



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 29, 2008

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: PDC06-067. PLANNED DEVELOPMENT REZONING FROM THE IP - INDUSTRIAL PARK ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 777 MULTI-FAMILY ATTACHED RESIDENTIAL UNITS, AND A 2.58 ACRE PUBLIC PARK ON A 14.3 GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the IP-Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residential units, and a 2.58-acre public park on a 14.3 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission, up to 777 multi-family attached residential units, and a 2.58-acre public park can be constructed on the subject 14.3 gross acre site, consistent with the Development Standards for the subject rezoning. This future development would be subject to a Development Permit.

BACKGROUND

On May 28, 2008, the Planning Commission held a public hearing to consider the subject Planned Development Rezoning request.

Staff gave an overview presentation of the project, and proposed language to clarify the sanitary sewer condition in the Updated Draft Development Standards (Public Works Condition #12) to reflect that additional analysis be completed at the Planned Development Permit stage to further determine the scope of sanitary sewer improvements required for the proposed development.

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Staff noted, and as further described in the staff report, that the proposed rezoning is consistent with the North San José Area Development Policy as well as with the General Plan, the Riparian Corridor Policy, the Draft North San José Design Guidelines, and the recently adopted North San José Neighborhoods Planning Task Force Guiding Principles.

Chair Kalra asked staff to clarify if it was the City's intent to add on to the 2.58 acres of parkland from the proposed project to develop a 5-acre park. Dave Mitchell, Parks Planning Manager, answered that the properties to the south could also be redeveloped as residential and the City would ask for parkland adjacent to the proposed 2.58-acre park to complete a minimum 5-acre park.

Public Testimony

The applicant, Jeff Panek (Essex), described the process and evolution of the proposed project over the past two years from a 1,200-unit project at the preliminary review stage to the current proposal for 777 units. Mr. Panek described the three formal community meetings and additional meetings with the River Oaks Neighborhood Association (RONA) and the changes to the project as a result of those meetings and discussions with staff. The changes included reducing height, stories and number of units and re-orienting the park and proposed buildings.

Rocky Shen (Architect KTGy), on behalf of the applicant, gave an overview of the project, first emphasizing that the project was not proposing any tandem parking. Mr. Shen described the key features of the project including the parking garage being completely wrapped by residential units, and the automobile and pedestrian circulation into and through the site.

There were three public speakers, Jim Kawasaki, Jean Marlowe, and Mike Bertram. Mr. Kawasaki raised concerns about the adequacy of the proposed streets for fire/emergency vehicle access, asked if there would be on-street parking on the new streets, and commented that there would be additional traffic on Seely. Ms. Marlowe suggested that the project be deferred, indicating that the staff report indicated an incorrect measurement regarding the distance from the riparian corridor, that there should be an additional community meeting, and that the height facing Seely and River Oaks is too tall. Mr. Bertram stated that there is an aggregate traffic problem and questioned the ability of the 2-lane River Oaks to support additional traffic, that the project impacts the left turn movement from River Oaks onto Montague, that there is a need for a proper traffic study, and that the North San José Task Force recommended multiple exits from a site.

Mr. Shen (architect) confirmed, per Commissioner Kamkar's request, that there is no tandem parking. Commissioner Kamkar asked about what happens if an accident blocks the only access to the project off of Seely Avenue. The applicant responded that emergency vehicles would still have access to and from the site off of River Oaks.

The Planning Commission closed the public hearing.

Commission Discussion

In response to Mr. Kawasaki's concerns, staff noted that the project has been reviewed at all stages by the Fire Department and the project provides adequate emergency vehicle access. Staff noted that the streets are standard public streets with room for on-street parking with sufficient width to accommodate emergency vehicles.

In response to Ms. Marlowe's comments, staff noted that the description on page 4 of the staff report in the Riparian Corridor Policy Consistency section is accurate; the eastern edge of the site is at least 210-feet away from the edge of the riparian corridor vegetation. Staff also noted that the proposed buildings are further separated from the levee by a minimum of approximately 180-feet because of the location of the proposed public park. Staff clarified that the last community meeting was on January 7, 2008, not February of 2007 and that the primary change from the plans shared at that community meeting to the current plans was the reduction in number of stories from seven to five for the building closest to the proposed park. In regard to the question of appropriate height along Seely and River Oaks, staff noted that the project has a limited frontage on River Oaks and that there shouldn't be an interface issue along Seely as there are no residences across the street; there are existing industrial buildings. Staff offered to look at the height, stories and massing issue at the Planned Development Permit stage to see if there were appropriate design measures that could be implemented to lessen the impression of height.

Manuel Pineda, Division Manager with the Department of Transportation, responded to Mr. Bertram's comments by stating that the City has reviewed cumulative traffic impacts as part of the North San José Area Development Policy Update process and has also reviewed cumulative traffic with the project's operational analysis. Mr. Pineda indicated that the City is reviewing strategies for alleviating some of the operational concerns raised and noted that the installation of the traffic signal at Seely and River Oaks would also help to alleviate the left-turn pocket capacity issue at Montague.

Dave Mitchell, Parks Planning Manager, answered Commissioner Kamkar's question about the adequacy of the size of the park, by stating that as a dedicated turn-key park it meets the City's needs.

Chair Kalra asked for clarification on the "single exit/entry" being contrary to the North San José Guidelines. Mr. Pineda answered that while there is only one proposed automobile connection to Seely, the City would likely require additional streets to increase connectivity if the adjacent industrial property to the south were to redevelop with residential.

Commissioner Campos commented to the members of the community regarding the request for a deferral, that there appeared to be a lot of give and take throughout the process and that the applicant had developed a better project because of the process; a project which supports the City's policies for providing housing.

Commissioner Campos made a motion to recommend approval of the project per staff's recommendation.

Chair Kalra stated that the Planning Commission would have a second study session on riparian issues and invited those interested in the topic to attend. The chair reiterated an earlier statement that the riparian discussion does not affect the proposed rezoning as the project would conform to the Riparian Corridor Policy regardless of where riparian setback was measured.

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the IP-Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residential units, and a 2.58 acre park on a 14.3 gross acre site

ANALYSIS

Approval of the proposed rezoning would implement the vision set forth for new residential development within the North San Jose Area Development Policy. The proposed rezoning is also consistent with the draft North San José design guidelines, pertaining Neighborhood Master Plan, parks plan, retail plan, Educational Needs report, and North San José Guiding Principles.

See staff's report dated May 21, 2008 for complete analysis of the project.

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 notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This memorandum, the staff report and attachments are also posted on the City's website. Staff has been available to respond to questions from the public.

Community meetings (with public notification of a 1,000-foot radius) were held on November 30, 2006, February 22, 2007, and January 7, 2008, with 114, 27, and 34 members of the public in attendance, respectively. An additional meeting with the River Oaks Neighborhood Association (RONA) was held on December 29, 2006, with 101 members of the public in attendance.

Previously, in 2005, City staff conducted a series of general community meetings related to drafting of the North San José Area Development Policy. Also, staff held further community meetings regarding implementation of the North San José Area Development Policy.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan goals and policies as further discussed in the attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Resolution No. 72768.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Richard Buikema, Senior Planner, Department of Planning, Building and Code Enforcement at 535-7835.