COUNCIL AGENDA: 8/26/08
ITEM: 4.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** July 21, 2008

**COUNCIL DISTRICT:** 4
**SNI AREA:** N/A

**SUBJECT: PDC07-101. PLANNED DEVELOPMENT REZONING FROM THE CN – COMMERCIAL NEIGHBORHOOD, CG – COMMERCIAL GENERAL, AND LI – LIGHT INDUSTRIAL ZONING DISTRICTS TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 290 MULTI-FAMILY ATTACHED RESIDENTIAL UNITS (106 SENIOR, 184 MULTI-FAMILY) ON A 4.04 GROSS ACRE SITE**

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve an ordinance rezoning the real property located on the southeast corner of North First Street and East Rosemary Street from the CN – Commercial Neighborhood, CG – Commercial General, and LI – Light Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 290 multi-family attached residences on a 4.04 gross acre site.

## OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission, up to 290 multi-family attached residential units composed of 106 Senior affordable and 184 multi-family affordable units can be constructed on the subject 4.04 gross acre site, consistent with the Development Standards for the subject rezoning. This future development would be subject to a Development Permit.

## BACKGROUND

On June 25, 2008, the Planning Commission held a public hearing to consider the subject Planned Development Rezoning request.

### Public Testimony

The applicant, Jonathan Emami (ROEM Development Corporation), commended staff on a collaborative process and commented that the City was behind in supplying affordable housing.

There were three public speakers, Joseph Vota, Catherine Nadeau, and Eileen McNeil.

Mr. Vota, representing the Rosemary Gardens Neighborhood Association, stated that the developer went to great lengths to help assuage the neighborhoods fears of affordable housing by attending multiple neighborhood and community meetings. Mr. Vota asked for the following, require the maximum amount of parking for the project, the City should purchase the property across Rosemary for a park site, Rosemary should be widened, and the projects Transportation Impact Fees should be used to help alleviate traffic in the area.

Ms. Nadeau stated that she is an advocate of subsidized housing, but is opposed to the project because the project will impact overcrowded schools, strain infrastructure, and worsen existing overcrowded/over-parked streets.

Ms. McNeil lives in the Hyde Park neighborhood and raised concerns about the density and aesthetics of the project.

The applicant provided responses to some of the concerns raised by the public. With respect to parking the project is not asking for a significant parking reduction (10 percent for proximity to light rail for the multi-family). A 3rd party consultant provided a parking assessment for the reduction in required parking for the senior units. With respect to architecture, the applicant noted that the conceptual plans are for massing purposes only and they will revisit the design with staff to ensure a high quality attractive project.

Manuel Pineda with the Department of Transportation (DOT) provided responses to the traffic related concerns. Mr. Pineda stated that future traffic signal controller improvements along North First Street associated with Light Rail would make for more efficient movements and alleviate much of the existing traffic/cut-through concerns. DoT has studied the neighborhood west of the subject site and, based on traffic volumes, have not identified any additional needed traffic calming elements. DoT is not proposing to widen East Rosemary Street, but is proposing to add parking, which helps to reduce speeds and provides for a more pedestrian-friendly environment.

With respect to the comment regarding securing a neighborhood park site, the applicant stated that they are working with the Redevelopment Agency and Housing to secure the site across the street, which is owned by the same owner as the site of the subject rezoning. Although not required to pay park fees, the applicant has agreed to pay park fees.

The Planning Commission closed the public hearing.

**Commission Discussion**

Commissioner Kamkar asked the applicant about tandem parking. The applicant's architect Teo Speranza (Miro Design Group) responded that the project meets the applicant's goal of providing less than 15 percent of the spaces as tandem and have found that tandem spaces work for two or three bedroom units. Mr. Speranza indicated that the Senior units will not have tandem parking.

Commissioner Kinman raised concerns about the distance trash bins have to be pushed from their locations in the parking garage out to the proposed staging area on Rosemary. Mr. Speranza responded that a cart, similar to a golf cart, pulls the trash bins to the staging area.

Chair Kalra asked Dave Mitchell, Parks Planning Manager, for clarification on the potential location of the neighborhood park. Mr. Mitchell explained that the proposed park site is at the northeast corner of Kerley and Rosemary. Mr. Mitchell added that Parks, the Redevelopment Agency, and Housing were working to secure the site.

Chair Kalra asked staff to respond to the request to widen Rosemary Street and asked whether there were any planned improvements to First Street and Interstate 880. Staff indicated that Rosemary Street can accommodate the addition of on-street parking without widening. Staff noted that there are no First Street improvements at 880, but there are other improvements from the North San José mitigation that will help by redistributing traffic throughout the area.

Chair Kalra and Commissioner Zito raised concerns about noise and air quality due to the proximity of the project site to Interstate 880. Staff indicated that the project was redesigned from its initial submittal to limit the impact of elevated noise levels and poor air quality on future residents.

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

Commissioner Jensen thanked staff for due diligence with respect to evaluation of noise and air quality impacts, but encouraged the applicant to continue to work with staff on the design of the project to further reduce resident exposure to noise and air quality impacts. Commissioner Jensen supported staff's proposed development standards regarding architecture and added that the landscape plan should emphasize natives.

Commissioner Campos indicated that he trusts that the applicant will continue to work with staff to develop a project to be proud of.

Commissioner Zito expressed an understanding of the need to provide affordable housing, but was concerned about locating affordable housing in less desirable locations (e.g., adjacent to freeways). Commissioner Kinman added a concern about locating residences near areas that generate high carcinogens (e.g., adjacent to freeways).

Chair Kalra was encouraged to hear from the neighborhood association that the applicant was working with the community.

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed Planned Development Rezoning from the CN – Commercial Neighborhood, CG – Commercial General, and LI – Light Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow up to 290 multi-family attached residential units on a 4.04 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 Rincon South Specific Plan, draft North San José design guidelines, parks plan, retail plan, Educational Needs report, and North San José Guiding Principles.

See staff's report dated June 17, 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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A community meeting (with public notification of a 1,000-foot radius) was held on April 14, 2008 with five members of the community 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 policies and City Council approved design guidelines as further discussed in attached staff report.

## COST SUMMARY/IMPLICATIONS

Not applicable.

## BUDGET REFERENCE

Not applicable.

## CEQA

Resolution No. 72768.

Jean Hamilton

FOR JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Richard Buikema, Senior Planner, Department of Planning, Building and Code Enforcement at 408-535-7835.

cc: