



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 8, 2008

COUNCIL DISTRICT: 6
SNI AREA: n/a

SUBJECT: PDC06-094. PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 250 SINGLE-FAMILY ATTACHED RESIDENCES IN THREE-STORY BUILDINGS CONSTRUCTED AT-GRADE AND ON A PODIUM ON A 4.4 GROSS ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF CINNABAR STREET AND STOCKTON AVENUE.

RECOMMENDATION

The Planning Commission voted 5-2-0 (Commissioners Kamkar and Zito opposed) to forward a recommendation to the City Council to approve the proposed rezoning from LI Light Industrial zoning district to A(PD) Planned Development zoning district to allow up to 250 single-family attached residences on a 4.4 gross acre site per staff recommendation as contained in the attached report.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 250 single-family attached residences may be built on the subject 4.4 gross acre site provided the project meets the proposed Development Standards. This future development would be subject to a Planned Development Permit.

BACKGROUND

On April 21, 2008, the proposed rezoning was scheduled for a public hearing before the Planning Commission. In response to requests from the community, the Planning Commission deferred the public hearing to May 7, 2008 in order for an additional community meeting, scheduled for April 23, 2008, to occur giving the community additional input on the project prior to the hearing.

On May 7, 2008, the Planning Commission held a public hearing on the proposed rezoning. Staff gave a brief presentation to the Commission on the project including a clarification in the staff report related to the staff recommended reduction in parking of 14%, as opposed to 13%

stated in the report. Additionally, staff gave the Commission a brief synopsis of the discussion that occurred at the community meeting for the project held on April 23, 2008.

Staff indicated to the Commission that the concerns expressed by the community members attending the meeting included parking, construction impacts, building materials and colors, and building massing in the general area of the 4 single-family homes remaining on Cinnabar Street. Staff expressed that the issue of greatest concern was the parking and that those at the meeting were supportive of a 10% reduction in required parking for the project as opposed to the 14% reduction as recommended by staff. Staff also indicated that one of the property owners most impacted by the building mass adjacent to the single-family home she lives in was supportive of the project and was willing to work with the applicant through the permitting stage to identify measures that could lessen the impact on her property, including, but not limited to, landscaping.

Mr. Erik Schoennauer, representing the applicant, gave a presentation of the project, highlighting the location of the project being in an area long identified for high density housing supportive of the Downtown Core. Additionally, he highlighted the proximity to multi-modes of transportation including heavy rail, light rail, and bus rapid transit.

There were five (5) members from the public who spoke on the project. Two members from the Shasta/Hanchett Park Neighborhood Association spoke and expressed concern over the reduction in parking and stated they were not supportive of the 14% reduction, suggesting that it would exacerbate an already existing parking problem in the area, especially during times of events at the Arena and when the Whole Foods project gets built in the future. Additionally, they expressed that there is a desire expressed by the community that any park fees collected from this project go towards improvements of the park at Tillman and Race Streets.

A member from the Cahill Neighborhood Association spoke in opposition of the parking reduction, citing the severe problem in his neighborhood with on-street parking in and around the newer developments in the Cahill Station area. He did state that there is resident permit parking now and that it has alleviated the problem with Arena patrons parking in the area during events. There were also two members from the Fiesta Lane Action Group (FLAG) who expressed their concerns related to the larger-scaled development adjacent to the rear of single-family homes.

Planning staff responded to the discussion surrounding the reduction in parking, emphasizing that this project is not only located within a reasonable walking distance to heavy rail and light rail, but also along a bus rapid transit line, and within walking distance to the Alameda Neighborhood Business District as well as within walking distance to the Downtown job center. Staff stated that the parking reduction, coupled with the recommended bicycle and motorcycle parking, would be supportive of the transit orientation of this project.

There were also questions from the Commission related to the historic significance of the Barry Swenson Building on Stockton Avenue. Staff indicated that regardless of individual opinions of the significance, the historic analysis identified it as eligible for the California Register of Historic Places and that demolition of the structure was not covered under the environmental clearance for the project; therefore, retention on site, or relocation in conformance with the Secretary of Interior Standards, would be the current options for the structure.

Commissioner Campos moved to recommend approval of the proposed rezoning per staff's recommendation. Commissioner Zito asked the maker of the motion if he would entertain a friendly amendment to change the proposed 14% parking reduction to only 10%. The maker of the motion declined the amendment. Commissioner Zito then moved to recommend an "unfriendly" amendment to the motion to change the parking reduction to 10%. The Commission voted on that motion which failed 3-4 (Commissioners Platten, Campos, Kalra, and Kinman opposed). The Commission then voted on the original motion which passed 5-2 (Commissioners Kamkar and Zito opposed).

ANALYSIS

Approval of the proposed rezoning would be consistent with the San Jose 2020 General Plan to provide high density residential supportive of the Downtown Core and transit use. Analysis of the project is contained in the attached staff report.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

- 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 noticed community meeting was held on November 27, 2006 to discuss the proposed project and solicit feedback from the community. Persons in attendance generally supported the proposed project. The neighborhood said the project should be designed with adequate parking because on-street parking is limited, especially during HP Pavilion events. Neighbors stated they believe the project would not significantly shade the adjacent single-family homes, and that the podium buildings would be designed to be aesthetically pleasing when viewed from the street. The project was also presented to Historic Landmarks Commission on July 11, 2007 and April 2, 2008. An additional community meeting, scheduled for the Planned Development Permit, being reviewed concurrently with the proposed rezoning, was held on April 23, 2008. Community comment at the meeting is discussed earlier in this transmittal.

The staff report(s) have been available on the Planning Division web site. A sign was posted on-site to notify neighbors of the proposed development. The rezoning was also published in a local

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newspaper, the Post Record. Staff has been available to respond to questions from the public. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City 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

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration adopted April 18, 2008.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Licinia McMorrow at 408-535-7814.

cc: