



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: December 8, 2005

COUNCIL DISTRICT: 6

SUBJECT: PDC05-034. Planned Development Rezoning from CP Commercial Pedestrian District to A(PD) Planned Development District to allow 32 single-family attached residences on a 1.1 gross acre site located on the west side of Skylark Drive, at the western terminus of Hummingbird Drive.

RECOMMENDATION

A majority decision was not reached, therefore, there is no recommendation from the Planning Commission. The Planning Commission voted 3-3-1 (Commissioners Zito, Levy and Campos in support of a motion to deny, and Commissioners Platten, Dhillon and James opposed).

BACKGROUND

On December 7, 2005, the Planning Commission held a public hearing to consider a Planned Development rezoning from CP Commercial Pedestrian to A(PD) Planned Development to allow 32 single-family attached residences on a 1.102 gross acre site.

Staff made a brief report, clarifying that FEMA had indicated that the property had been removed from the flood hazard zone and the C3 stormwater requirements were being met on the site. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Colin Gray, representing the applicant, noted that he was available to answer any questions. Commissioner Levy asked for the applicant to indicate where the common open space was located on the project. Peter Ko, the project architect, indicated that the project is a podium design and the open areas on the podium were common open space. Commissioner Dhillon asked what percentage of the site was taken up by the podium and what landscape edges remained. The applicant clarified the amount of open space on the podium and showed the project elevation on Skylark Drive. Commissioner Levy questioned the lack of landscaping and amenities on the podium. The architect noted that the landscape plan showed planter boxes on the podium, but no additional amenities were proposed since the project was not for apartments. The architect noted that the developer would work with staff at the PD Permit stage to provide additional amenities.

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Commissioner James asked if a street median strip was proposed to be removed, as certain drawings in the plans did not show it. The applicant stated that it was proposed to remain.

Doug McGill, a resident of the adjacent neighborhood expressed concern about the right turn onto Almaden Expressway, noting that the traffic already backs up significantly at that location. He also noted that the density of the project is very high compared to the neighborhood and that the 40-foot height is very different from the typical 20-foot tall house in the neighborhood.

Harvey Darnell from the North Willow Glen Neighborhood Association indicated particular concern regarding the interface of the project with single-family houses across the street. The applicant highlighted that the project homes located on Skylark Drive were built at grade to be closer to the height of residences across the street and that the taller portions of the project were oriented away from the neighborhood. The applicant noted that the proposed project would generate less trips than the existing commercial use.

Commissioner Campos commented that the use of the two-acre rule required that a project be of "exceptional" design. He stated that the façade facing the street didn't seem very well designed. The architect responded that three different color palettes would be used and that the project would not be monolithic, since the third floor steps back. Commissioner Campos stressed that staff should work hard with the applicant to ensure good design.

Commissioner James asked the applicants whether they had considered reducing the height to two stories along Skylark Drive. The applicant noted that to reduce the height would require reducing the density or number of bedrooms in each unit and might not be financially feasible. The applicant also noted that some "pop-ups" in the adjacent apartment buildings to the south along Skylark were of the same height as the proposed project. Staff noted that the third story was set back from the face of the building to improve compatibility with the single-family neighborhood and staff would work at the PD Permit stage to provide landscaping and amenities on the podium. Commissioner Zito suggested that a few units could be removed to allow wider, shorter units on Skylark. Commissioner Zito stated that he agreed with Commissioner Campos that the architecture of the project was not exceptional.

The Planning Commission then closed the public hearing.

Commissioner Zito moved to recommend denial of the project and the motion was seconded. Commissioner Levy stated that project was too cluttered, did not provide a good interface with the neighborhood and the walkways represented only the bare minimum for open space, with no amenities. He stated that the applicant should revise the project to increase the common open space.

Commissioner James suggested that the elimination of the loft area on the third floor for the units along Skylark Drive could reduce the impact of the height and not result in a decrease in density on the site. He also asked for clarification regarding flooding on the site. Public Works staff noted that no requirements would be placed on the project if FEMA states that the project is not in a flood hazard area. Staff commented that the site is above the flood height and that public streets are designed to convey the runoff from a 100-year storm.

Commissioner Platten noted that the property was a problematic parcel of land which the project addressed nicely, and that the interface along Skylark was sufficiently designed to be compatible with the neighborhood. Commissioner Dhillon stated that he was opposed to the motion, stating he felt that staff should continue to work with the applicant on these issues. Commissioner Campos commented that the City should not have to settle for mediocre projects and stated that we would want assurance from the applicant that the project would be modified to be more compatible with the neighborhood and of exceptional design.

Commissioner Zito stated that the project was disappointing and that recommending approval with conditions was not as strong a statement as a recommendation for denial. The applicant commented that he would be willing to continue to work with staff to modify and improve the project.

The Commissioners then voted on the motion, with Commissioners Levy, Campos and Zito supporting the motion to deny the project; Commissioners Platten, Dhillon and James opposed and Commissioner Pham absent. Counsel confirmed that in the absence of a majority vote the project would move forward to the City Council without a recommendation from the Planning Commission.

Commissioner James restated that there were three clear reasons for the Commission's actions. He stated that the project needs:

1. More common open space
2. Amenities for residents
3. A better interface with the houses across the street on Skylark Drive

Commissioner Platten also noted that the Commissioners' opinions also included that the proposed architecture along Skylark Drive is unattractive and needs improvement to be considered to be of exceptional design.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. A community meeting was held for this project at the San Jose Masonic Temple on August 9, 2005. Community members expressed concern regarding potential traffic impacts from the project; they stated that the area already is experiencing significant traffic problems during peak hours. Neighbors also expressed concerns regarding impacts on street parking, building height, soil conditions and flooding. The staff report was available on the Planning Department web site one week prior to the original Public Hearing date. Staff has been available to discuss the project with interested members of the public.

COORDINATION

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

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CEQA

Mitigated Negative Declaration, File No. PDC05-034

Susan Walton
for STEPHEN M. HAASE
Secretary, Planning Commission

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