



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 29, 2008

---

**COUNCIL DISTRICT:** 7  
**SNI AREA:** None

**SUBJECT: PDC08-012. Planned Development Rezoning from A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility on a 2.88 gross acres site.**

## RECOMMENDATION

The Planning Commission voted 5-0-1-1 (Zito absent, Jensen abstained) to recommend that the City Council adopt an ordinance to approve the subject planned development rezoning from the A (PD) Planned Development Zoning District to the A (PD) Planned Development Zoning District to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility on a 2.88 gross acres site.

## OUTCOME

Should the City Council approve the Planned Development Rezoning, the subject 2.88 acres parcel would be subdivided into two lots containing a single room occupancy living unit facility and a restaurant, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

## BACKGROUND

On May 28, 2008, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The applicant's representative, Vince Rivero of HMH Engineering, was present and spoke in support of the project. No members of the community spoke on the project. Commissioner Campos commented that SRO facilities have repeatedly been shown to have lower parking demand because residents utilize multiple forms of transportation, and therefore the lowered parking ratio was appropriate. The Planning Commission then closed the public hearing, and voted 5-0-1-1 (Zito absent, Jensen abstained) to forward a recommendation to approve the project as recommended by staff.

## ANALYSIS

The project as proposed conforms to the San José General Plan Land Use/Transportation Diagram designation of Combined Industrial Commercial in that a restaurant is an intended commercial use for this designation. The project as proposed also conforms to the San José General Plan in that the existing Single Room Occupancy (SRO) meets the criteria for application of the General Plan Discretionary Alternate Use Policy for the Location of Projects Proposing 100% Affordable Housing, which, in order to encourage the development and provision of affordable housing, allows affordable housing projects on any Commercial, Residential and Industrial Zoning Districts. Markham Terrace SRO has been operating for the last fourteen years to provide affordable housing to low income households and this rezoning would allow it to continue.

For further analysis please see attached Staff Report.

## EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

## POLICY ALTERNATIVES

Policy Alternative #1 – Should the Council not support the subdivision of the property as proposed, denial of the rezoning is an option. The result of a denial would not affect the existing use of the site but would simply preclude subdivision of the property.

## 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 for the project on April 30, 2008. Approximately 5 members of the community were present, and there were no outstanding concerns following the meeting. 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.

HONORABLE MAYOR AND CITY COUNCIL

May 29, 2008

Subject: PDC08-012

Page 3

### **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 the Zoning Ordinance as further discussed in attached staff report.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

### **CEQA**

CEQA: Exempt



*FOR* JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Jeannie Hamilton at 408-535-7800.