



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: January 15, 2010

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: PDC09-016. PLANNED DEVELOPMENT REZONING FROM THE FROM THE CP COMMERCIAL ZONING DISTRICT TO THE CP(PD) COMMERCIAL ZONING DISTRICT TO ALLOW 58,401 SQUARE FEET OF OFFICE AND RETAIL USES WITH A TWO LEVEL PARKING STRUCTURE ON A 2.08 GROSS ACRE SITE.

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 from the CP Commercial Zoning District to the CP(PD) Commercial Zoning District to allow 58,401 square feet of office and retail uses with a two level parking structure on a 2.08 gross acre site, located on the southeast corner of Lincoln Avenue and Willow Street. The Planning Commission recommended that the development standards be more specific to ensure that elements as shown on the conceptual plans are provided at the Planned Development Permit stage including the large plaza, bus duckout, eight foot tall soundwall on the ramp with an 11 foot rear setback, and current high quality architectural building design.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of up to 58,401 square feet of office and retail uses with a two level parking structure, consistent with the approved development standards.

BACKGROUND

On January 13, 2010, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning.

Staff provided a report to highlight key elements of the proposal including the preservation of the Willow Way Creamery building (Willow Street Pizza), which is identified as a Structure of Merit. In addition, it was identified that the ramp that serves the parking deck includes a 5 to 8 foot tall stepped sound wall with an 11.5 foot rear setback adjacent to the rear yards of the houses on

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Blewett Avenue. This will allow the preservation of existing trees. A new bus duckout will be provided along the Willow Street frontage which will allow eastbound traffic to pass, while maintaining a pedestrian friendly sidewalk width. Written comments were recently received and distributed to the Planning Commission about concerns related to potential cut-through traffic on Blewett Avenue. Public Works and DOT staff evaluated this and determined that any additional traffic would be negligible and well within the design capacity of the street.

The property owner/developer Alex Byer spoke in behalf of the project and his architect, Charles Kahn provided a brief presentation which included renderings of the proposed site plan and building. In response to Commissioner Cahan's concern about the existing skylight for Willow Street Pizza, Mr. Kahn indicated that the building addition was adequately set back to avoid any impacts. There were several local business owner's including Dave O'Mara, Ed Rathman, Marvin Bamburg and Richard Zapelli that spoke in support of the project citing that the additional commercial uses would be beneficial to the economic vitality of the Lincoln Avenue Business District.

There were eight Blewett Avenue residents that provided comments. Many appreciated the openness of the architect and developer to work cooperatively with residents to address concerns related to the height of the ramp soundwall and setback, relocation of trash storage area, planting of trees along residential rear yards and traffic improvements to the Willow Street such as the new bus duckout. Most of the residents still expressed concerns about potential cut-through traffic on Blewett and the need to consider the placement of bulb-outs or chokers at the entrance to Blewett to discourage and or slow down traffic. Other concerns that were raised, which staff agreed to study and/or address at the Planned Development Permit stage included mitigation to address construction noise, planting of more trees on Willow Avenue and further evaluate the appropriateness of bulb-outs on Blewett Avenue. Later in the meeting, Karen Mack, from the City's Public Works Department noted that the City generally limits the number of traffic calming improvements to one such item. In this case, speed bumps had been previously installed on Blewett and bulb-outs might be more appropriate in the context as a neighborhood identification element rather than as another traffic calming feature.

Commissioner Zito asked the developer if he would help fund improvements for the Bulb-outs. Mr. Kahn noted that the project was already making significant improvements with the bus duckout and did not feel it was appropriate to further add to the cost of the project. Commissioner Kamkar suggested that Tandem parking be considered to take advantage of space below the ramp. Commissioner Jensen requested staff carefully analyze the parking lot and deck lighting plan to avoid light intrusion impacts on adjacent residents.

The Planning Commission then closed the public hearing and voted 7-0-0 to approve the project as recommended by staff with the requirement that the development standards be more specific about the requirements to provide elements as already shown on the conceptual plans such as the large plaza, bus duckout, eight foot tall soundwall on the ramp with an 11 foot setback, and current high quality architectural building design.

ANALYSIS

For complete analysis please see the original Staff Report (see attached).

EVALUATION AND FOLLOW-UP

The applicant will be required to secure a Planned Development Permit 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 notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. This staff report is also posted on the Planning division website and staff has been available to respond to questions from the public.

A community meeting was held for the project at the Willow Glen Senior Center on September 24, 2009. Approximately 30 members of the community were present. Prior to the filing on the application, the developer had presented his preliminary proposal to the community on December 11, 2008 as part of a Council District 6 roundtable meeting with the City Councilmember. See original Staff report for more information.

COORDINATION

This project was coordinated with the City Attorney's Office, Department of Public Works, Building Department, Environmental Services Department, Fire Department, Department of Transportation, San José Police Department, and San José 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.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Sally Zarnowitz at 408-535-7834.