



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 27, 2008

COUNCIL DISTRICT: 5
SNI AREA: None

SUBJECT: PDC05-068. PLANNED DEVELOPMENT REZONING FROM THE A AGRICULTURE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF UP TO 11,850 SQUARE FEET FOR RELIGIOUS ASSEMBLY USES ON A 1.0 GROSS ACRE SITE LOCATED ON THE NORTH SIDE OF STORY ROAD, APPROXIMATELY 80 FEET EASTERLY OF DOMINICK WAY.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt an ordinance to approve the subject Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow the construction of up to 11,850 square feet for religious assembly uses on a 1.0 gross acre site, located on the north side of Story Road, approximately 80 feet easterly of Dominick Way (14671 Story Road).

OUTCOME

Should the City Council approve the Planned Development Rezoning, the subject 1.0 acre parcel would be developed as a church/religious assembly use with a two-story 5,846 square-foot temple and a 5,998 square-foot monks' residence with nine (9) bedrooms. The proposed development would be subject to a Planned Development Permit.

BACKGROUND

On October 22, 2008, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. Staff gave a brief report describing the project. The applicant's representative, Whitney Marr, gave a brief presentation describing the project and the proposed religious assembly use.

Public Testimony

Several area residents provided testimony. The first member of the public to speak on the project was Frank Cortez, a resident in one of the single-family homes in the planned development that is below grade and to the west of the subject property. Mr. Cortez spoke in favor of the project, but

asked that a barrier wall be constructed at the western property line to help prevent improperly parked cars in the proposed parking lot from rolling downhill into the rear yards and structures of the adjacent single family properties. Another area resident, James Lull, who lives on Giant Way, uphill and to the east of the subject property, indicated his opposition to the project due to noise concerns. Mr. Lull stated that the applicant is currently conducting some religious assembly uses outside and that the associated chanting and bell-ringing can be heard on his street. Agnes Silva Lull spoke next and indicated that she is opposed to the rezoning.

Commission Discussion

Commissioner Kalra asked that, at the Planned Development Permit stage, the developer and staff explore the use of sound-dampening building materials to help contain noise related to the assembly use within the proposed temple building. Staff confirmed that all assembly uses must be conducted in the new temple building and that outdoor use of amplified equipment will not be permitted outside. Mr. Marr, for the applicant, stated that a concrete wall will be installed at the western property line. Staff stated that the parking lot and wall will be built at the same grade elevation as the adjacent lot so that improperly parked cars will not roll toward the wall.

The Commission voted 7-0-0 to recommend approval of the Planned Development Zoning as recommended by staff.

ANALYSIS

The proposed project, a religious assembly use, conforms to the San José General Plan Land Use/Transportation Diagram designation of Urban Hillside in that the project meets the criteria for the Discretionary Alternate Use Policy Two Acre Rule. The Two Acre Rule allows for a non-residential land use designation to be developed under any residential or non-residential category provided the alternate land use to be allowed is compatible with existing and planned uses on adjacent and neighboring properties and the proposed project exceeds the minimum standards of the Zoning Ordinance and adopted design guidelines.

The project has been carefully designed to provide the best interface possible with the single-family residences that border the subject property. Consideration has been given to the location of the proposed buildings for the privacy, livability, and adequate solar access for both the proposed project and the existing, adjacent single-family residences. The proposed buildings are "cut-into" the hill and substantial side setbacks are included in the development standards. The parking lot, conceptually designed to include a solar panel canopy structure and pervious grass cell pavers is centrally located and well-screened. The proposed use is compatible with the uses in the surrounding residential area. Furthermore, the proposal is in substantial conformance with the General Plan and the adopted design guidelines. Staff recommends approval of the Planned Development Rezoning.

For further analysis please see the 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

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)**

A community meeting was held September 26, 2007. Five people attended the meeting. Attendees indicated concern regarding frequency of services, number of visitors, parking, and fencing.

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. This staff report is also posted on the City's Website and staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Building Department, Environmental Services Department, Fire Department, Department of Transportation, San Jose Police Department, and San Jose Water Company.

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.

HONORABLE MAYOR AND CITY COUNCIL

October 27, 2008

Subject: PDC05-068

Page 4

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration

for Susan Walton
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7800.