



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 27, 2010

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT: FILE NO. PDC09-020, A PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW FOR THE DEVELOPMENT OF UP TO 35 SINGLE-FAMILY ATTACHED RESIDENCES ON 2.0 ACRE SITE LOCATED ADJACENT TO AN APPROVED, BUT NOT CONSTRUCTED, COMMERCIAL BUILDING.

RECOMMENDATION

The Planning Commission voted 5-2-0 (Commissioners Campos and Jensen opposed) to recommend that the City Council approve the proposed Planned Development Rezoning with a density of 12 DU/AC and adherence to the design guidelines contained in Appendix B Key Outcome #2 of the Evergreen East Hills Development Policy (EEHDP).

OUTCOME

Should the City Council approve the Planned Development Rezoning as recommend by the Planning Commission, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of new single-family attached residential units at a density of 12 DU/AC on the subject site, which on the two acre site would equate to 24 units.

Should the City Council approve the Planned Development Rezoning as recommend by staff the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of new single-family attached residential units at a density of 17.5 DU/AC on the subject site, which on the two acre site would equate to 35 units.

BACKGROUND

On May 26, 2010, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The item was on the evening's public hearing calendar. The

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Director of Planning, Building and Code Enforcement recommended approval of the proposed Planned Development Rezoning with revisions as noted below.

Planning staff gave a report and stated that additional comment letters were recently received and that planning staff is revising their recommendation as a result of the City Council's approval of the General Plan Text Amendment on the subject site. (See revised development standards, as recommended by staff. The recommended revision is highlighted.)

Planning staff added a development standard for the timing of residential development that states, "Per the Evergreen Specific Plan, Chapter 8, Private Development, Evergreen Village Center, Uses, page 8-2, "to ensure that the form and character of the Village Center is achieved, any residential uses permitted would occur only after the Village Center square has been encircled by commercial structures." Therefore, the subject residential development shall be constructed concurrent with or after the commercial component located on the same site".

The applicant, Susan Mineta of Shapell Homes, then spoke on the item and stated that they supported staff's recommendation.

There were five speakers from the public on the proposed project, two of which were in favor of the project and three who were against the project. Those against the project thought that the project was too dense and not consistent with the surrounding development and that a height limit of 45 feet was too high. Those in favor of the project thought that a dense project was needed in order to support and enliven the Evergreen Village Square.

The Planning Commission then closed the public hearing to discuss the item. Commissioner Zito asked many clarifying questions on the Fowler Creek park trail and whether or not it was a creek. Commissioner Zito expressed many concerns about the project including the adequacy of the parking, the location and distribution of open space, and the height of the buildings.

Commissioner Zito made a motion to recommend approval of the project with a density of 12 DU/AC, a maximum height limit of 35 feet and adherence to the design guidelines contained in Appendix B Key Outcome #2 of the Evergreen East Hills Development Policy (EEHDP). Commissioner Zito spoke on his motion stating that he was concerned that the area was being over built and that a density of 12 Du/AC would be a good compromise.

The motion was approved 5-2-0 (Commissioners Campos and Jensen opposed).

ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the attached staff report.

EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

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)**
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- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The General Plan Amendment 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.

On April 15, 2010, a community meeting was held at the Evergreen Branch Library on Aborn Road, at which approximately seven area neighbors were in attendance. Those in attendance were concerned about the additional traffic and the impact on area schools. There was concern about the height of the development and that it should respect the existing single-family detached units by being shorter at the property line closest to the existing homes and getting taller as the development gets closer to the commercial development.

In addition, a community meeting was held prior to the General Plan Amendment hearings on November 2, 2009, at the Tom Matsumoto Elementary School on Mackin Woods Lane, at which approximately 43 area neighbors were in attendance. The General Plan Amendment and Planned Development Rezoning were presented and discussed at this meeting. Generally, most of those in attendance were not in favor of adding residential units to the Evergreen area as it would worsen the existing traffic problem and overcrowded schools for the existing residents. A

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second community meeting was held on November 16, 2009 to present information to the community on school districts and traffic in Evergreen.

The General Plan Amendment was also presented to the Neighborhood Roundtable on August 18th, the Developers Roundtable on August 28th and the Parks Commission Meeting on November 4th, 2009.

COORDINATION

This project was coordinated with the Department of Public Works, Department of Transportation, Fire Department, Building Division, Environmental Services Department, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

The environmental impacts of this project were addressed through the re-use of the Evergreen Specific Plan Environmental Impact Report (EIR), Resolution No. 63179, and an addendum to the Evergreen-East Hills Vision Strategy Project Supplemental Environmental Impact Report, Resolution No. 74741. The Addendum states that no new significant impacts or impacts of greater severity would result from the modified project description.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley Xavier, Project Manager at 408-535-7852.

Attachments:

Revised Development Standards (1st page only)

Additional Neighbor Correspondence

Planned Development Rezoning Staff Report

FILE NO. PDC09-020
DEVELOPMENT STANDARDS

In any cases where the graphic plans and text may differ, the text takes precedence.

TIMING OF RESIDENTIAL DEVELOPMENT

- Per the Evergreen Specific Plan, Chapter 8, Private Development, Evergreen Village Center, Uses, page 8-2, "to ensure that the form and character of the Village Center is achieved, any residential uses permitted would occur only after the Village Center square has been encircled by commercial structures." Therefore, the subject residential development shall be constructed concurrent with or after the commercial component located on the same site.

DENSITY: 12-25 DU/AC

PERMITTED USES/MAXIMUM NUMBER OF UNITS:

- Up to 35 single-family attached units, live work is a permitted use.

SETBACKS:

Perimeter Building Setbacks*

- Building to Ruby and Classico Avenues: 5 feet (measured from back of walk)
- Building to Open Space/Public Pedestrian Trails: 10 feet (measured from property line)
- Building to Private Drive: 10 feet
- Porch to Ruby and Classico Avenues: 3 feet (measured from back of walk)
- Porch to Open Space/Public Pedestrian Trails: 5 feet (measured from property line)

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet in length or 20% of the building elevation length.

BUILDING HEIGHT:

- Maximum building height of 45 feet, unless within 100 of single-family residential property line, then the maximum height is 30 feet.

PARKING REQUIREMENTS:

- Conform to the residential Design Guidelines. A reduction in the spaces required of 0.25 spaces per unit is permitted as on-street parking opportunities are plentiful. Open guest parking spaces shall be shared with the adjacent commercial development.

OPEN SPACE REQUIREMENTS:

- Private Open Space: 120 square feet minimum per unit, space may include porches, patios, and decks on any floor.
- Common Open Space: 150 square feet of common open space per unit

Xavier, Lesley

From: Charles V. Welsh [charles.welsh@greatclips.net]
Sent: Wednesday, May 19, 2010 2:50 PM
To: Xavier, Lesley
Cc: Herrera, Rose
Subject: Support for Evergreen Village Townhomes

Dear Lesley,

Hope you are well. I am a merchant in Evergreen Village Square and also a resident of Evergreen. I am writing to provide our strong support for the planned development zoning of the 35 townhomes at 4035 Evergreen Village Square.

As a merchant, I am pleased with the use and proposed zoning request (which I have reviewed in depth.) I believe the design will breathe life into our town center and will be a superb fit with the overall plan. Further, moving forward with this development will allow other potential retailers to see that the project is finishing and provide added motivation to open businesses here.

As a resident, I am very excited by the way this is designed to provide a much needed transition from single family homes, to the commercial use of the town center. The manner that the design leverages the buffer area provided by the walking trail, the way it deflects traffic to Classic and Ruby, and the way the height of the development nicely compliments the construction in the area will be major plusses. Were I a single person, newly married, or empty nester, I'd be lining up to buy one of these. Imagine being able to walk to the library and shops while enjoying the park and other amenities of this town center.

Another plus, here is that I understand the developer will be required to pay much needed fees to the school district.

All considered, this is a development that is a universal "plus" for the community. I strongly support this development and urge its prompt approval.

Regards,

Charles Welsh

Franchisee, Great Clips for Hair

Resident, Evergreen

5949 Killarney Circle

San Jose, CA 95138

408.532.0672

Xavier, Lesley

From: Danielle G Bechwati [secretoasis@sbcglobal.net]
Sent: Thursday, May 20, 2010 2:38 PM
To: Xavier, Lesley
Cc: Herrera, Rose
Subject: Planning Commission Meeting 5/26/10

Dear Lesley,

I will again be attending the Planning Commission Meeting on Tuesday May 26 to strongly support the zoning plans being submitted by Shapell Industries. As the owner of Secret Oasis Day Spa & Salon located at Evergreen Village Square I have been actively promoting the development of the area for the health of our local economy. After reviewing the plans, I am excited to think we are getting close!

Shapell has been a terrific landlord, supporting the local merchants as much as possible. They have also done a good job at communicating with the community regarding the status of the project, and addressing any concerns that have come up in regard to concerns about traffic, schools, etc.

I hope that the City will approve the zoning soon to revive the Center and move forward on the vision for a thriving Evergreen.

Danielle G Bechwati

President

Secret Oasis Day Spa & Salon., Inc.

4075 Evergreen Village Sq. #140

San Jose, CA 95135

(408) 238-3216

Tues-Sat 9am to 7pm. Sunday 9am to 1pm.

Online gift certificates are available @

www.SecretOasisDaySpa.com

Xavier, Lesley

3.b

From: bgoldmace@aol.com
Sent: Wednesday, May 26, 2010 4:05 PM
To: Xavier, Lesley
Subject: PDC 09-020 recommendation from D8CRT

Lesley,
Please forward the email below to all of the Planning Commission members.
Thanks-
Bonnie Mace

To: Planning Commission and City Council
Subject: PDC 09-020 (4035 Evergreen Village Square)

Recommendation:

The District 8 Community Round Table Steering Committee does not support the proposed planned development rezoning to allow the construction of 35 single-family attached residences on the 2.8 gross acre site.

Analysis:

- According to Key Outcome #2 of the Evergreen-East Hills Development Policy Update, proposed projects should "ensure new development is compatible with adjacent properties." In this site, the proposed 35 units would not be compatible with adjacent properties in terms of massing or density. First, the neighboring units are single-family homes that are 2 1/2 stories high; the proposed units would be 3 stories high. Second, the proposed density is 17 units per acre, which is not compatible with the single-family detached homes (12 in total) across the street.

- Proposed parking reduction: the parking requirement is for 90 parking spaces for the proposed number of units. The project provides 70 garage parking spaces and 13 on site open parking, which totals 83 units. There are additional parking spaces across the street on Cortona, but this is on the opposite side of the Fowler Creek Corridor. If visitors used these spaces to access units, then it is inevitable that they would walk across the corridor multiple times per day, which could harm the habitat.

- According to Key Outcome #3 of the EEHDP, projects should "ensure adequate capacity at Evergreen schools." This proposed project would have a negative impact on the neighborhood schools, which are already overenrolled, including Matsumoto Elementary School, Chaboya Middle School, and Evergreen Valley High School.

- Neighborhood opposition: all of the letters received by Planning Staff have been opposed to the proposed project. At the November 2009 community meeting, most of the 48 attendees were opposed to the project. At the April 15, 2010 community meeting, most of the 7 attendees were opposed to the project. There was also inadequate notification regarding the April 15 community meeting.

- In its approval of the General Plan Text Amendment in November 2009, the City Council specifically stated that commercial development must come BEFORE any residential units are built. Yet, the proposed residential development does not mention this fact, nor does the staff report specify any commercial trigger for the residential development. This is in clear violation of the City Council requirement. There are plans for the future construction of a new branch library for Evergreen, but this library has not yet been built. Nor are there specific plans for the remainder of the commercial building space.

- The Fowler Creek Trail is a riparian area, and it needs to be preserved by a more generous setback than what is currently proposed.

- If a new private street were created, separating the residential units from the proposed commercial development, this will look more like an alley than a street. The space requirements for a public street would further push the residential units into a smaller space on the site.

In conclusion, we urge the Planning Commission to reject this proposed rezoning until the above issues are addressed adequately.

Sincerely,
Bonnie Mace
District 8 Community Round Table Steering Committee, President