



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: June 23, 2005

COUNCIL DISTRICT: 7

SUBJECT: PDC02-066. PLANNED DEVELOPMENT REZONING FROM R-MH RESIDENTIAL MOBILE HOME PARK, LI-LIGHT INDUSTRIAL AND HI- HEAVY INDUSTRIAL TO A(PD) PLANNED DEVELOPMENT TO ALLOW UP TO 969 RESIDENTIAL UNITS AND 18,000 SQUARE FEET OF RETAIL COMMERCIAL USES ON 29.5 ACRE SITE.

RECOMMENDATION

The Planning Commission voted 4-2-1 (Commissioners Levy and Zito opposed and Commissioner Pham absent) to recommend that the City Council approve the proposed Rezoning, in accordance with staff's recommendation.

BACKGROUND

On June 22, 2005, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-MH Residential Mobile Home Park, LI-Light Industrial and HI-Heavy Industrial to A(PD) Planned Development to allow up to 969 residential units and 18,000 square feet of retail commercial uses on 29.5 acre site. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Immediately prior to consideration of the proposed Planned Development Rezoning, the Planning Commission held a public hearing in the matter of the Environmental Impact Report (EIR) for the project. Staff provided a brief overview of the project and identified that project approval would need to be contingent on the City Council's willingness to adopt a "statement of overriding considerations" related to significant unavoidable environmental impacts related to odor, traffic, jobs/housing imbalance and loss of industrial land (see original staff report and EIR for more details). A Second Amendment to the EIR was provided to the Commissioners which

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clarified that the recently approved EIR for the GE site on Monterey and Tully, upon implementation of that project, would mitigate the unavoidable cumulative traffic impacts.

No one from the public spoke on the matter of the EIR. Commissioner Zito asked for minor clarification regarding the Second Amendment. The Commission subsequently certified the EIR 6-0-1, Commissioner Pham absent.

Upon certification of the EIR, the Planning Commission opened the public hearing on the matter of the rezoning. Anthony Ho, on behalf of the applicant, gave a presentation about the development of the proposed site design. He explained that the project would have 2x6 walls, triple paned windows and mechanical ventilation for the units facing the Raisch plant and the railroad tracks.

Commissioner James asked if the shared driveway with the Raisch plant was the final design. Although Anthony Ho responded that it was, it should be noted that the General Development Plan includes a condition that indicates that the final design and location will be fine-tuned at that Planned Development Permit stage.

Mr. Garcia, the building trades representative, expressed support for the project since it will provide good paying construction jobs for area residents.

Robert Emami, from ROEM Development, thanked City staff and the Planning Commission for all of their work in getting the project to hearing in a timely manner.

No one from the public requested to speak on the project.

Commissioner Zito wanted to know why Alternative C wasn't chosen since the EIR indicates it is the environmentally-superior alternative.

Staff explained that although it would be environmentally superior, it is only incrementally better than the project as proposed. The alternative doesn't eliminate the odor impact and doesn't substantially change the noise impacts. The alternative doesn't conform to the Residential Design Guidelines in that minor residential streets should not have tall soundwalls along one edge. Further, from an aesthetic standpoint, such streets should have like or compatible development on both sides of the street. Under the Specific Plan, project sites within the Communication Hill area should maintain a grid-iron street pattern with a well-defined block pattern. Alternative C falls short in this regard.

Commissioner Zito then asked about Alternative B. He requested clarification regarding how it did not comply with the project objectives listed by the applicant.

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Staff explained that while it provided infill development, and new housing opportunities, Alternative B did not meet the objectives as well as the proposed project.

Commissioner Zito asked for clarification regarding the odor impact addressed in the EIR.

Staff explained that in order to reduce the odor impact to be less than significant, a 400-foot setback for residential units would be required. Since the area in the 400-foot setback has a residential General Plan designation, only residential uses would be allowed there. Staff noted that commercial uses could not be placed there as a buffer under the current General Plan.

Commissioner Zito asked for clarification regarding how the triple-paned windows would help to reduce odors.

Judy Shanley, the environmental consultant, explained that the triple-paned windows were required for noise attenuation purposes, not odor. However, the mechanical ventilation with the addition of filters could help to reduce odor impacts if the residents kept their windows closed.

Commissioner Zito expressed concerns over the size of the proposed park, specifically how a 2-acre park could meet the needs of 2000 or more residents. Dave Mitchell from the Parks Department explained that the applicant would get credit for providing a turnkey park, and providing private recreation areas on the site. He further explained that the affordable housing component could be exempt from the parkland requirements, and that if not exempted, fees would be contributed by the Redevelopment Agency.

No one from the public spoke on the matter of the project. The Planning Commission subsequently closed the public hearing.

Commissioner Dhillon asked Public Works staff to clarify the need for the shared driveway. Public Works staff explained that many different solutions were analyzed regarding access to the site, noting that the project is large enough to require a full service traffic signal. By providing access to the proposed project site and to the existing asphalt plant (Raisch) at the same traffic signal, a win – win situation was created for Raisch and the future residents of the project site.

Commissioner Platten made a motion to approve the project.

Commissioner Levy stated that he felt the proposal was a good project; however, it should have a 7-acre park as the appropriate size for the projected number of residents under the Parkland Dedication Ordinance. He felt a 2-acre park was bad public policy, and a bad precedent. He asked Commissioner Platten if he would support an amendment to his motion to require a 4-acre park.

Commissioner Platten responded that he felt the project had a well-designed plan consisting of a variety of housing types and two street approaches. He did not accept the amendment to his motion.

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Commissioner Zito concurred with Chairman Levy and stated he would have supported the motion for the 4-acre park, but couldn't support Commissioner Platten's motion. He added that going forward to the PD permit stage, staff should work with the applicant to find ways to reduce the odor impact associated with the project by adding a filtration system to the mechanical ventilation system.

Commissioner James said that he would support the motion since he felt that the proposal was a good project. He was pleased that the developer and Raisch were able to work together to reach a solution with regard to access. Also, he indicated that the project would serve as a good gateway to San José for people coming from the south.

PUBLIC OUTREACH

Notices for the public hearing and EIR were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and published in the San Jose Post Record in conformance with the City's Public Outreach Policy. A similarly noticed community meeting was held on April 21, 2005 at the Chateau La Salle mobile home park. Approximately 8 area residents attended the meeting which included City staff and representatives from the Mayor's and the City Council District 7 Offices. Also present were the applicant and his team of consultants. Those in attendance did not express any opposition to the development.

OUTCOMES

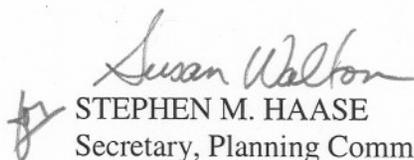
Council approval of the proposed Rezoning will allow construction of up to 969 residential units, a 2 acre park, and 18,000 square feet of retail commercial uses on 29.5 acre site.

COORDINATION

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

CEQA

Environmental clearance for the project is covered under the use of the EIR that was certified for the project.


STEPHEN M. HAASE
Secretary, Planning Commission

REVISED
PDC02-066
GOBLE LANE PROJECT
DEVELOPMENT STANDARDS

The following notes are to be incorporated on the final General Development Plan upon City Council Approval. These notes reflect the modifications recommended by the Planning Commission and shall replace all other notes currently identified on said plan(s).

Permitted Uses

1) Single-family attached, 2) multi-family attached 3) public park, 4) Vertical mixed use commercial/retail with residential above.

Maximum Number of Residential Units: 969 units

Size of Commercial/Retail Uses: 18,000 square feet of commercial/retail space.

Allowable Commercial Uses: Conform to the requirements of the CP Commercial Pedestrian Zoning District of Title 20 of the SJMC, as amended. Conditional Uses of the CP-Commercial Pedestrian Zoning District shall require the issuance of a PD Permit or PD Permit Amendment.

Maximum Size of Public Park

2.0 net acres

Maximum Height: 50 feet. Pursuant to the Communications Hill Specific Plan and approved General Plan Text Amendment (GPT02-07-04), up to 30% of each building footprint may exceed 50 and/or 4 stories. Such areas above 50 feet and/or 4 stories shall be non-habitable architectural features and extend up to a maximum of 65 feet. Single-family attached units within 100' of Chateau LaSalle Development shall be limited to 35 feet. Top of garage podium slab shall be no more than 5 feet above finished grade.

Parking Ratio Requirements

Multi-Family Attached*:
One Bedroom unit = 1.5 spaces/unit
Two Bedroom unit = 1.8 spaces/unit
Three or more Bedroom unit = 2.0 spaces/unit

Motorcycle Parking Ratio = 0.1 space/unit

Bicycle Parking/Storage = 0.1 space/unit

Parallel parking along private or public streets within the project site can be counted towards the required spaces, provided that such parking spaces are directly in front of the property.

Single Family Attached: 2.6 spaces/unit (two covered spaces per unit for residents, plus 0.6 space per unit for guests.)
Tandem garages are permitted as an alternative parking design

Parallel parking along private or public streets within the project site can be counted towards the required spaces, provided that such parking spaces are directly in front of the property.

Mixed Use
Commercial/Retail:

Conform to the requirements of the Title 20 of the SJMC. Ground floor office commercial space shall be counted as retail. This project shall allow an alternating parking arrangement whereby the commercial parking requirement, developed as part of a mixed-use commercial/residential project may be reduced by up to 20% if determined to be appropriate at the Planned Development Permit stage.

*includes podium units and mixed use component units

Private Open Space

Multi-family attached: 60 sq.ft./unit (6 feet min. dimension)

Single Family Attached: 100 sq.ft./unit (6 feet min. dimension)

Common Open Space

Multi-family attached (podium): 100 sq.ft./unit

Multi-family attached (mixed use): 0

Single-family attached: 200 sq.ft./unit

Perimeter Setbacks

North (Chateau La Salle)	8 feet to side of building 15 feet to front or rear of building 8 feet to parking or drive
East (Monterey Road)	10 feet
South (Raisch)	10 feet

West (Southern Pacific Railroad) 10 feet to building

Internal Setbacks/Separations

- Residential buildings (podium) from internal streets: 15 feet
- Residential buildings (townhouse) from internal streets: 15 feet
- Mixed use buildings from internal streets: 10 feet
- Minimum paseo width (distance between townhouse patios/decks from each other): 20 feet.
- Parking areas from internal streets: 15 feet
- Minor architectural projections, such as chimneys and bay windows, may project into the building setback by no more than 2'-0" for a horizontal distance not to exceed 15'-0" in length. Stairs may extend up to 6 feet into the setback area.

GENERAL NOTES

Water Pollution Control Plant Notice

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Public Off-site Improvements

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements. (ALL ITEMS FROM FINAL PUBLIC WORKS MEMORANDUM SHALL BE ATTACHED HERE)

Street Trees

The Public right-of-way shall be planted with street trees as directed by the City Arborist.

Post-Construction Storm Water Treatment Controls

The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans

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for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

Park Impact Fees & Parkland Dedication Ordinance

The applicant shall comply with the requirements of the Park Impact Ordinances, pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San Jose, Municipal Code) and the project shall comply with the Parkland Dedication Ordinance.

Easements: If and upon the approval of residential development to the south, the developer shall make an irrevocable offer of dedication for pedestrian and vehicular ingress/egress purposes at the location of the stub street as shown on the plan to satisfaction of the Director of Planning.

Shared Access with Raisch Property. The final location of a shared driveway and/or street with the adjacent Raisch property shall be determined at the Planned Development Permit stage to satisfaction of the Directors of Planning and Public Works.

Mobilehome Park Closure. This project shall comply with all requirements identified in Title 20 of the SJMC related to the conversion of mobilehome parks as applicable.

Tree Preservation and Removal

Trees proposed for removal shall be mitigated as follows:

- (A) 18"+ diameter trees shall be replaced at a 4:1 ratio with 24-inch box trees.
- (B) 12"-18" diameter trees shall be replaced at a 2:1 ratio with 24 inch box trees.
- (C) Less than 12" diameter trees shall be replaced at a 1:1 ratio with 15-gallon trees.

Environmental Mitigation- *(ALL MITIGATION NOTED IN THE EIR SHALL BE ATTACHED HERE).*

JUN 23 2005 1:11
SAN JOSE CITY CLERK
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