



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 28, 2006

COUNCIL DISTRICT: 7
SNI: None

SUBJECT: PDC06-034. PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT IN ORDER TO MODIFY THE PREVIOUSLY APPROVED DEVELOPMENT STANDARDS FOR A PROJECT WHICH ALLOWS UP TO 969 RESIDENTIAL UNITS AND 18,000 SQUARE FEET OF COMMERCIAL ON AN APPROXIMATELY 29.5-GROSS-ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF MONTEREY ROAD AND GOBLE LANE.

RECOMMENDATION

The Planning Commission voted 4-0-3, (Commissioners Kalra, Pham, and Zito absent) to recommend that the City Council approve the proposed rezoning.

OUTCOME

Approval of the subject Planned Development Rezoning would allow the applicant to proceed with a Planned Development Permit for the construction of a phased development of 18,000 square feet of commercial retail (fronting Monterey Road), up to 969 market rate residential units (approximately 44 DU/AC) and a public park. Approval would allow the construction of detached garden townhouses on a small portion of the project's interior in addition to the attached garden townhouses, podium type condominiums, and apartments previously approved. Approval would create the requirement for, at minimum, a two-acre, contiguous, turn-key park, which will be available to the residents and public. The park size would be consistent with the City's Parkland Dedication Ordinance (PDO) requirements since credits would be given for adding amenities to the park.

In addition, approval would remove the previous zoning requirements that all units in the project have stucco walls and clay tile roofs and the requirement that that the buildings along the south

and west property lines have triple pane windows and 2 x 6 wall construction. The requirement that window and wall construction conform to sound standards per City requirements, subject to verification by a qualified sound engineer, would be added. Also, the height requirement for the sound wall the along the western side would be reduced from eight (8) to six (6) feet. The sound wall along the southern property line would be eight (8) feet; the original approval stated that the southerly sound wall shall not exceed 15 feet. Sound walls would be required to be heavily landscaped with flowers, quick growing vines and 24-inch box trees.

BACKGROUND

On September 27, 2006, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Staff noted that one development standard, titled "Adjustment to Size of Proposed Park," was not removed from the development standards list and should be. This note pertained to the previous rezoning. The entire development standards list was included with the Staff Report to Planning Commission, and the affected provision is noted in an attachment to this memorandum.

A representative for the applicant, Jonathan Emami, was present to answer questions regarding the project, but did not need to speak.

Commissioner Platten complimented staff for their work and then made a motion to recommend approval of the proposed rezoning to the City Council.

ANALYSIS

Overall, the proposed project substantially fulfills the vision of the previously approved Planned Development Rezoning and the intent of the special direction set forth by the City Council. The street pattern and building types will help ensure the creation of a unique urban neighborhood and many of the other special features of the CHSP such as pocket parks. The project also takes a responsible approach in addressing and mitigating environmental impacts associated with the development, as noted in staff's report to the Planning Commission.

POLICY ALTERNATIVES

If the City Council chooses to deny the subject Rezoning, the originally approved Planned Development would be implemented. Detached unit types would not be allowed, a turn-key park would not be required, and the current General Development Standards would still apply.

PUBLIC OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

The proposed project conforms with the San Jose 2020 General Plan, as noted in staff's report to the Planning Commission.

COST SUMMARY/IMPLICATIONS

Not applicable.

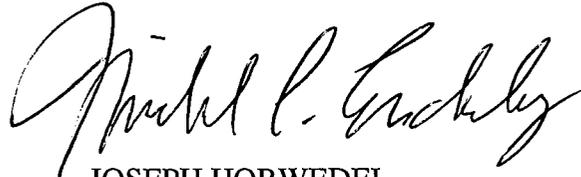
BUDGET REFERENCE

Not applicable.

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CEQA

Goble Lane Environmental Impact Report (File No. PDC02-066). CEQA Resolution No. 72877

A handwritten signature in black ink, appearing to read "Joseph Horwedel". The signature is fluid and cursive, with a large initial "J" and "H".

JOSEPH HORWEDEL
Secretary, Planning Commission

For questions please contact Mike Enderby, Acting Principal Planner, at 535-7800.

c: ROEM Development, Attn: Jonathan Emami, 1650 Lafayette Street, Santa Clara, CA 95050

PDC06-034 Development Standard Modification

The following development standard was included in the original PD Rezoning (file no. PDC02-066). It was also included in the draft development standards for the current rezoning proposal, however, staff is recommending that this development standard be removed from the approved language.

Adjustment to Size of Proposed Park:

To ensure full compliance with the Parkland Dedication Ordinance (PDO), no Building Permits shall be issued for the block immediately adjacent (to the west) of the proposed park until Building Permits have been secured for the 200 unit affordable housing component. In the event that, the affordable housing component is not implemented, the size of the proposed park shall be expanded to meet the requirements of the Parkland Dedication Ordinance.