

CITY COUNCIL
STAFF REPORT

FILE NO.: PDC09-002

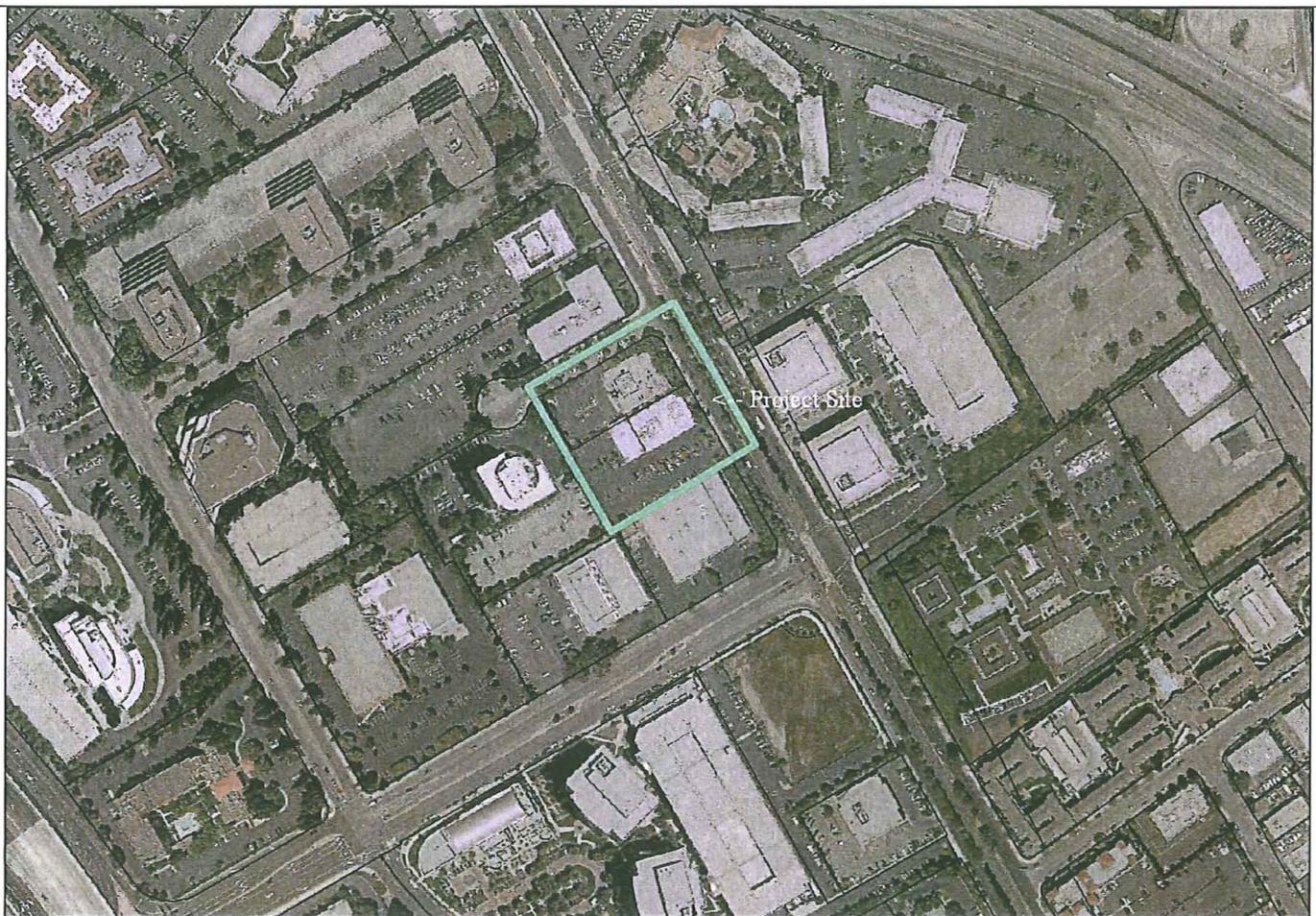
Submitted: 1/08/09

PROJECT DESCRIPTION: Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify setbacks to a previously approved zoning (File No. PDC05-114) for up to 460 residential units with up to 20,000 square feet of retail space on a 2.4 gross acres site.

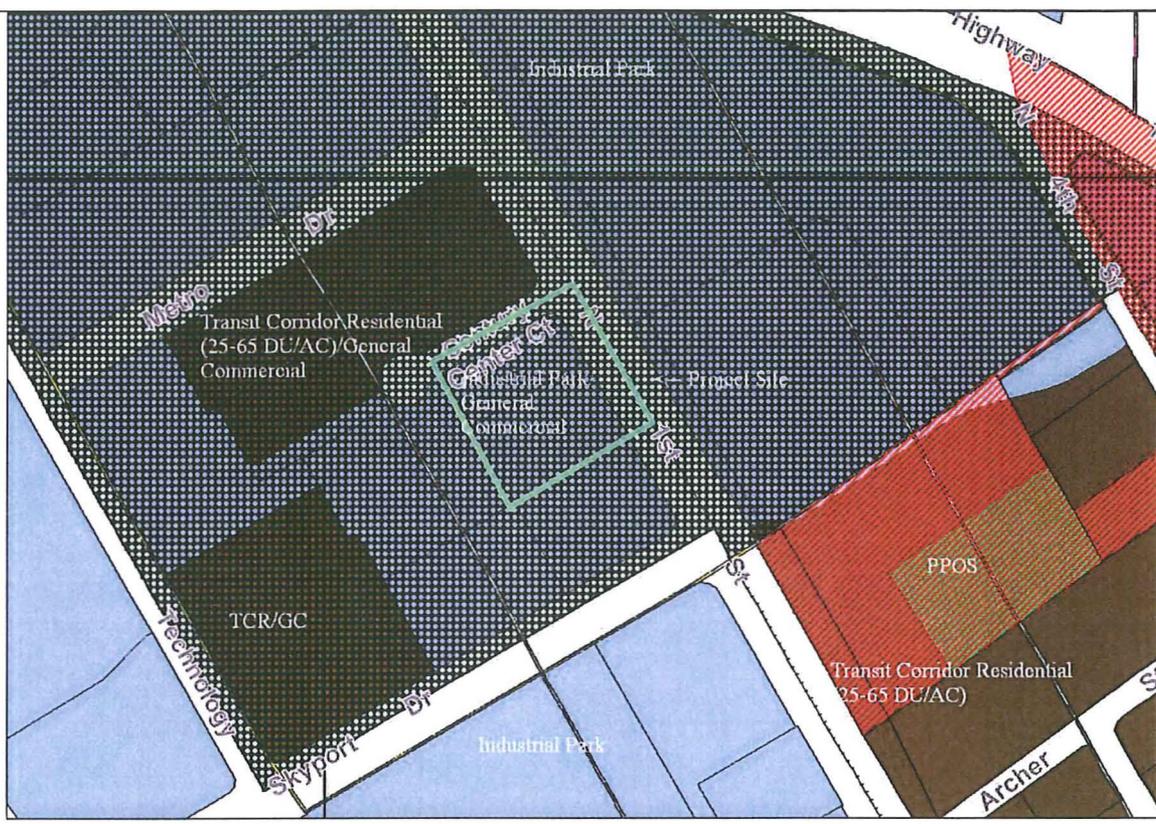
LOCATION: Southwest corner of North 1st Street and Century Center.

Existing Zoning	A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Industrial Park & General Commercial with a Transit/Employment Residential District Overlay (55+DU/AC)
Council District	3
Annexation Date	05/29/1958
SNI	None
Historic Resource	No
Redevelopment Area	Rincon de los Esteros
Specific Plan	Rincon South

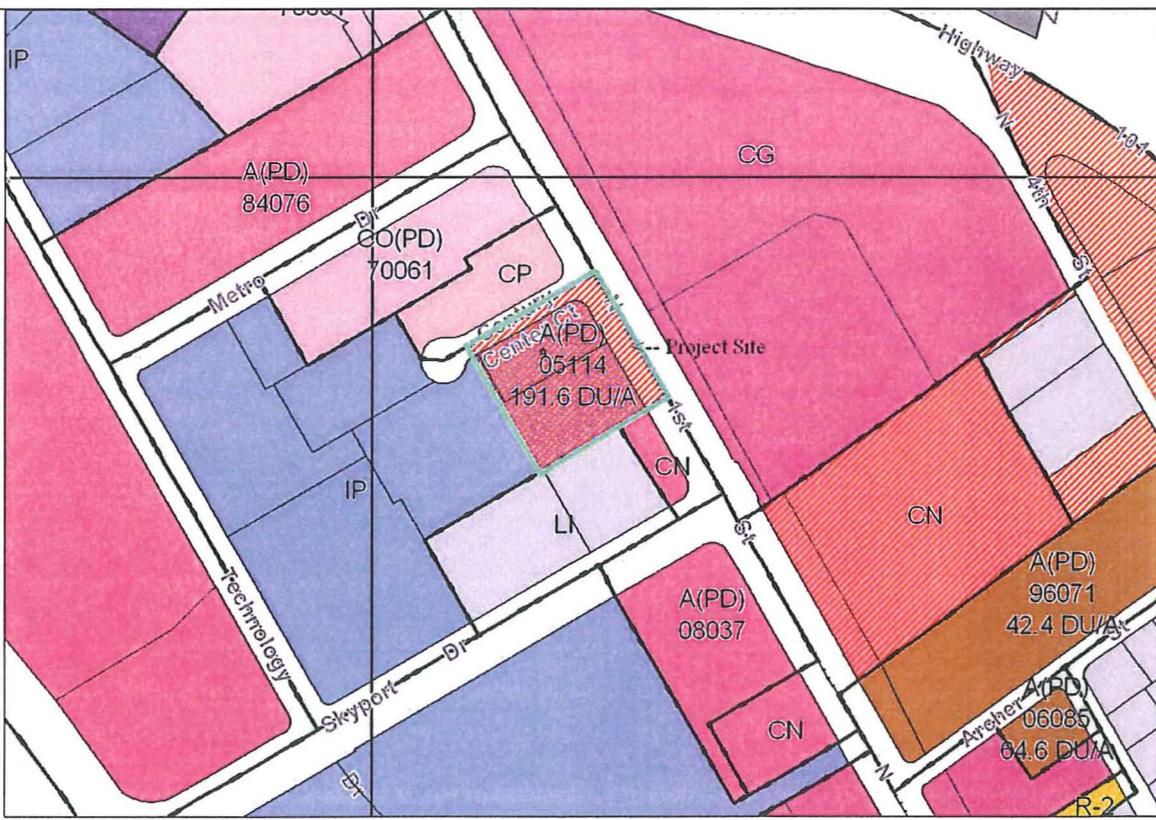
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation diagram's designation of Transit/Employment Residential District Overlay (55+ DU/AC).
2. The project is consistent with the Rincon South Specific Plan.
3. The project is consistent with the North San Jose Area Development Policy
4. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
5. The proposed project is in conformance with the Residential Design Guidelines.

BACKGROUND & DESCRIPTION

This application is for a Planned Development Rezoning to allow up to 460 residential units with up to 20,000 square feet of retail space on a 2.4 gross acres site. A Planned Development Rezoning, File No. PDC05-114, was approved by City Council on September 25, 2007 for the same project. This current Rezoning application is only to modify the required front setback along Century Center Court from 30-40 feet to 15 feet, as well as modify the private open space requirements. All other development regulations remain unchanged.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were originally addressed by an Initial Study, and an addendum to the North San Jose Area Development Policy Update Final EIR was issued by the Director of Planning on August 16, 2007, for the previously approved Planned Development Zoning (File No. PDC05-114). The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, and hydrology. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policy Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR.

GENERAL PLAN CONFORMANCE

The site has two designations on the San Jose 2020 General Plan Land Use/Transportation Diagram of Industrial Park and General Commercial and has a Transit/Employment Residential District Overlay (55+DU/A). With up to 460 units proposed on the subject 2.4 gross acre site, the proposed density calculates to 191.6 DU/AC. The Transit/Employment Residential District Overlay provides a minimum density allowed of 55 DU/AC; therefore, under no circumstances could fewer than 132 units be built on the site. This density conforms to the General Plan Land Use/Transportation Diagram Transit/Employment Residential District Overlay density. Furthermore, this project furthers the North San Jose Area Development Policy which provides for the conversion of 285 acres of existing industrial lands to residential use in order to reduce the impact upon regional traffic conditions caused by additional industrial development.

ANALYSIS

The primary issues associated with the previously approved Planned Development Zoning, PDC05-114, were the compatibility of the proposed residential use with the existing neighborhood, conformance to the North San Jose Area Development Policy, the Rincon South Specific Plan, the proposed alignment of the Airport Automated People Mover (APM) and the Residential Design Guidelines. See attached Staff Report for the previously approved Planned Development Zoning, PDC05-114, for full discussion of these issues.

The APM was previously proposed to be located along Century Center Court and the previously approved zoning provided a 30-40 foot setback along this frontage to accommodate this structure and use. However, the APM, (which was to transfer people from the airport to the VTA Light Rail), has been removed from the airport's master plan and the larger setback along this frontage is no longer required to accommodate it. This rezoning proposes a modification to the previously approved General Development Plan Notes to reduce the front setback requirement along Century Center Court from 30-40 feet to 15 feet. The reduced setback will bring the building out to the street, creating a more urban form that is compatible with what is envisioned in the North San Jose Area Development Policy. The project was also required to dedicate nine feet of frontage along North First Street and this reduction in setback will allow the project to make up the area lost.

Additionally, the previously approved zoning's General Development Plan Notes had a private open space requirement of 60 square feet per unit, based on the Residential Design Guideline's standards for mixed use developments. However, this development, (though it does include commercial uses), is more of a mid-rise housing development. For mid-rise housing, the Residential Design Guidelines state that for sites 1) in highly urbanized areas, 2) proposing development equal to or greater than 50 dwelling units per acre, 3) subject to noise impacts that exceed General Plan noise policies for useable private open space, and 4) with no reasonable methods to provide useable private open space, then the private open space in some cases may be eliminated for 50% of the units. This development is located in what is envisioned to be an urbanized portion of North San Jose, is developed at 191.6 DU/AC and is subject to a number of noise impacts (close proximity to North First Street/VTA Light Rail, Highway 101 and the airport). The revised General Development Plan Notes have a private open space requirement of an average of 40 square feet per unit, which is still greater than the amount provided with a 50% reduction in private open space requirements, but does provide more flexibility to account for units that have no feasible means to provide private open space.

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.

Project Manager: Ed Schreiner **Approved by:**  **Date:** 7/23/09

Owner:	Applicant:	Attachments:
Charles Seufferman et al 2804 Mission College Blvd, Unit 120 Santa Clara, CA 95054	Mike Black Green Valley Corporation 777 N First St, 5 th Floor San Jose, CA 95112	Location Map Development Standards Reduced Plan Set Staff Report for PDC05-114 Addendum to the North San Jose Area Development Policy EIR (Resolution # 72768)

The following development standards shall be placed on the Land Use Plan of the General Development Plan set after the rezoning has been approved by the City Council. All other development standards shall be removed from the plan set.

PDC09-002
DRAFT DEVELOPMENT STANDARDS

PERMITTED USES

Residential. Up to 460 multi-Family attached residential units

Commercial. Up to 20,000 square feet of commercial uses.

Permitted uses shall be the permitted uses of the CP – Commercial Pedestrian Zoning District.

Conditional Uses: - Conditional Uses of the CP – Commercial Pedestrian Zoning District may be allowed upon the approval of a Planned Development Permit.

Live/Work units are subject to the criteria laid out in Section 20.40.120 of the City of San José Zoning Ordinance as Amended.

DEVELOPMENT STANDARDS

Maximum Height: 150 feet

Perimeter Setbacks From Face of Curb (minimum):

North First Street Frontage 27 feet to Building Face

Century Center Court Frontage 15 feet to Building Face

Western Property Line 5 feet to Building

Southern Property Line 1 foot to Building

Parking:

Residential

1.4 Spaces/Studio Unit

1.5 spaces/1 Bedroom Unit

1.8 space/2 Bedroom Unit

Commercial.

Consistent with the City of San José Zoning Ordinance, as amended.

Pursuant to Section 20.90.220 of the San Jose Municipal Code, A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a development permit for structures or uses located within 2,000 feet of a proposed or an existing station. If no Development Permit is required, a development exception may authorize a reduction.

Common Open Space: 40 Square Feet per Unit Minimum

Private Open Space: Multi-family Housing - Average of 40 Square Feet per Unit
Town homes – 430 square feet per unit

Landscaping:

The Property Owner and/or Home Owner’s Association shall maintain on site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.

INCLUSIONARY HOUSING

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

HOMEOWNERS’ ASSOCIATION

A homeowners’ association shall be established for all owners of the units. The association will be responsible for maintenance of all common areas including but not limited to parking, vehicular circulation, and all common areas.

PARKLAND DEDICATION ORDINANCE AND PARK IMPACT ORDINANCE

Development of the site shall conform to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

PUBLIC IMPROVEMENTS

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of Building Permit(s), the applicant shall be

required to obtain a Public Works Clearance. Said Clearance shall require execution of a construction agreement that guarantees the completion of the public improvements.

SCHOOL IMPACT FEE

In accordance with Government Code 65996, the developer shall pay the statutory school impact fee to offset the increased demands on school facilities caused by the proposed project.

ENVIRONMENTAL MITIGATION

The following environmental mitigation shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Ordinance Number . Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

The project shall implement the following standard measures:

1. The project shall comply with the City's *Outdoor Lighting Policy* (Policy 4-3), which includes the use of low-pressure sodium outdoor security lighting on-site along walkways, entrance areas, common outdoor use areas, and parking areas.
2. If any significant cultural materials as identified in the Addendum are exposed or discovered during site preparation or subsurface construction activities, operations should stop within 50 feet of the find and a qualified professional archaeologist contacted for evaluation and further recommendations. The archaeologist's recommendations shall be presented to the Director of Planning, Building, and Code Enforcement for consideration. Potential recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials.
3. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission shall be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

4. If the Director of Planning, Building, and Code Enforcement finds that the archaeological discovery is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final report would be prepared when a find is determined to be significant archaeological site, and/or when Native American remains are found on the site. The final report would include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
5. Prior to issuance of a Planned Development (PD) Permit, a sanitary sewer main LOS study will be completed by a qualified civil engineer to determine the need for improvements to the sanitary sewer infrastructure adjacent to the project site. The study will be submitted to the Department of Public Works project engineer for review and approval.

The following mitigation measures are identified as part of the certified 2005 NSJ FPEIR and are to be implemented by the project:

1. The project shall implement measures identified by BAAQMD to reduce emissions, which are proposed to include, but are not limited to, the following:
 - Providing secure and conveniently placed bicycle parking;
 - Allowing only natural gas fireplaces, pellet stoves, or EPA-Certified wood-burning fireplaces or stoves in residences. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
 - Providing direct, safe, attractive pedestrian access from project site to transit stops and adjacent development;
 - Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand; and
 - Providing transit passes to new residents.
2. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices will be implemented during construction on the project site:
 - Water all active construction areas at least twice daily.
 - Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
 - Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.
3. Pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be completed no more than (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or building permit.
4. The proposed project shall replace trees removed at the following ratios:

Table 4.4-2 Standard Tree Replacement Requirements		
Diameter of Tree to be Removed	Non-Native	Minimum Size of Each Replacement Tree
18 inches or greater	4:1	24-inch box
12 – 18 inches	2:1	24-inch box
Less than 12 inches	1:1	15-gallon container
Notes: X:X = Tree replacement to tree loss ratio Trees greater than 18-inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.		

5. Since the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
6. The project proponent shall retain a consulting arborist prior to any ground disturbance activities. The consulting arborist shall develop a tree protection plan outlining specific procedures to ensure that trees on adjacent properties are protected during the construction phase.
7. For retained trees in the immediate vicinity of construction or demolition areas, problems of soil compaction within the root zone resulting from heavy construction equipment shall be prevented. In order to minimize construction and demolition impacts to remaining trees, barrier fencing shall be installed around the dripline of all retained trees or at the edge of construction areas. Any construction or demolition activities taking place within the dripline of retained trees shall be done by hand or with light equipment that does not cause soil compaction. All fencing shall remain in place throughout the construction phase of the project. The type of fencing to be utilized shall be at the direction of the consulting arborist.
8. Any limb or root pruning to be conducted on retained trees shall be approved and supervised by the consulting arborist and shall follow best management practices developed by the International Society of Arboriculture.
9. Supplemental irrigation to retained trees shall be applied as determined by the consulting arborist.
10. If any of the retained trees should be damaged during the construction phase, they shall be evaluated at the earliest possible time by the consulting arborist so that appropriate measures can be taken.
11. Design and construct buildings in accordance with a design-level geotechnical investigation prepared for the project site, which identifies the specific design features that will be required for the project, including site preparation,

compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Stabilization of the below-grade parking will likely be required. Drawdown of ground water will be designed to avoid subsidence of nearby structures supported on shallow foundations. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

12. All construction joints, and basement walls below the design ground water level will be waterproofed to limit moisture infiltration. A waterproof specialist will be retained to design the waterproofing system, including the under-mat waterproofing, waterstops and other waterproofing measures at construction joints, and a waterproofing design for all below-grade walls. The use of drainage systems above design ground water levels and designing for hydrostatic pressures should be evaluated in the design-level investigation.
13. Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
14. The project would be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.
15. Extension of public utilities and infrastructure to serve the development would be required to be designed to withstand seismic and structural damage in conformance with General Plan policies.
16. A Phase II Environmental Site Assessment will be completed prior to issuance of a Planned Development (PD) permit to identify any remaining soils contamination on-site due to the previous agricultural use of the project site. In the event contaminants are present in soils on-site, construction will only occur in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event contamination is identified above action levels and identify emergency procedures and responsible personnel.
17. Asbestos surveys will be conducted for buildings on-site. In accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, all potentially friable asbestos-containing materials will be removed prior to building demolition.
18. A lead survey of painted surfaces and soil around buildings on-site will be completed prior demolition. Requirements in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-

based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

19. Comply with the City of San José *Special Flood Hazard Area Regulations* and City's Floodplain Management Ordinance.
20. Obtain an Elevation Certificate (FEMA Form 81-31) for the proposed structure, based on construction drawings and a Flood Proofing Certificate (FEMA Form 81-65), prior to issuance of building permits and occupancy permits.
21. Elevate building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the base flood elevation or otherwise protected from flood damage.
22. Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading, applicants shall be required to file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
 - Preclude non-stormwater discharges to the stormwater system.
 - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.
 - Perform monitoring of discharges to the stormwater system.
23. Groundwater from the construction site could be laden with sediments from excavation activities. Where dewatering (pumping of groundwater from excavation) is required, it will be conducted in accordance with local, state, and federal clean water regulations.
24. Disposal of substantial quantities of groundwater as a part of construction activities will be conducted in consultation with the Regional Water Quality Control Board staff. Depending on the volume of water and the presence of sediments, the groundwater could be disposed of by:
 - discharge to the storm drain system, if sediments are not present;
 - discharge to the sanitary sewer; or
 - hauling off-site for treatment and disposal at an appropriate waste treatment facility.
25. The Regional Water Quality Control Board staff will be consulted if pumping will be conducted for more than 24 hours or at more than 20 gallons per minute.

26. One or more of the following techniques would be used to prevent the discharge of sediment laden water to storm drain systems:
 - use of Baker Tanks or other settling tank; or
 - filtration with a filtering device.

27. The project will comply with the NPDES Municipal Permit by incorporating BMPs and TCMs to control non-point pollution. The proposed project may include but is not limited to the following BMPs and TCMs:
 - A grassy swale with a flat grate inlet will be located on the southwest side of the building to treat storm water from the site outside of the proposed building.
 - The proposed building will have an internal piping system designed to collect storm water runoff from the roofs and courtyard. The project will install a new manhole with a mechanical stormwater treatment unit to treat the storm water runoff collected from the roofs and courtyard.

28. In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, the project shall be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of the Planned Development Permit.

29. Prior to the issuance of a Planned Development Permit, the project shall incorporate appropriate BMPs and TCMs in order to conform to Policy 6-29 and 8-14.

30. The applicant will develop a construction mitigation plan in close coordination with adjacent businesses and noise-sensitive land uses. The construction mitigation plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. The mitigation plan shall be incorporated into the PD Permit. The construction mitigation plan will consider the following available controls to reduce construction noise levels as low as practical.
 - Limit demolition and construction activities to daytime hours between 7:00 am and 5:00 pm;
 - Construct solid plywood fences around the perimeter of the construction site adjacent to business or noise-sensitive land uses;
 - Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
 - Construction equipment should be well maintained and used judiciously to be as quiet as practical;
 - Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from businesses or noise-sensitive land uses;

- Prohibit all unnecessary idling of internal combustion engines;
 - Notify all adjacent businesses, residences, and noise-sensitive land uses of the construction schedule in writing;
 - A temporary noise control blanket barrier could be erected, if necessary, along building facades facing the construction site. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected;
 - Designate a disturbance coordinator, responsible for responding to complaints about construction noise. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to businesses or noise-sensitive land uses adjacent to the construction site;
 - If pile driving is necessary, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile;
 - If pile driving is necessary, consider using multiple pile driving rigs to expedite this phase of construction;
 - If pile driving is necessary, consider the use of "acoustical blankets" for receivers located within 100 feet of the site; and
 - If pile driving is necessary, limit these activities to between the hours of 10:00 AM and 4:00 PM to coincide with check-in/check-out times at the nearby hotel. The adjacent hotel shall have the opportunity to provide input as to the specific time limits.
31. Complete project-specific acoustical analyses to ensure that the design of the proposed residential buildings and units shall reduce interior noise levels to 45 dBA L_{dn} or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all units with a direct line of sight to roadways and the rail corridor.
32. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for residential units adjacent to North First Street. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The specific determination of what treatments are necessary shall be determined on a unit-by-unit basis.
33. The proposed project shall conform to the requirements of Title 24, part 2 of the California Building Code. An analysis detailing the treatments incorporated into the building plans shall be prepared and submitted to the Building Division prior to the issuance of a Building Permit. The report shall demonstrate that the proposed design will achieve an interior DNL of 45 dBA or less in all habitable residential areas.

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
P.C. 08-22-07
C.C. 09-11-07

Item *Sa*

File Number
PDC05-114

Application Type
Planned Development Zoning

Council District SNI
3

Planning Area
North

Assessor's Parcel Number(s)
230-29-034 & 230-29-022

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: Southwest corner of North 1st Street and Century Center

Gross Acreage: 2.4

Net Acreage: 2.4

Net Density: 191.6 DU/AC

Existing Zoning: CO (PD) Commercial Office,
LI Light Industrial & CG General
Commercial

Existing Uses: Existing Commercial/Industrial Building

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 460 residential units with up to 20,000 square feet of retail space.

GENERAL PLAN

Completed by: Chris Burton

Existing Land Use/Transportation Diagram Designations
Industrial Park & General Commercial with a Transit/Employment
Residential District Overlay (55+DU/A)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CB

North: Office

CP Pedestrian Commercial

East: Office

CG General Commercial

South: R&D Office

LI Light Industrial & CN Neighborhood Commercial

West: Office

IP Industrial Park

ENVIRONMENTAL STATUS

Completed by: CB

Reuse of North San Jose EIR (Resolution # 72768)
 Negative Declaration circulated on _____
 Negative Declaration adopted on _____

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: CB

Annexation Title: Airport No. 3

Date: 05/29/1958

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval
 Recommend Approval with Conditions
 Recommend Denial

Date August 16, 2007 Approved by: *Susan Walton*

OWNER / DEVELOPER	CONTACT	
James F Schmidt, 1733 N 1 st Street, San Jose, CA 95112	Kenneth Rodrigues, 10 N 3 rd Street, Suite 400, San Jose, CA 95113	

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CB

Memo from Public Works

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On November 16, 2005, the applicant, James Schmidt, filed a Planned Development Zoning application, File No. PDC05-114, to rezone the subject property from CO (PD) Commercial Office, LI Light Industrial and CG General Commercial to A (PD) Planned Development to allow up to 460 multi-family attached residential units and up to 20,000 square feet of retail space on a 2.4 gross acre site on the southwest corner of North 1st Street and Century Center Court.

The project site is located on a 2.4 acre site at 1731 and 1733 N. First Street and is currently developed with two office buildings that total approximately 29,645 square feet. The proposed rezoning would allow for the demolition of the existing office buildings and development of up to 460 attached residential units and 20,000 square feet of ground floor retail uses. The maximum density of the proposed project is 191.6 DU/AC. Under no circumstances would fewer than 132 units be built on the site, which would provide the minimum density allowed by the Transit/Employment Residential District Overlay (55 DU/AC). The proposed building would be up to 150 feet in height above grade, constituting up to 14 stories with two towers located on the North First Street and Century Center Court frontages of the site. The ground floor of the building would be developed as retail space and six live/work units.

The proposed retail uses would be divided into three retail spaces fronting onto North First Street. One retail space located at the corner of North First Street and Century Center Court would total approximately 8,400 square feet. The second and third retail spaces would total approximately 4,300 and 3,500 square feet, respectively, and would be located on opposing sides of a lobby. A second lobby entrance would be provided from Century Center Court. The six live/work units would have ground floor work spaces and living space on the second floor. Two of the live/work units are proposed to front onto North First Street and four units to front onto Century Center Court. The third floor would be developed with residential units along the street frontages. A courtyard would be located in the center of the building on the fourth floor. Approximately 15 two-story townhouse units would be located on the south and west sides of the fourth floor courtyard. The proposed residential towers would extend from the fourth floor on the Century Center Court and North First Street sides of the building. The residential units would range in size from

studios to 2 and 3 bedroom townhouses. The building would be built up to the southern and western property lines. The proposed zero setback from the western property line will require abandonment of an existing ten-foot wide Pacific Gas & Electric (PG&E) easement.

Private open space is proposed in the form of balconies that are accessed through the living rooms of the units. Common open space is proposed on the fourth-floor courtyard of the building. The common open space is largely shielded from ambient noise by the two towers. A reduced copy of the plan set is attached for reference.

GENERAL PLAN CONFORMANCE

The site has two designations on the San Jose 2020 General Plan Land Use/Transportation Diagram of Industrial Park and General Commercial and has a Transit/Employment Residential District Overlay (55+DU/A). With up to 460 units proposed on the subject 2.4 gross acre site, the proposed density calculates to 191.6 DU/AC. The Transit/Employment Residential District Overlay provides a minimum density allowed of 55 DU/AC; therefore, under no circumstances could fewer than 132 units be built on the site. This density conforms to the General Plan Land Use/Transportation Diagram Transit/Employment Residential District Overlay density. Furthermore, this project furthers the North San Jose Area Development Policy which provides for the conversion of 285 acres of existing industrial lands to residential use in order to reduce the impact upon regional traffic conditions caused by additional industrial development.

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the San Jose Area Development Policy. The Final Environmental Impact Report for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, and hydrology. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policy Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

Specific analysis of potential hazardous chemicals and substances used on sites proximate to the project was completed. Approximately 91 facilities were identified within one-half mile of the project site that use, handle, and store quantities of hazardous substances. Of these facilities, 69 had hazardous materials files available at the San José Fire Department (SJFD), 17 facilities were identified through the regulatory agency database report, and five additional facilities were identified in a drive-by survey that did not have files available at the SJFD. Based on the volume, type, storage, and distance from the site, 50 of these facilities were determined unlikely to pose a significant threat to residents of the site if an accidental chemical release were to occur.

Based on review of the most recently available hazardous materials inventories, 13 facilities were identified for further evaluation. Modeling of the maximum impact accidental chemical release scenarios was completed based on the City's identified methodology. Sixteen possible maximum impact release scenarios were modeled. Four scenarios modeled based on the use of hazardous materials at Hill Brothers Chemical Company, Universal Semiconductor, and Haro's Metal Finishing would have off-site consequences that could impact future residents of the site.

Although the modeling identified an impact to the site due to a phosphine release from Universal Semiconductor, this release is unlikely to reach the site because the phosphine/silane mixture used at the facility is likely to spontaneously react with air instead of migrating to the project site. Additionally, the occurrence of the hydrogen cyanide release scenario from Haro's Metal Finishing is considered extremely unlikely. This scenario is considered unlikely because the hydrogen cyanide would have to encounter an acid to create the reaction that was modeled in the release scenario. Releases from these facilities, therefore, would not be a likely source of a significant impact to future residents of the project site.

Due to the types and quantities of toxic and flammable substances used at the Hill Brothers Chemical facility, it is required to participate in the California Accidental Release Prevention Program (CalARP). Facilities that use or store quantities of toxic and flammable substances that can have off-site consequences if accidentally released are required to participate in the CalARP Program. Under the CalARP program, toxic endpoints are provided by the Office of Environmental Health Hazard Assessment (OEHHA) and are based on preexisting toxicity values developed by the National Institute for Occupational Safety and Health. Under the CalARP Program, worst-case and alternative release modeling is completed based on the federal Risk Management Plan (RMP) methodology. Based on the alternative release modeling completed for the CalARP, given the quantity of chemicals at this facility, future residents of the project site would not be impacted

ANALYSIS

The primary issues associated with this project are the compatibility of the proposed residential use with the existing neighborhood, conformance to the North San Jose Area Development Policy, the Rincon South Specific Plan, the proposed alignment of the Airport Automated People Mover (APM) and the Residential Design Guidelines.

North San Jose Area Development Policy

This project is located within the North San Jose Area Development Policy boundaries. The Policy recognizes that the conversion of some industrial land to residential use within the Policy area is acceptable in order to reduce the impact upon regional traffic conditions caused by additional industrial development. Proposed conversions within this area may or may not be appropriate based upon existing conditions at the time of the proposed conversion. Because residential conversions should result in the establishment of safe and cohesive residential neighborhoods, it may not be appropriate to convert a site to residential use in light of existing conditions at the time of the proposal. Under the North San Jose Area Development Policy, proposed conversions should be evaluated through the zoning process for conformance with City policy and according to the following criteria:

The site must not contain an existing important vital or 'driving' industrial use.

The existing buildings on the site, proposed for demolition, are currently occupied by professional offices. The buildings, built in the late 1960s early 1970s, consist of rectangular one and two-story commercial/production buildings. Due to a significant amount of vacant office space currently available in the North San Jose Area, this project will not adversely affect existing industrial uses.

The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.

The project site is located within an urbanized area of San Jose. The site is bordered by North First Street to the east, Century Center Court to the north, and commercial and light industrial uses to the south and west. The subject property contains existing industrial/commercial buildings and pavement. The buildings immediately surrounding the project site vary between one and six-story structures. Although the project would increase the intensity of development on the property in terms of size and scale, it would not have a significant adverse impact on the visual character of the site or its surroundings, which consist of urban commercial and industrial uses. The proposed building would not affect views or increase shading at any residential properties or public parks.

The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development.

As described in the Environmental Review section above, approximately 91 facilities were identified within one-half mile of the project site that use, handle, and store quantities of hazardous substances. Following the review of information on file with the San Jose Fire Department Hazmat team, and additional field survey and modeling work, the substances used by these facilities were found to be in small quantities or used in ways which would not likely result in impacts on future residents of the project.

Traffic Impact Fee

The City will collect a Traffic Impact Fee in accordance with the North San Jose Area Development Policy, to be used to fund the mitigation measures needed to meet future traffic conditions resulting from implementation of the Policy as described in the traffic analysis and Environmental Impact Report (EIR). The Traffic Impact Fee distributes the cost of the necessary infrastructure improvements on a cost per trip generated basis amongst the total development addressed through this Policy (32,000 residential units). The Fee is currently set at \$5,971 per unit for new multi-family residential development within the Policy area. These fees are adjusted automatically every two years to address increases in land acquisition, and construction costs for the scheduled roadway and intersection improvements anticipated over time based upon standardized construction cost inflation rates for the region. The precise Traffic Impact Fee for this project will be calculated and collected at the time of issuance of a Building Permit.

Conformance to the Rincon South Specific Plan

The Rincon South Specific Plan designates four sub-areas within its boundaries. Each sub-area has a distinct character and is treated differently by the Specific Plan with specific policies formulated for each to supplement the general policies outlined in the plan. The project falls within the Technology Park Sub-Area which contains the majority of Rincon South's high technology office and industrial development and is an important part of North San Jose. In addition to office and industrial uses and several existing and new hotels, 11.4 acres are designated for Transit Corridor Residential use as an alternative to or in

combination with General Commercial Uses. The subject site is not located in this 11.4 acre area and as the plan does not account for the new residential development provided for in the North San Jose Area Development Policy the overall Land Use and Design Policies of the Rincon South Specific Plan, have been used to find conformance with the intent of the plan.

The Rincon South Specific Plan states that multi-family residential structures on all streets, but particularly on North First Street, North Fourth Street and Skyport Drive, should project a very urban presence on the street and that site design should accommodate pedestrian access and limit automobile access points to the minimum required. The project as proposed will use contemporary design and materials to achieve a very urban presence along North First Street and Century Center Court. The project is located sufficiently far away from the Rosemary Gardens neighborhood so as to not create any compatibility or interface impacts, and is located amongst a number of three to six-story office buildings located close to or fronting on North First Street which display a compatible urban style. The project is located directly across North First Street from the Metro/Airport light rail station which will promote pedestrian movement to and from the development and help limit the use of automobiles.

The Specific Plan envisions a high level of urbanization as part of the development of the Guadalupe Corridor (North First Street), and acknowledges that taller buildings with reduced or zero setbacks will be necessary to create such an urban area. The San Jose 2020 General Plan's Urban Design Policies provide maximum building heights to address urban design consideration. Under this policy, for properties within reasonable walking distance of the light rail stations ("reasonable walking distance" is generally assumed to be approximately 2,000 feet along a safe pedestrian walkway), located within the boundaries of the North San Jose Area Development Policy, the maximum building height is 150 feet.

The Plan states that with the intensification of future development, open space will become increasingly important within Rincon South. The identification, utilization and design of any available open space should be carefully considered in new development. The project utilizes space on the fourth floor podium to provide useable common open space for residents of the development. This open space has been designed to provide for all residents and will contain appropriate landscaping.

The Specific Plan is particularly concerned with the green streetscape and pedestrian system within the Plan's boundaries. It states that the "park" character intended for this area should not be limited to formal parks and should be carried throughout the community as a network which provides very attractive connections among parks and other neighborhood features. As such, specific streetscape design guidelines were developed within the Plan. New landscaping along North First Street should improve the visual character of this important gateway street. The project conforms to the streetscape design guidelines included in the Specific Plan by providing a 10' setback, an 8' sidewalk, and a continuous 9' park strip along N. First Street.

Proposed Airport Automated People Mover Alignment

The proposed Airport Automated People Mover (APM) was added to the Airport Master Plan development program by Council in March 2003 and serves as partial compliance with the Municipal Code's ASTRA provisions which reflect the City's policy directive that a fixed rail transit link be constructed to connect the Airport terminals with either the light rail line and/or the Santa Clara Caltrain/future BART station. A description of the APM was approved as part of the Final Airport Master Plan Supplemental EIR, adopted in January 2003.

The APM is currently planned to connect the Valley Transportation Authority (VTA) light rail transit (LRT) system with San Jose International Airport (SJC). The elevated system is proposed to have two stations: one at SJC and the other above N. First Street at Century Center Court. The proposed alignment will begin adjacent to Terminal Drive and cross Airport Boulevard, the Guadalupe River, and State Route 87 approximately 400 feet north of Skyport Drive. After crossing State Route 87, the alignment will pass between an office building and a hotel before crossing over Technology Drive, then pass between additional office buildings. The alignment runs along the south side of Century Center Court and will terminate above a relocated Metro/Airport LRT Station near the intersection of North First Street at Century Center Court. Relocating the Metro/Airport LRT Station will require the dedication of up to 12 feet for widening on the west side of North First Street.

In order to evaluate the possible implications on the proposed project and the APM, Lea + Elliot, Inc. were tasked to perform a conceptual study to determine the feasibility of an alternative APM alignment on the north side of Century Center Court that will accommodate the new development, and, if feasible, the impacts of the alternative alignment on the APM project. In addition, they were asked to provide a recommendation of the minimum horizontal clearance between the APM guideway structure and adjacent buildings. A copy of their report is attached for your reference.

Through their conceptual study, Lea + Elliot concluded that it is feasible to shift the APM alignment to the north side of Century Center Court. However, this alternative has the following impacts to the project:

- The vertical circulation between the APM and the southbound LRT stations now touches down in the LRT train's berthing position. This may result in the need to widen the LRT platform and hence require additional widening of N. First Street.
- A potential column and island in the middle of Century Center Court cul-de-sac.
- An increase in cost of approximately \$500,000, exclusive of the cost due to potential widening of N. First Street discussed above (it was noted that this cost is very conceptual and it is strongly recommended that appraisals be performed should the alternative alignment proceed).

In addition to studying the possibility of realigning the APM, Lea + Elliot provided a recommendation of the minimum horizontal clearance between the APM guideway structure and adjacent buildings should it be deemed inappropriate to realign the APM. Currently, there are no explicitly defined minimum horizontal clearances for APM guideways. Therefore, the horizontal clearance requirements for Caltrans, San Francisco Bay Area Rapid Transit (BART), and VTA LRT aerial structures were compared to aid in determining the recommended horizontal clearance between the guideway and the proposed development.

Based on this information, previous preliminary discussions with the City of San Jose Fire Department, and other APM projects, the following minimum horizontal clearances were recommended:

- Clearance between the APM guideway structure and adjacent buildings without operating windows or balconies along the APM alignment: 10 ft.
- Clearance between the APM guideway structure and adjacent buildings with operating windows

and/or balconies along the APM alignment: 15 ft.

Airport Land Use Commission

The project site is located Airport Land Use Commission's referral area for the Norman Y. Mineta San José International Airport as identified in the ALUC's "Land Use Plan for Areas Surrounding Santa Clara County Airports". Projects within this area require a referral of the proposed rezoning to the ALUC for a consistency determination. The project was referred to the ALUC on June 21, 2007. As of the time of preparation of this report no response to this development application has been received. As per Section 21676 (d) of the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act;

Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

Staff has reviewed the ALUC Land Use Plan to determine whether there would be any inconsistencies with this project. The project appears to be consistent with the ALUC Land Use Plan as it is located outside the Airport's projected 65 dBA CNEL contour and the ALUC Safety Zone. The proposed building heights would not exceed any FAA imaginary surface or the ALUC Height Restriction Boundary. An aviation easement will be required in compliance with the ALUC Land Use Plan and the City's General Plan Aviation Policy #49.

Conformance to the Residential Design Guidelines

The City's Residential Design Guidelines state that mixed use development consists of a vertical or horizontal combination of residential and commercial uses within a single building or site. The proposed development is consistent with the Residential Design Guidelines. Staff has focused the review on the mix of uses, building orientation and relationship to the street, and parking configuration. The development's setbacks will be detailed in a later section.

Mix of Uses

The Guidelines outline how mixed use development should give careful consideration to the types, scale and location of uses in this type of development to encourage maximum compatibility and mutual benefit. In addition, retail uses should generally be limited to the ground floor spaces along busy street frontages. Commercial uses within mixed use projects should be of the variety that directly serve and support the surrounding neighborhood and/or promotes pedestrian traffic or public transit.

The applicant is proposing those commercial uses consistent with the Commercial Pedestrian Zoning District. The CP Commercial Pedestrian Zoning District is a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate. The type and scale of retail space proposed as part of this development will encourage commercial tenants that will predominantly serve the residents of the development and the immediate

area.

The proposed retail uses would be divided into three retail spaces fronting onto North First Street. One retail space located at the corner of North First Street and Century Center Court would total approximately 8,400 square feet. The second and third retail spaces would total approximately 4,300 and 3,500 square feet, respectively, and would be located on opposing sides of a lobby. A second lobby entrance would be provided from Century Center Court. The six live/work units would have ground floor work spaces and living space on the second floor. Two of the live/work units front onto North First Street and four units front onto Century Center Court. The third floor would be developed with residential units along the street frontages. A courtyard would be located in the center of the building on the fourth floor. Approximately 15 two-story townhouse units would be located on the south and west sides of the fourth floor courtyard. The proposed residential towers would extend from the fourth floor on the Century Center Court and North First Street sides of the building. The residential units would range in size from studios to 2-3 bedroom townhouses. The building would be built up to the southern property line and set back approximately 5 feet from the western property line.

The location of this development adjacent to the Valley Transportation Authority (VTA) light rail transit (LRT) system Metro/Airport LRT Station near the intersection of North First Street at Century Center Court will encourage a direct connection that serves and supports the surrounding neighborhood and promotes pedestrian traffic use of public transit.

Building Orientation and Relationship to the Street

The Residential Design Guidelines provide direction for mixed use developments to be oriented parallel to the street especially at corners. Buildings, and in particular, entrances should be oriented toward light rail stations and bus stops for convenient access by public transit passengers. In addition, active connections between buildings and the street should be provided. The current proposal positively addresses the street with retail spaces, live/work units and primary entrances to the residential development. The connections with the adjacent light rail station will also promote and encourage integration of this development into the wider industrial neighborhood and future residential development.

Parking Configuration

Structured parking is considered preferable for vertical mixed use projects by the Residential Design Guidelines. Access to the site would be provided from North First Street and Century Center Court. The project proposes a four-story parking garage. Access to the parking garage would be provided from Century Center Court. The garage would have one story of below-grade parking and three levels of structured parking proposed behind the proposed retail, live/work units, and third floor residential units.

The Zoning Ordinance contains parking ratios based on unit type, number of bedrooms per unit, and parking configuration. Based on the ratios in the Zoning Ordinance and Residential Design Guidelines, the development would provide the following parking spaces per residential unit:

Studio Units	1.4 spaces
1 Bedroom Units	1.5 spaces
2 Bedroom Units	1.8 spaces

Commercial parking for any particular use will be provided as per the Zoning Ordinance Section 20.90.060. The provision of 20,000 square feet of retail tenant space will require a total of 85 spaces assuming a parking ration of 1 space per 200 square feet. A parking analysis will be required for any occupancy proposing a change of use that increases or intensifies this parking demand. Examples of changes that may increase or intensify the parking demand would include a retail/commercial use changing to a restaurant, or a new tenant with more intensive uses.

The Zoning Ordinance provides that projects located within 2,000 feet of an existing or planned light rail station may utilize a reduction in parking of up to 10%. The proposal is located adjacent to the VTA LRT Metro/Airport LRT Station at the intersection of North First Street at Century Center Court and will therefore this reduction will be included in the projects development standards.

Setbacks

The setbacks required from North First Street are specified in the Rincon South Specific Plan as an 8 foot sidewalk and a 10 foot front setback separated from the street by a 9 foot park strip to maintain the streetscape described in the plan. The current design of the sidewalk along N First Street is comprised of a 10 foot attached sidewalk which is more consistent with the principles put forward in the North San Jose Area Development Policy. The project is proposing a 17-foot setback from the back of sidewalk along N First Street to provide consistency with the Rincon South Specific Plan, while maintaining the 10 foot attached sidewalk that promotes a stronger pedestrian connection with the street and adjacent light rail station. In combination with the retail frontages, this will create a plaza environment along the project's N. First Street frontage.

The Rincon South Specific Plan does not provide a street section for Century Center Court. As such, staff has referenced similar streets within the Technology Park sub-area of the plan to assess the suitability of the proposed setbacks. In addition, the information provided by Lea + Elliot regarding the recommendation for the minimum horizontal clearance between the APM guideway structure and adjacent buildings also impacts the building setbacks of this development. Staff is recommending that the maximum required setback from the APM guideway should be adopted for this project which would provide a 30 foot building setback from the face of curb along Century Center Court, increasing to 37 foot 9 inch setback at the western property line, consistent with the APM alignment.

Both the North San Jose Area Development Policy and the Rincon South Specific Plan envision high levels of urbanization as part of the development of this area, and state that taller buildings with smaller setbacks will be necessary to create such an urban area. As such, this project is proposing reduced setbacks along the internal property lines of the site. Locating commercial development and parking facilities at the lower levels of the development will help alleviate interface incompatibility issues with adjacent uses. The setbacks and character of this development conform to the intent of the North San Jose Area Development Policy and the Rincon South Specific Plan policies.

COMMUNITY OUTREACH

The applicant arranged a Community Meeting for the proposal, held on February 13, 2007, where the community was given the opportunity to comment on the project. Notices of this meeting were distributed to residents within 500' of the project site. The meeting was attended by staff, the applicant and developer, and seven members of the community. A summary of questions raised at the meeting has been

attached for your reference. Notice of the public hearing was mailed to all owners and occupants within 500 feet of the subject site, and the dates of the public hearings have been noticed in a local newspaper. Planning staff has been available to discuss the proposal with members of the public. Additionally, prior to the Planning Commission public hearing, an electronic version of the staff report was made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

RECOMMENDATION

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit/Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the Rincon South Specific Plan.
3. The project is consistent with the North San Jose Area Development Policy
4. The project is consistent with the guidelines for mixed use development in the Residential Design Guidelines.
5. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments: Maps
Draft Development Standards
Department of Public Works Memorandum
Lea + Elliot, Inc. San Jose International Airport Transit Connection Automated People Mover Alignment Alternative Study.
Addendum to the North San Jose Area Development Policy EIR (Resolution # 72768)
Plan set

**ADDENDUM TO AN EIR
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

PDC05-114. Planned Development Rezoning from CO(PD) Commercial Office Planned Development, LI Light Industrial, CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 460 multi-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site
Council District 3. County Assessor's Parcel Number 230-29-034 & 230-29-022

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Area Development Policies Update," and findings were adopted by City Council Resolution No. 72768 on June, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Biotics	Air Quality
Aesthetics	Airport Considerations	Microclimate
Energy	Relocation Issues	Construction Period Impacts
Transportation	Utilities	Facilities and Services
Water Quality		

ANALYSIS:

The City of San Jose may take action on the proposed project as being within the scope of the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

Chris Burton
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

8/16/07
Date

Atari Samuelson
Deputy