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to:

- I. Approve the proposed General Plan amendment for the following reasons:
 1. The proposed project may be found consistent with the San José 2020 General Plan Major Strategies (Growth Management, Housing, Downtown Revitalization, and Urban Conservation).
 2. The proposed project would further the Goals and Policies for the General Plan's Housing Strategy by providing high-density infill housing in close proximity to transit and commercial/retail opportunities.
 3. The proposed project is located with the Transit-Oriented Development Corridor Special Strategy area, specifically the Guadalupe Corridor.
- II. Adopt an ordinance to approve the proposed Planned Development Rezoning with the following development standards:
 1. Provide a minimum setback of 5 feet to N. First Street, and 5 feet to Taylor Street for buildings up to four stories to create a pedestrian oriented environment of wide sidewalks, street trees, and adequate separation from high-volume traffic.
 2. Require buildings over 4 stories have setbacks of 15 feet (west building) and 20 feet (east building) to Taylor Street to reduce the mass of the Phase II building

on Taylor Street, and the Phase III building on the corner of N. First Street and Taylor Street.

3. Allow a maximum building height of 200 feet above grade subject to Federal Aviation Administration (FAA) Part 77 Determination of No Hazard at the Planned Development Permit stage.

for the following reasons:

1. The proposed project conforms to the subject site's General Plan Land Use Diagram Designation of Transit Oriented Development Corridor.
2. The proposed project is compatible with surrounding land uses.
3. The proposed project meets the parking requirements of the Zoning Ordinance.

Attachments:

Location Map

General Plan Major Strategies

Mitigated Negative Declaration

Plan Set

Final Memo from Public Works

Memorandum from Airport