



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 27, 2009

COUNCIL DISTRICT: 6
SNI AREA: Burbank/Del Monte

SUBJECT

PDC07-017. Planned Development Rezoning to allow the demolition of existing structures and the construction of up to 41 single-family attached residential units and up to 1,500 square feet of commercial uses.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Cahan absent) to recommend that the City Council approve a Planned Development Rezoning to allow the demolition of existing structures and the construction of up to 41 single-family attached residential units and up to 1,500 square feet of commercial uses.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 41 single family attached residences and up to 1,500 square feet of commercial space could be constructed on a 0.91 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

In February of 2007 the applicants, Mr. and Mrs. James and Tina Jean, filed the subject Planned Development Rezoning application to allow up to 41 single family attached residences and up to 1,500 square feet of commercial uses on the subject 0.91 gross acre site. The site is located within a large unincorporated County pocket adjacent to the City boundary. A City conducted annexation for this entire pocket, including the subject site, is scheduled to occur in the fall of 2009. The site is currently developed with a commercial structure, parking, outdoor storage, two single-family residences, and a billboard. All structures, including the billboard, would be removed as part of this project. A Planned Development Zoning is required because the project is designed in a configuration and at a density that is not supported by any of the City's conventional zoning districts.

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On April 22, 2009, the subject rezoning was heard before the Planning Commission at a public hearing. The property owner, James Jean, spoke on behalf of the project. The project architect, Andy Whiting, presented a slideshow showing plans and renderings of the project.

Commissioner Do asked what type of future redevelopment projects might be expected to be constructed at the corner adjacent to the site. Mr. Whiting explained that the existing development is made up of small, older commercial buildings and that he would expect that a larger, more urban building might be built in the future. Commissioner Do also stated that he disagreed with the proposed architectural concept of the residences facing Pacific Avenue.

Commissioner Do stated that the two proposed architectural styles in the project were too different and were incompatible with each other. He stated he would rather see one architectural style throughout the project. Mr. Whiting explained that the project was previously proposed with an entire contemporary design, and that the style of the townhouses on Pacific Avenue was changed because of objections within the community to the contemporary architecture. He stated that the proposed architecture was a compromise based on the community feedback, and that the community and staff was supportive of the changes.

Commission Kamkar expressed concern regarding the small amount of retail in the project on West San Carlos. The Director of Planning, Building, and Code Enforcement explained that the project was designed to fit within the constraints of the Building and Fire Code access requirements, which is why the entirety of the West San Carlos project frontage was not commercial. He stated that staff will work with the applicant at the Planned Development Permit stage to maximize the amount of commercial space and frontage.

The Director stated that a good example of a project that has two different building types to match the neighborhood interface is the Avalon on The Alameda. He stated that that project was a successful example of a project with townhomes adjacent to a single family interface, with a four story residential structure behind it to conform to the higher density uses at that interface. Commissioner Do said that in the Director's example project the architectural styles and massing were generally more consistent within the project, which is why it was successful. Commissioner Do explained that the two architectural styles within the proposed project were too different to be compatible.

Chair Zito commented that the project was proposing to use Discretionary Alternate Use Policies to conform to the General Plan, and therefore the project must meet a reasonably high bar in architectural quality to be found in conformance with these policies. He stated that he did not think the project design was exceptional, and he implored staff to work with the architect at the Planned Development Permit stage to improve the project to an "exceptional" level. Chair Zito noted that all of the parking on the site was proposed in the below-grade garage, underneath the residential units. He asked if the users of the retail space were intended to park in the below-grade garage. Chair Zito also noted that West San Carlos is a commercial street, and that industrial uses exist across the street. He stated that bringing residential uses to this part of West San Carlos could introduce sensitive receptors that would be detrimental to the viability of the adjacent employment uses.

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Staff explained that they would work with the architect at the Planned Development Permit stage to improve the project design, and to work out details such as the shared parking between the proposed retail and residential uses. Staff stated that given that the commercial parking would be within the underground garage they would expect it to be used mostly by employees of the commercial space, and that patrons would likely park on the street, as it would be more convenient for them. Staff further explained that the residential units above the retail created a more substantial street presence for the project on West San Carlos than would be possible with a retail-only use. Chair Zito asked if other mixed use projects were anticipated to be constructed on other properties on West San Carlos in the area. Staff responded that, with the exception of the industrial uses across West San Carlos from the site, further development of similar mixed-use projects in the project vicinity is expected.

Commissioner Campos asked staff what type of transit was planned for West San Carlos. Staff explained that bus rapid transit was proposed, as well as a new potential light rail station nearby the site that would be funded by other existing and planned developments.

Commissioner Campos made a motion to consider the Mitigated Negative Declaration and to recommend that the City Council approve a Planned Development Rezoning to allow the demolition of existing structures and the construction of up to 41 single-family attached residential units and up to 1,500 square feet of commercial uses as recommended by staff. Commissioner Platten seconded the motion. Commissioner Campos stated that he would request that staff work with the applicant to improve the architecture to achieve better neighborhood compatibility and that they work towards providing additional retail square footage in the project.

Commissioner Jensen echoed the concerns of Chair Zito regarding the convenience of the commercial parking within the below grade parking garage accessed off of Lincoln Avenue. Staff explained that based on the proposed parking configuration, they did not expect a high traffic use to occupy the commercial space. Staff would anticipate a less intense use such as an office in the proposed space, and would anticipate that employees of the business would utilize the four required underground parking spaces.

Commissioner Jensen stated she was concerned about the shared parking and the impact on the neighborhood that could create. She also expressed concern about the minimal square footage of the retail. She asked staff about the average sizes of other retail spaces along West San Carlos. Staff stated that they do not keep such data. Staff explained that when reviewing the project they had to balance the need for retail on West San Carlos with the need for easily accessible parking, and had determined that it was more important to provide retail frontage on West San Carlos instead of taking up much of the frontage with the parking garage entrance.

The Commissioners further expressed their concern about the small amount of retail proposed, and urged it to be reevaluated and increased at the Planned Development Permit stage. The Commission voted unanimously to approve the motion.

ANALYSIS

Please see attached Planning Commission Staff Report for further analysis.

EVALUATION AND FOLLOW-UP

Not Applicable. 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)**

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 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. Please see attached Planning Commission Staff Report for further information.

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.

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COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

MND (Mitigated Negative Declaration)

for Darryl Boyd
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Darryl Boyd at 408-535-7800.

cc: James and Tina Jean, 14906 Sobey Road, Saratoga, CA 95070; Andy Whiting, Office of Jerome King, 97 E. St. James, San Jose, CA 95112