COUNCIL AGENDA: 05/14/19

FILE: 19-325 ITEM: 10.1(d)



### Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** Planning Commission

SUBJECT: SEE BELOW

**DATE:** May 3, 2019

**COUNCIL DISTRICT: 5** 

SUBJECT: FILE NO PDC17-054 & PD17-026: PLANNED DEVELOPMENT REZONING FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT, AND A PLANNED DEVELOPMENT PERMIT TO AMEND PARKING REQUIREMENTS FOR THE MULTI-FAMILY PORTION OF THE PROJECT AND TO REFLECT CURRENT PARKING SPACES REQUIRED PER CHAPTER 20.90 OF THE MUNICIPAL CODE, ON A 9.3-GROSS ACRE SITE LOCATED ON THE NORTHWEST CORNER OF NUESTRA CASTILLO COURT AND SOUTH CAPITOL AVENUE (2601 NUESTRA CASTILLO COURT, 2605 LA HACIENDA COURT, AND ALUM ROCK TRANSIT CENTER)

#### **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Vora absent) to recommend that the City Council:

- 1. Consider the exemption in accordance with CEQA; and
- 2. Adopt an ordinance rezoning certain real property of approximately 9.3-gross acres, situated on the northwest corner of Nuestra Castillo Court and South Capitol Avenue (2601 Nuestra Castillo Court, 2605 La Hacienda Ct., and Alum Rock Transit Center), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments; and
- 3. Adopt a resolution approving a Planned Development Permit to effectuate the Planned Development Zoning District to amend the parking requirements to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments.

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#### **OUTCOME**

Should the City Council approve the rezoning and planned development permit, the multi-family portion of the project would be in conformance with current parking requirements.

#### **BACKGROUND**

On May 1, 2019, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning and Planned Development Permit, which appeared on the Consent Calendar of the Agenda. The item was on the consent calendar and no members of the public spoke on the proposed project.

The Planning Commission voted 6-0-1 (Commissioner Vora absent), to recommend approval, as was recommended by staff, to the City Council as part of the consent calendar with no separate discussion.

#### **ANALYSIS**

A complete analysis of the issues regarding the proposed Conventional Rezoning, including General Plan conformance, is contained in the attached Planning Commission Staff Report.

#### **EVALUATION AND FOLLOW-UP**

If the rezoning and planned development permit are approved, it would allow the multi-family portion of the project to be in conformance with the required parking per Chapter 20.90 of the Municipal Code for multi-family developments. The existing parking spaces would remain and no new construction is authorized.

#### PUBLIC OUTREACH/INTEREST

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's 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.

#### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

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#### **CEQA**

Under the provisions of Section 15305 entitled "Minor Alterations in Land Use Limitations" of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The Class 5 categorical exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed project seeks to change the parking requirements to conform to the City's current requirements as codified in the Municipal Code. There will be no new construction so there is no impact to density; and there is no proposed change in the use.

/s/
ROSALYNN HUGHEY
Secretary, Planning Commission

For questions please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachment: Planning Commission Staff Report

**PLANNING COMMISSION AGENDA:** 05-01-19

**ITEM:** 5.b.



# Memorandum

TO: PLANNING COMMISSION FROM: Rosalynn Hughey

**SUBJECT:** File Nos. PDC17-054 & PD17-026 **DATE:** April 17, 2019

**COUNCIL DISTRICT: 5** 

Type of Permit	Planned Development Zoning & Planned Development Permit
Demolition	N/A
Proposed Land Uses	Residential, Transit Center
New Residential Units	N/A
New Square Footage	N/A
Additional Policy Review Items	N/A
Tree Removals	None
Project Planner	Ruth Cueto
CEQA Clearance	Exempt 15305 Minor Land Alterations in Land Use Limitations
CEQA Planner	N/A

#### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend the City Council to:

- 1. Consider the exemption in accordance with CEQA; and
- 2. Adopt an ordinance rezoning certain real property of approximately 9.3-gross acres, situated on the northwest corner of Nuestra Castillo Court and South Capitol Avenue (2601 Nuestra Castillo Court, 2605 La Hacienda Ct., and Alum Rock Transit Center), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments; and
- 3. Adopt a resolution approving a Planned Development Permit to effectuate the Planned Development Zoning District to amend the parking requirements to reflect the current parking spaces required per Chapter 20.90 of the Municipal Code for multi-family developments.

#### PROPERTY INFORMATION

Location	Northwest corner of Nuestra Castillo Court and South Capitol Avenue	
	(2601 Nuestra Castillo Court, Alum Rock Transit Center and 2605 La	
	Hacienda Court)	
Assessor Parcel Nos.	484-44-058, 484-44-059, 484-44-061	
<b>Growth Area</b>	Alum Rock Ave (East of 680) Urban Village: Portion of the subject site is	
	located within the Urban Village (parcels 484-44-058 & 484-44-061)	
<b>General Plan</b>	Transit Residential and Neighborhood/Community Commercial	
Zoning	A(PD) Planned Development Zoning District (File No. PDC98-105)	
<b>Historic Resource</b>	N/A	
Annexation Date	January 10, 1957 (Hillview No. 3)	
Council District	5	
Acreage	9.3	
<b>Existing Density</b>	33 DU/AC	

#### PROJECT BACKGROUND

As shown on the attached vicinity map (Figure 1), the project site is located on the northwest corner of Nuestra Castillo Court and South Capitol Avenue (2601 Nuestra Castillo Court, 2605 La Hacienda Ct., and Alum Rock Transit Center). Three different entities own the 9.3-gross acre site: Parcel 484-44-061, the Alum Rock Transit Center, is owned by the Santa Clara Valley Transportation Authority (VTA); Parcel 484-44-058, Monte Vista Senior Homes, is owned by ROEM Corporation; and Parcel 484-44-059, Monte Vista Family Gardens, is owned by Monte Vista Community Partners, LP. The site is currently developed with a multi-family development, a senior housing development, and the VTA Alum Rock Transit Center which serves as a bus stop and park and ride lot. North of the site is an existing multi-family development and to the west and south are single-family development. Across Capitol Avenue, to the east, is single-family development. The project area fronts the Alum Rock Light Rail Station.

The applicant, Monte Vista Community Partners, LP, submitted a Planned Development Rezoning and Planned Development Permit application on December 6, 2017 to rezone the subject site from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to modify the parking requirements for the multi-family portion of the subject site to conform to current parking standards per Chapter 20.90 of the Municipal Code. Both VTA and ROEM Corporation agree to the zoning change. The parking requirements currently in place for the senior housing development are not proposed to be modified. During a review by the property owner of the project's conformance to the adopted zoning standards, the owner found that it did not meet the parking required in the current A(PD) zoning. The unit type mix was modified at the building permit stage in 2001 to increase the number of three-bedroom units and reduce the number of one-bedroom units, resulting in 8 fewer spaces provided than what should have been required based on the updated unit mix. (The total number of units did not change). As shown in the attached site plan (Figure 2) the project provides 254 off-street parking spaces. The existing Planned Development Zoning defined the parking standards as a specified ratio. Since the time of approval of the current A(PD) zoning, the City has modified parking requirements and the proposed rezoning would reflect the current parking requirements for multi-family units.

SURROUNDING USES				
	General Plan	Zoning District	Existing Use	
North	Residential Neighborhood	A(PD) Planned Development Residential (File No. PDC87-004)	Multi-family Residential	
South	Transit Residential, Residential Neighborhood and Neighborhood Community Commercial	A(PD) Planned Development Residential (File No. PDC99-087), R-2 Two-Family Dwelling, R-1-8 Single-Family Residence, A(PD) Planned Development Commercial PDC88-017	Multi-family development, single-family homes, duplexes, and a shopping center	
East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family homes	
West	Residential Neighborhood	R-1-8 Single-Family Residence	Church, Single-Family residences, and Multi-Family Residential homes	

#### **ANALYSIS**

RELATED APPR	OVALS
Date	Action
01/10/1957	Site annexed into the City of San José (Hillview No. 3).
07/19/1968	Architectural and Site Approval application (File No. H68-076) for the construction of a shopping center.
06/15/1999	Planned Development rezoning (PDC98-105) from C-3 to A(PD) to allow 144 multiple family attached units, 69 senior units, 13 townhouse unit and a park and ride lot on 9.3 acres.
10/28/1999	Tentative Map (PT99-079) to subdivide 4 lots into 3 lots for residential use on a 9.3 gross acre site.
10/28/1999	Planned Development Permit (PD99-039) for construction of 214 multi-family attached residences on a 9.3 gross acre site.
11/16/1999	Parcel Map (3-506) creating three separate parcels approved.

The proposed rezoning and planned development permit application is analyzed with respect to conformance with:

- 1. Envision San José 2040 General Plan
- 2. Title 20 of the Municipal Code (Zoning Ordinance)
- 3. California Environmental Quality Act (CEQA)

**Envision San José 2040 General Plan Conformance** 

#### Land Use Designation

As shown in the attached General Plan map (Figure 3), the site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Transit Residential (multi-family development) and Neighborhood/Community Commercial (senior housing and Alum Rock Transit Center). The Transit Residential land use designation supports high density, mixed-use residential development and is applied to areas near transit, jobs, amenities, and services. The allowable density for this designation is further defined within the applicable Zoning Ordinance designation. This portion of the site is developed with a multi-family residential development with a density of 28 DU/AC. The Neighborhood/Community Commercial (NCC) designation supports a broad range of commercial activity. These uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. The Transit Center use is consistent with this designation as it promotes transit use. The senior apartment development has a density of 52.3 DU/AC. While the senior housing use is not consistent with the NCC designation, General Plan Policy IP-1.4 considers effective Planned Development land use entitlements which were previously found to be in conformance with the General Plan (such as the senior housing) to be considered as being in conformance with the Envision General Plan. The uses surrounding the project site include multi-family residential apartments, duplexes, single-family homes, and a shopping center. There is no construction proposed with this rezoning and planned development permit.

#### General Plan Policies

The project conforms to the following key General Plan policies:

- 1. **Goal H-2 Affordable Housing**: Preserve and improve San José's existing affordable housing stock and increase its supply such that 15% or more of the new housing stock developed is affordable to low, very low and extremely low income households.
- Land Use / Transportation Diagram Policy, IP-1.7 Use standard Zoning Districts to promote
  consistent development patterns when implementing new land use entitlements. Limit use of the
  Planned Development Zoning process to unique types of development or land uses which cannot be
  implemented through standard Zoning Districts, or to sites with unusual physical characteristics that
  require special consideration due to those constraints.

Analysis: The proposed rezoning and planned development permit would allow for the continued use of the site as multi-family residential adjacent to a transit center, and reducing the parking requirements would further the General Plan goals to reduce auto dependency and encourage alternative modes of transportation. In addition, the continued use of the project as a multi-family and affordable housing project supports the General Plan's goals for affordable housing. Since the project is not proposing any new construction and the original entitlement for the approximately 9.3-gross acre site was processed through a planned development zoning, staff deemed it appropriate to proceed with a Planned Development Zoning process in this case.

#### **Zoning Ordinance Conformance**

As noted above, the site is currently in an A(PD) Planned Development Zoning District. The Development Standards adopted as part of the original rezoning included a parking requirement that reflected the requirements of Chapter 20.90 of the Zoning Ordinance for multi-family housing in effect at the time of approval of the Planned Development Zoning. The parking requirement and unit mix reflected in the Planned Development Zoning for the site as originally approved are as follows:

Unit Type	Unit Mix	PDC 98-105 Parking Ratio	Number of Spaces Required under PDC98-105
1 bedroom	48	1.5 spaces per unit	72
2 bedroom	72	1.8 spaces per unit	130
3 bedroom	24	2.0 spaces per unit	48
TOTAL	144		250

However, the unit type mix was modified at the building permit stage in 2001 to increase the number of three-bedroom units and reduce the number of one-bedroom units, resulting in 8 fewer spaces provided than what should have been required based on the updated unit mix. (The total number of units did not change).

Unit Type	Unit Mix	PDC 98-105 Parking Ratio	Number of Spaces Required under PDC98-105
1 bedroom	24	1.5 spaces per unit	36
2 bedroom	72	1.8 spaces per unit	130
3 bedroom	48	2.0 spaces per unit	96
TOTAL	144		262
		Number of spaces provided	254

The proposal to rezone the property to be consistent with the current Chapter 20.90 parking requirements would bring the subject into conformance with the parking requirements, as the site would provide 254 spaces, 5 more than the number of spaces required under the current parking code, as follows:

Unit Type	Unit Mix	Chapter 20.90 (all open vehicle parking)	Number of Spaces Required
1 bedroom	24	1.25 spaces per unit	30
2 bedroom	72	1.7 spaces per unit	123
3 bedroom	48	2.0 spaces per unit	96
TOTAL	144		249
		Number of spaces provided	254

#### **Planned Development Permit Findings**

<u>Chapter 20.100.910</u> of the San José Municipal Code establishes evaluation criteria for the issuance of a Planned Development Permit. These criteria are applied to the project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the proposed permit. In order to make the Planned Development Permit findings pursuant to <u>Section 20.100.940</u> of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. The Planned Development Permit, as issued, is consistent with and furthers the policies of the General Plan;

Analysis: As described in the General Plan conformance analysis, the project is consistent with the General Plan land use designation of Transit Residential and Neighborhood/Community Commercial, and it supports General Plan policies related to Affordable Housing, Efficient Use of Residential and Mixed-Use Lands, and Land Use / Transportation Diagram. The proposed rezoning and planned development permit would allow for the continued use of the site as senior housing and multi-family residential adjacent to a transit center. In addition, the continued use of the project as a multi-family and affordable housing project supports the General Plan's goals for affordable housing.

- 2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property;
  - Analysis: As described above, the project would conform in all respects to the modified Planned Development Zoning's Development Standards. The project is consistent with the required parking ratio and maintains all the required setbacks and height limits.
- 3. The Planned Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency;
  - Analysis: The project is subject to and conforms to the Public Outreach Policy for Pending Land Use and Development Proposals. An on-site sign was posted on the subject property and staff responded to questions and concerns from neighbors regarding the project.
- 4. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible, and aesthetically harmonious;
  - Analysis: The proposed project does not propose any new construction.
- 5. The environmental impacts of the project, including, but not limited to aesthetics, air quality, noise, and transportation/traffic, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: As the project is does not propose any new construction, the project is not anticipated to have new unacceptable negative effect on adjacent properties.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15305 entitled "Minor Alterations in Land Use Limitations" of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The Class 5 categorical exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed project seeks to change the parking requirements to conform to the City's current requirements as codified in the Municipal Code. There will be no new construction so there is no impact to density; and there is no proposed change in the use. Therefore, a CEQA exemption can be issued under CEQA Guidelines Section 15305.

#### **PUBLIC OUTREACH**

Staff followed <u>Council Policy 6-30: Public Outreach Policy</u> to inform the public of the proposed project. An on-site notice of the proposed project was posted on the site. Staff received three phone inquiries regarding the project. Community members expressed concern with reducing the amount of parking on the site as they felt it would push parking onto the neighborhood street.

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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

ATTACHMENTS:

Ruth Cueto

Deputy Director for Rosalynn Hughey, Planning Director

ATTACHMENTS:

ATTACHMENTS:	
Attachment A:	Draft Development Standards
Attachment B:	Draft Planned Development Rezoning Ordinance
Attachment C:	Draft Planned Development Resolution
Attachment D:	PDC17-054/PD17-026 Plan Set

Owners:	Applicant:	Applicant's Representative:
Monte Vista Community Partners, LP	Monte Vista Community Partners, LP 17782 Sky Park Circle	Stephanie R. Straka Cox, Castle & Nicholson LLP 50 California Street, Suite 3200
Santa Clara Valley Transportation Authority	Irvine, CA 92614	San Francisco, CA 94111
Monte Vista Gardens Senior Housing II		

Figure 1: Vicinity Map

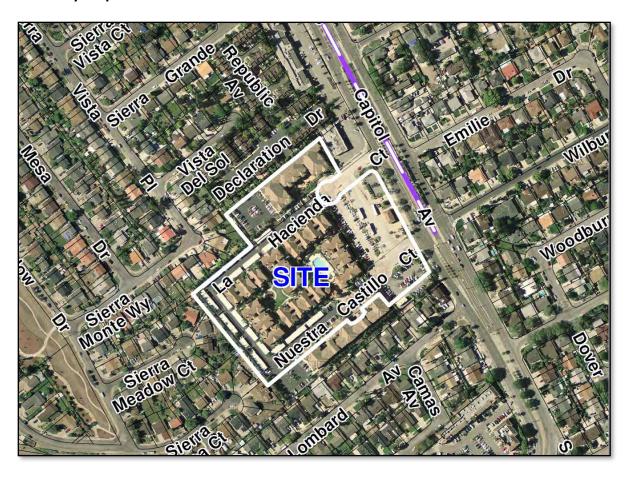


Figure 2: Site Plan

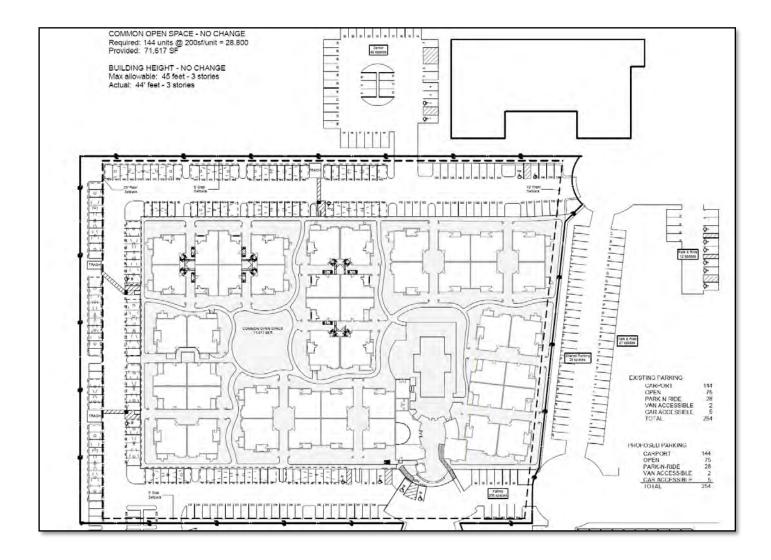


Figure 3: General Plan Land Use/Transportation Diagram Designation Map

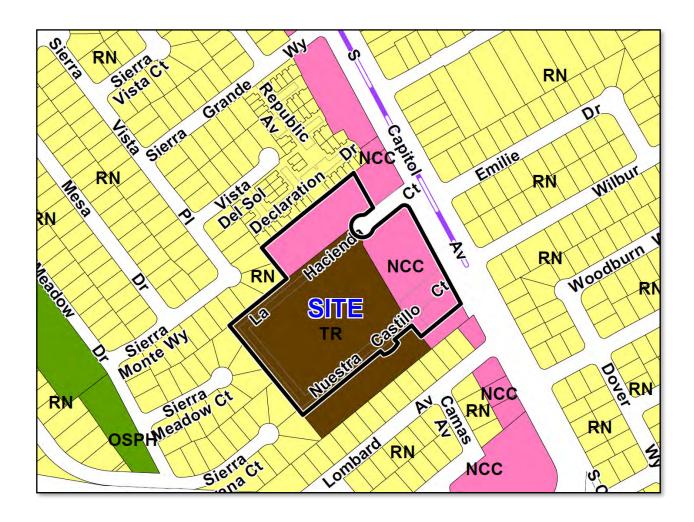
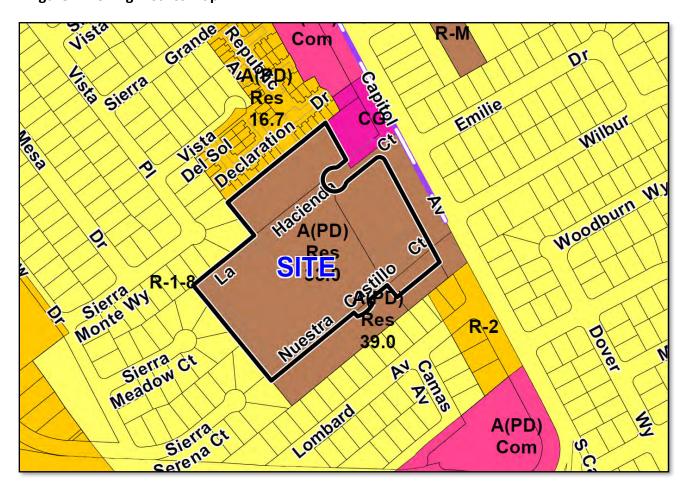


Figure 4: Zoning District Map



# File No. PDC 17-054 Development Standards Revised 2/1/19

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

#### **Allowed Uses**

- Residential uses as identified in the current Title 20 of the San José Municipal Code, and as may be amended in the future.
- Transit Center/Park-n-Ride Facility
- All conditional and special uses shall require the approval of a Planned Development Permit or Amendment.

#### **Development Standards**

#### **MULTI-FAMILY ATTACHED STANDARDS:**

- Total number of units: 144 (maximum)
- Setbacks are as shown on the site plan
- Maximum building height: 45 feet (3 stories)
- Parking ratio:
  - o 1 bedroom: 1.25 spaces per unit
  - o 2 bedroom; 1.70 spaces per unit
  - o 3 bedroom: 2.0 spaces per unit
  - o Up to 20% of the required parking may be provided in the adjacent Park-N-Ride lot. The number of stalls will be determined at the PD permit stage.
- Private open space: 60 square feet per unit
- Common open space: 200 square feet per unit

#### **SEMIOR HOUSING STANDARDS:**

- Setbacks as shown on the plans
- Maximum building height 45 feet (3 stories) (as shown)
- Parking ratio: 1 per unit plus 1 per employee
- Private open space: 50 square feet per unit
- Common open space: 100 square feet per unit
- Use restriction: independent living units with kitchens
- Maximum number of units: up to 69

#### **TOWN HOUSE / DETACHED UNIT STANDARDS**

1. Setbacks shall conform to the Residential Design Guidelines

# File No. PDC 17-054 Development Standards Revised 2/1/19

- 2. Maximum building height: 30 feet (2 stories)
- 3. Parking ratio: per Residential Design Guidelines
- 4. Private open space: per Residential Design Guidelines
- 5. Common open space: per Residential Design Guidelines
- 6. Maximum number of units: up to 13 not to exceed 14 d.u. per acre

#### **PARK-N-RIDE LOT STANDARDS:**

- 1. Up to 60 spaces may be provided for the use of the multi-family attached units, easements for which are contained in that certain quitclaim deed recorded September 1, 2000, Instrument No. 15376544, in the Official Records of the County of Santa Clara.
- 2. A setback of 15'-0" shall be provided adjacent to all public and private streets.
- 3. Parking lot layout shall be consistent with the City Commercial Design Guidelines.

#### **Performance Standards**

- 1. WPCP Note: pursuant to part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control plant represented by approved land uses in the area served by said plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution control to treat such sewage adequately and within the discharge standards imposed on the city by the State of California regional water quality control board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.
- 2. The Public right of way shall be planted with street trees as required by the director of streets and traffic.
- 3. All off-site street improvements and infrastructure shall be per City of San Jose standards.
- 4. Project shall comply with the Park Land Dedication Ordinance.
- 5. The developer shall provide a traffic signal at the intersection of Wilbur Avenue and Capitol Avenue to the satisfaction of the Director of Public Works.
- 6. The developer shall secure or provide easements as shown on the plans.
- 7. Install trees in park-n-ride lot at 1 tree to 4 parking spaces.
- 8. Plaza to have benches, fountain, and sign.

#### **Environmental Mitigation**

# File No. PDC 17-054 Development Standards Revised 2/1/19

Noise: The developer shall provide noise mitigation in accordance with the report (and subsequent addendums) prepared by Edward Packard Associates dated December 17, 1998, to the satisfaction of the Director of Planning

Hazardous Materials: All demolition activities will be undertake according to OSHA standards to protect workers from exposure to asbestos and lead based paint. specific measures include air monitoring during demolition/construction activities, building materials classified as hazardous will be disposed of in conformance with Federal, State and Local Laws.

Archeological Resources: 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 authority, he shall notify the Native American Heritage Commission who shall attempt 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.



DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 9.3 GROSS ACRES SITUATED ON THE EAST SIDE OF CAPITOL AVENUE APPROXIMATELY 500 FEET SOUTHERLY OF SIERRA GRANDE WAY (333 SOUTH CAPITOL AVENUE, 2601 NUESTRA CASTILLO COURT AND 2605 LA HACIENDA COURT) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, a Statement of Exemption was prepared for a rezoning under File No. PDC17-054, and said Statement of Exemption (Section 15305 for Minor Alteration in Land Use Limitations) was adopted on \_\_\_\_\_\_, 2019; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the A(PD) Planned Development Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject zoning;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The recitals above are incorporated herein.

1

RD:VMT:JMD File No. PDC17-054 4/3/2019

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred

to as "subject properties," is hereby rezoned as A(PD) Planned Development Zoning

District. The base district zoning of the subject properties shall be A Agricultural Zoning

District. The Planned Development zoning of the subject properties shall be that

development plan for the subject properties entitled, "Monte Vista Gardens" received on

March 7, 2019 ("General Development Standard").

Said General Development Plan is on file in the office of the Director of Planning and is

available for inspection by anyone interested therein, and said General Development Plan

is by this reference adopted and incorporated herein the same as if it were fully set forth

herein.

The subject properties referred to in this section is all that real property situated in the

County of Santa Clara, State of California, described in Exhibit "A" attached hereto and

incorporated herein by this reference.

**SECTION 3.** The district map of the City is hereby amended accordingly.

SECTION 4. The land development approval that is the subject of City File No. PDC17-

054 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José

Municipal Code. The applicant for or recipient of such land use approval hereby

acknowledges receipt of notice that the issuance of a building permit to implement such

land development approval may be suspended, conditioned or denied where the City

Manager has determined that such action is necessary to remain within the aggregate

operational capacity of the sanitary sewer system available to the City of San José or to

meet the discharge standards of the sanitary sewer system imposed by the California

Regional Water Quality Control Board for the San Francisco Bay Region.

2

PASSED FOR PUBLICATION of title this vote:	day of, 2019 by the following
AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	
	SAM LICCARDO Mayor
ATTEST:	
TONI J. TABER, CMC City Clerk	

#### **EXHIBIT A**

#### For APN/Parcel ID(s): 484-44-059

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

#### PARCEL ONE

ALL OF PARCEL 3, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 16, 1999 IN BOOK 721, OF MAPS, AT PAGES 39, 40 AND 41.

#### PARCEL TWO:

EASEMENTS CONTAINED IN THAT CERTAIN QUITCLAIM DEED TO MONTE VISTA GARDENS FAMILY HOUSING, L.P., A CALIFORNIA LIMITED PARTNERSHIP RECORDED SEPTEMBER 1, 2000, INSTRUMENT NO, 15376544, OFFICIAL RECORDS, FOR SHARED PARKING STALLS AND FOR PRIVATE STREET AND INGRESS AND EGRESS OVER PARCEL 1, SAID EASEMENTS AND PARCEL ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 16, 1999 IN BOOK 721, OF MAPS, AT PAGES 39, 40 AND 41. SAID EASEMENTS ARE APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 3 OF SAID PARCEL MAP, AND AS FURTHER CONTAINED IN THAT CERTAIN AGREEMENT REGARDING EASEMENT USE, EXECUTED BY AND BETWEEN ROEM DEVELOPMENT CORPORATION AND MONTE VISTA GARDENS FAMILY HOUSING, L.P., RECORDED JULY 31, 2001 AS INSTRUMENT NO. 15768900.

#### North parcel:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

All of Parcel 2, as Shown upon that certain Map entitled "Parcel Map", which Map was filed for record in the office of Recorder of County of Santa Clara, State of California, on November 16, 1999 in Book 721, of Maps, at pages 39, 40 and 41.

#### East parcel:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

All of Parcel 1, as Shown upon that certain Map entitled "Parcel Map", which Map was filed for record in the office of Recorder of County of Santa Clara, State of California, on November 16, 1999 in Book 721, of Maps, at pages 39, 40 and 41.

RESOLUTION NO.	

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A PLANNED DEVELOPMENT PERMIT. SUBJECT TO CONDITIONS, TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT (FILE NO. PDC17-054) AND TO ALLOW THE **PARKING** REQUIREMENTS TO CONFORM TO THE CURRENT PARKING REQUIREMENTS PER CHAPTER 20.90 OF THE MUNICIPAL CODE FOR MULTI-FAMILY DEVELOPMENTS ON AN APPROXIMATELY 9.3-GROSS ACRE SITE LOCATED ON THE NORTHWEST CORNER OF NUESTRA CASTILLO COURT AND SOUTH CAPITOL AVENUE (333) SOUTH CAPITOL AVENUE, 2601 NUESTRA CASTILLO CT AND 2605 LA HACIENDA CT)

#### FILE NO. PD17-026

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 6, 2017 an application (File No. PD17-026) was filed by the applicant, Monte Vista Community Partners, LP, for a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC17-054) and to allow the parking requirements to conform to the current parking requirements per Chapter 20.90, on an approximately 9.3-gross acre site, on that certain real property situated in the A (PD) Planned Development Zoning District and located on the west side of south Capitol Avenue approximately 500 feet southerly of Sierra Grande Way (333 Capitol Avenue, 2601 Nuestra Castillo Court, and 2605 La Hacienda Court, San José, which real property is sometimes referred to herein as the "subject property"); and

**WHEREAS**, the subject properties are all those real properties more particularly described in <a href="Exhibit">Exhibit "A</a>," entitled "Legal Description," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

RD:VMT:JMD 4/5/2019

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San

José Municipal Code, the Planning Commission conducted a hearing on said application

on May 1, 2019, notice of which was duly given; and

**WHEREAS**, at said hearing, the Planning Commission gave all persons full opportunity

to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, the Planning Commission made a recommendation to the

City Council respecting said matter based on the evidence and testimony; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San

José Municipal Code, this City Council conducted a hearing on said application, notice of

which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be

heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this City Council received and considered the reports and

recommendations of the City's Planning Commission and City's Director of Planning,

Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a development plan

for the subject property entitled, "Monte Vista Gardens," dated received on March 7, 2019,

said plan is on file in the Department of Planning, Building and Code Enforcement and is

available for inspection by anyone interested herein, and said plan is incorporated herein

by this reference, the same as if it were fully set forth herein; and

2

**WHEREAS**, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

**WHEREAS**, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

After considering all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

- 1. Site Description and Surrounding Uses. The project site is located on the west side of South Capitol Avenue approximately 500 feet southerly of Sierra Grande Way (2601 Nuestra Castillo Court, 2605 La Hacienda Ct., and Alum Rock Transit Center at 333 South Capitol Avenue). Three different entities own the 9.3-gross acre site: Parcel 484-44-061, the Alum Rock Transit Center, is owned by the Santa Clara Valley Transportation Authority (VTA); Parcel 484-44-058, Monte Vista Senior Homes, is owned by ROEM corporation; and Parcel 484-44-059, Monte Vista Family Gardens, is owned by Monte Vista Community Partners, LP. The site is currently developed with a transit center, senior housing, and multi-family development. To the north of the site is an existing multi-family development and to the west and south are single-family homes. Across Capitol Avenue, to the east, are single family homes. The project area fronts the Alum Rock Light Rail Station.
- 2. **Project Description.** The project consists of bringing the existing multi-family development into conformance with current parking standards. During a review by the property owner of the project's conformance to the adopted zoning standards, the owner found that it did not meet the parking required in the current A(PD) zoning. The unit type mix was modified at the building permit stage in 2001 to increase the number of three-bedroom units and reduce the number of one-bedroom units, resulting in 8 fewer spaces provided than what should have been required based on the updated unit mix. (The total number of units did not change). The project provides 254 off-street parking spaces. Under current standards it would be required to provide 249 spaces, therefore it would meet the required parking amount. There is no construction or change of use associated with the project.
  - 3. **Conformance to Planned Development Permit PD99-039**. The Planned Development Permit allows the construction of 144 multiple family attached residential

- units, 69 senior apartment units and a park and ride lot. The project conforms to all the requirements of the Planned Development Permit except for the required number of parking space. The PD permit requires a total of 262 spaces for the unit mix, whereas only 254 parking spaces are provided.
- 4. **General Plan Conformance.** The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Transit Residential (multi-family development) and Neighborhood/Community Commercial (senior housing and Alum Rock Transit Center). The Transit Residential land use designation supports high density, mixed-use residential development and is applied to areas near transit, jobs, amenities, and services. The allowable density for this designation is further defined within the applicable Zoning Ordinance designation. This portion of the site is developed with a multi-family residential development with a density of 28 DU/AC. The Neighborhood/Community Commercial (NCC) designation supports a broad range of commercial activity. These uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. The Transit Center use is consistent with this designation as it promotes transit use. The senior apartment development has a density of 52.3 DU/AC. While the senior housing use is not consistent with the NCC designation, General Plan Policy IP-1.4 considers effective Planned Development land use entitlements that were previously found to be in conformance with the General Plan (such as the senior housing) to be in conformance with the Envision General Plan. The Planned Development Permit (PD99-039) for the project was approved in 1999. There is no construction proposed with this rezoning and planned development permit.

The project conforms to the following key General Plan policies:

<u>Goal H-2 Affordable Housing</u>: Preserve and improve San José's existing affordable housing stock and increase its supply such that 15% or more of the new housing stock developed is affordable to low, very low and extremely low income households.

<u>Land Use / Transportation Diagram Policy, IP-1.7</u> Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

Analysis: The project would allow for the continued use of the site as multi-family residential adjacent to a transit center, furthering the General Plan goals to reduce auto dependency. In addition, the continued use of the project as a multi-family and affordable housing project supports the General Plan's goals for affordable housing. Since the project is not proposing any new construction and the original entitlement for the 9.3-acre site was processed through a planned development

zoning, proceeding with a Planned Development Zoning process was deemed appropriate in this case.

5. **Zoning and Planned Development Zoning Conformance.** The site is zoned A(PD) Planned Development Zoning. The site is surrounded by other Planned Development Zoning Districts and Residential Zoning Districts. The A(PD) Planned Development Zoning District rezoned the property to conform to current parking standards and ensure the parking requirement is in compliance. Pursuant to Chapter 20.90 of Title 20 in the San José Municipal Code, the minimum required number of parking spaces is as follows:

Unit Type	Unit Mix	Chapter 20.90 (all open vehicle parking)	Number of Spaces Required
1 bedroom	24	1.25 spaces per unit	30
2 bedroom	72	1.7 spaces per unit	123
3 bedroom	48	2.0 spaces per unit	96
TOTAL	144		249

The zoning requires a minimum of 249 vehicle parking spaces and the project would provide 254 spaces, 5 more than the required amount.

- 6. **Environmental Review.** Under the provisions of Section 15305 Minor Alterations in Land Use Limitations of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The project seeks to change the parking requirements to conform to the City's existing requirements as codified in the Municipal Code. There will be no new construction which will not impact the density; and there is no proposed change in the use and the site has an average slope of less than 20 percent. Therefore, a CEQA exemption can be issued under Section 15305.
- 7. Planned Development Permit Findings: Chapter 20.100 of the San José Municipal Code establishes evaluation criteria for the issuance of a Planned Development Permit. These criteria are applied to the project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the proposed permit. In order to make the Planned Development Permit findings pursuant to Section 20.100.720 of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:
  - 1. The Planned Development Permit, as issued, is consistent with and furthers the

policies of the General Plan;

<u>Analysis</u>: As described in the General Plan conformance analysis, the project is consistent with the General Plan land use designation of Transit Residential and Neighborhood/Community Commercial, and supports General Plan policies related to Affordable Housing, Efficient Use of Residential and Mixed-Use Lands, and Land Use /Transportation Diagram. The rezoning and planned development permit would allow for the continued use of the site as senior housing and multi-family residential adjacent to a transit center, furthering the General Plan goals to reduce auto dependency. In addition, the continued use of the project as a multi-family and affordable housing project supports the General Plan's goals for affordable housing.

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property;

<u>Analysis</u>: As described above, the project would conform in all respects to the Planned Development Zoning's Development Standard. The project is consistent with the required parking ratio and maintains all the required setbacks and height limits.

3. The Planned Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency;

<u>Analysis</u>: The project is subject to and conforms to the Council Policy 6-30 Public Outreach Policy for Pending Land Use and Development Proposals. An on-site notice was posted on the subject property and staff responded to phone calls from the public regarding the project.

4. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious;

<u>Analysis</u>: The project does not involve any new construction or use.

5. The environmental impacts of the project, including, but not limited to aesthetics, air quality, noise, and transportation/traffic, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

<u>Analysis</u>: As the project does not involve any new construction or use, the project will not have an unacceptable negative effect on adjacent properties.

In accordance with the findings set forth above, a Planned Development Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said

conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **CONDITIONS**

- 1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the permittee fail to file a timely and valid appeal of this Planned Development Permit within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
  - a. Acceptance of the Planned Development Permit; and
  - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
- 2. Permit Expiration. The Planned Development Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Planned Development Permit.
- 3. Sewage Treatment Demand. Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

- 4. Conformance to Plans. The development of the site shall conform to the approved Planned Development Permit plans entitled, "Monte Vista Gardens," dated received on March 7, 2019, on file with the Department of Planning, Building and Code Enforcement, as may be amended subject to City's approval, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "Approved Plan Set."
- 5. **Conformance to PD99-039.** Unless specifically modified with this permit, this project shall conform to all of the requirements of the Planned Development Permit PD99-039.
- 6. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of land covered by the Permit shall only be land uses consistent with the Planned Development Zoning District and only upon issuance of a Planned Development Permit for those uses.
- 7. Scope and Use Authorization of the Planned Development Permit. This Planned Development Permit allows the continued use of the site for the existing multi-family development, senior housing development, and Alum Rock Transit Center on a 9.3-gross acre site, in accordance with the prior approved development plans (File PD99-039) and uses consistent with the General Development Standards of the Planned Development Zoning District.
- 8. Compliance with Local and State Laws. The subject use shall be conducted in full compliance with all local, state and federal laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as conditioned.
- 9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code.
- 10. Revocation, Suspension, Modification. This Planned Development Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council, as applicable, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2 of Chapter 20.100 of Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

#### **FFFCTIVE DATE**

LITEOTIVE DATE	
Planned Development Rezoning Or publication on, 20 (the "Plan	No. PD17-026) shall be the effective date of the dinance for File No. PDC17-054 approved for ned Development Rezoning Ordinance") and shall said Planned Development Rezoning Ordinance.
ADOPTED thisday of	, 2019, by the following vote:
AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	SAM LICCARDO
ATTEST:	Mayor
TONI J. TABER, CMC City Clerk	
NOTI	CE TO PARTIES
The time within which judicial review n	nust be sought to review this decision is governed

d by the provisions of the California Code of Civil Procedure Section 1094.6.

# GENERAL DEVELOPMENT PLAN

(NO NEW CONSTRUCTION)

# MONTE VISTA GARDENS

A 213 UNIT RESIDENTIAL AND PARK AND RIDE LOT PROJECT CAPITOL AVENUE AT LOMBARD AVENUE

STATEMENTS AND TABLES GROSS ACREAGE: 8.47 ACRES

PARK-N-RIDE & PRIVATE STREETS: - 2.20 ACRES

NET ACREAGE: 6.07 ACRES (RESIDENTIAL DÉVELOPMENT)

**UNITS: 213 HOUSING UNITS** 

NET DENSITY: 35 UNITS / ACRE (BASED ON 6.07 ACRES NET)

TOTAL BUILDING ENVELOPE AREA: 2.33 ACRES

BUILDING SITE COVERAGE: 33.8% OF NET

AREA OF PRIVATE DRIVE & STREETS: 1.80 ACRES PRIVATE DRIVE & STREETS COVERAGE: 26.1% OF NET

AREA OF LANDSCAPING: 2.77 ACRES LANDSCAPE SITE COVERAGE: 40.1%

NOTE:

NET ACREAGE = GROSS ACREAGE MINUS PUBLIC STREET DEDICATION, MINUS PRIVATE STREETS, AND MINUS PARK-N-RIDE LOT



**DEVELOPMENT SCHEDULE** NO NEW DEVELOPMENT PROPOSED

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TITLE SHEET

2. LAND USE PLAN

2A LAND USE PLAN NOTES

TITLE SHEET

PARKING PLAN

**A1.1 1ST FLOOR PLANS** 

**A1.2 2ND FLOOR PLANS** 

A1.3 3RD FLOOR PLANS

**A2.1 BUILDING 1 EXTERIOR ELEVATIONS** 

**A2.2 BLDGS 2 & 6 EXTERIOR ELEVATIONS** 

**A2.3 BLDGS 3 & 5 EXTERIOR ELEVATIONS** 

**A2.4 BLDG 4 EXTERIOR ELEVATIONS** 

**A5.1 ENLARGED UNIT PLANS** 

**A5.2 ENLARGED UNIT MOBILITY PLANS** 

**A5.3 ENLARGED UNIT MOBILITY PLANS** 

APPLICANT:

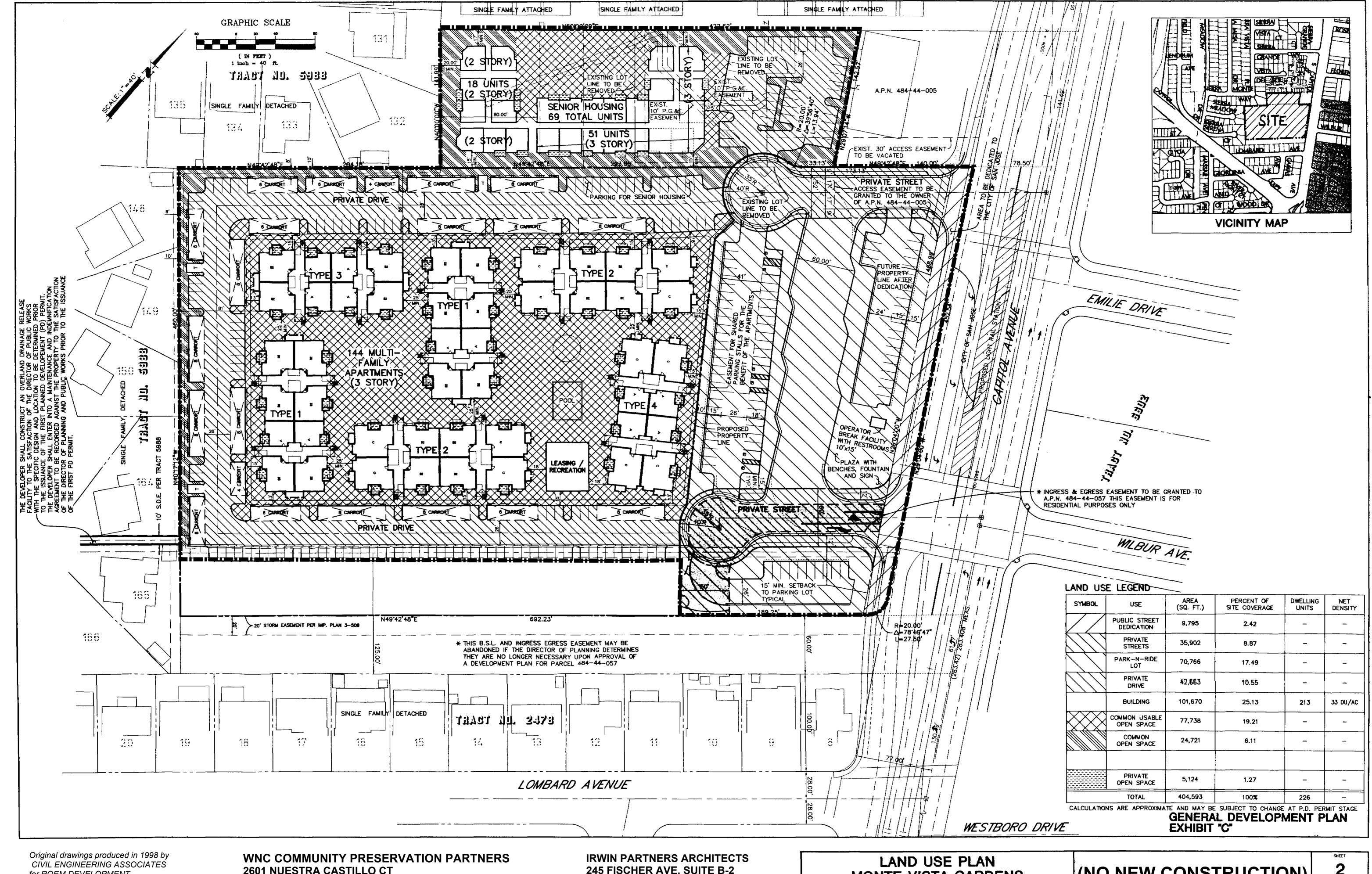
WNC COMMUNITY PRESERVATION PARTNERS **2601 NUESTRA CASTILLO CT** 

**CONSULTANTS:** 

**COSTA MESA, CALIFORNIA 92626** 

**SAN JOSE, CALIFORNIA 95127** 

IRWIN PARTNERS ARCHITECTS 245 FISCHER AVE, SUITE B-2



for ROEM DEVELOPMENT CORPORATION. Drawings edited by Irwin Partners Architects in 2019.

**2601 NUESTRA CASTILLO CT SAN JOSE, CALIFORNIA 95127** 714-662-5565

245 FISCHER AVE, SUITE B-2 **COSTA MESA, CALIFORNIA 92626** 714-557-2448

MONTE VISTA GARDENS CALIFORNIA SAN JOSE

(NO NEW CONSTRUCTION) 2 SHEETS

#### PERFORMANCE STANDARDS

- 1. W.P.C.P. NOTE: PURSUANT TO PART 2.75 OF CHAPTER 15.12 OF THE SAN JOSE MUNICIPAL CODE, NO VESTED RIGHT TO A BUILDING PERMIT SHALL ACCRUE AS THE RESULT OF THE GRANTING OF ANY LAND DEVELOPMENT APPROVALS AND APPLICATIONS WHEN AND IF THE CITY MANAGER MAKES A DETERMINATION THAT THE CUMULATIVE SEWAGE TREATMENT DEMAND ON THE SAN JOSE-SANTA CLARA WATER POLLUTION CONTROL PLANT REPRESENTED BY APPROVED LAND USES IN THE AREA SERVED BY SAID PLANT WILL CAUSE THE TOTAL SEWAGE TREATMENT DEMAND TO MEET OR EXCEED THE CAPACITY OF THE SAN JOSE-SANTA CLARA WATER POLLUTION CONTROL TO TREAT SUCH SEWAGE ADEQUATELY AND WITHIN THE DISCHARGE STANDARDS IMPOSED ON THE CITY BY THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE SAN FRANCISCO BAY REGION. SUBSTANTIVE CONDITIONS DESIGNED TO DECREASE SANITARY SEWAGE ASSOCIATED WITH ANY LAND USE APPROVAL MAY BE IMPOSED BY THE APPROVING AUTHORITY.
- 2. THE PUBLIC RIGHT-OF-WAY SHALL BE PLANTED WITH STREET TREES AS REQUIRED BY THE DIRECTOR OF STREETS AND TRAFFIC.
- 3. ALL OFF-SITE STREET IMPROVEMENTS AND INFRASTRUCTURE SHALL BE PER CITY OF SAN JOSE STANDARDS.
- 4. PROJECT SHALL COMPLY WITH THE PARK LAND DEDICATION ORDINANCE.
- 5. THE DEVELOPER SHALL PROVIDE A TRAFFIC SIGNAL AT THE INTERSECTION OF WILBUR AVENUE AND CAPITOL AVENUE TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS.
- 6. THE DEVELOPER SHALL SECURE OR PROVIDE EASEMENTS AS SHOWN ON THE PLANS.
- 7. INSTALL TREES IN PARK-N-RIDE LOT AT 1 TREE TO 4 PARKING SPACES.
- 8. PLAZA TO HAVE BENCHES, FOUNTAIN, AND SIGN.

#### ENVIRONMENTAL MITIGATION

THE DEVELOPER SHALL PROVIDE NOISE MITIGATION IN ACCORDANCE WITH THE REPORT (AND SUBSEQUENT ADDENDUMS) PREPARED BY EDWARD L. PACK ASSOCIATES DATED DECEMBER 17, 1998 TO THE SATISFACTION OF THE DIRECTOR OF PLANNING.

#### HAZARDOUS MATERIALS

ALL DEMOLITION ACTIVITIES WILL BE UNDERTAKEN ACCORDING TO OSHA STANDARDS TO PROTECT WORKERS FROM EXPOSURE TO ASBESTOS AND LEAD BASED PAINT. SPECIFIC MEASURES INCLUDE AIR MONITORING DURING DEMOLITION/CONSTRUCTION ACTIVITIES. BUILDING MATERIALS CLASSIFIED AS HAZARDOUS WILL BE DISPOSED OF IN CONFORMANCE WITH FEDERAL, STATE AND LOCAL LAWS.

#### ARCHAEOLOGICAL RESOURCES

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 RESONABLY 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 AUTHORITY, HE SHALL NOTIFY THE NATIVE AMERICAN HERITAGE COMMISSION WHO SHALL ATTEMPT 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.

#### **Development Standards**

#### **MULTI-FAMILY ATTACHED STANDARDS:**

- Total number of units: 144 (maximum)
- Setbacks are as shown on the site plan
- Maximum building height: 45 feet (3 stories) Parking ratio:
- o 1 bedroom: 1.25 spaces per unit o 2 bedroom: 1.70 spaces per unit
- o 3 bedroom: 2.0 spaces per unit
- o Up to 20% of the required parking may be provided in the adjacent Park-N-Ride lot. The number of stalls will be determined at the PD permit stage.
- Private open space: 60 square feet per unit
- Common open space: 200 square feet per unit

#### **SENIOR HOUSING STANDARDS:**

- Setbacks as shown on the plans
- Maximum building height 45 feet (3 stories) (as shown)
- Parking ratio: 1 per unit plus 1 per employee
- Private open space: 50 square feet per unit
- Common open space: 100 square feet per unit
- Use restriction: independent living units with kitchens
- Maximum number of units: up to 69

#### TOWN HOUSE / DETACHED UNIT STANDARDS

- 1. Setbacks shall conform to the Residential Design Guidelines
- 2. Maximum building height: 30 feet (2 stories)
- 3. Parking ratio: per Residential Design Guidelines
- 4. Private open space: per Residential Design Guidelines
- 5. Common open space: per Residential Design Guidelines
- 6. Maximum number of units: up to 13 not to exceed 14 d.u. per acre

#### **PARK-N-RIDE LOT STANDARDS:**

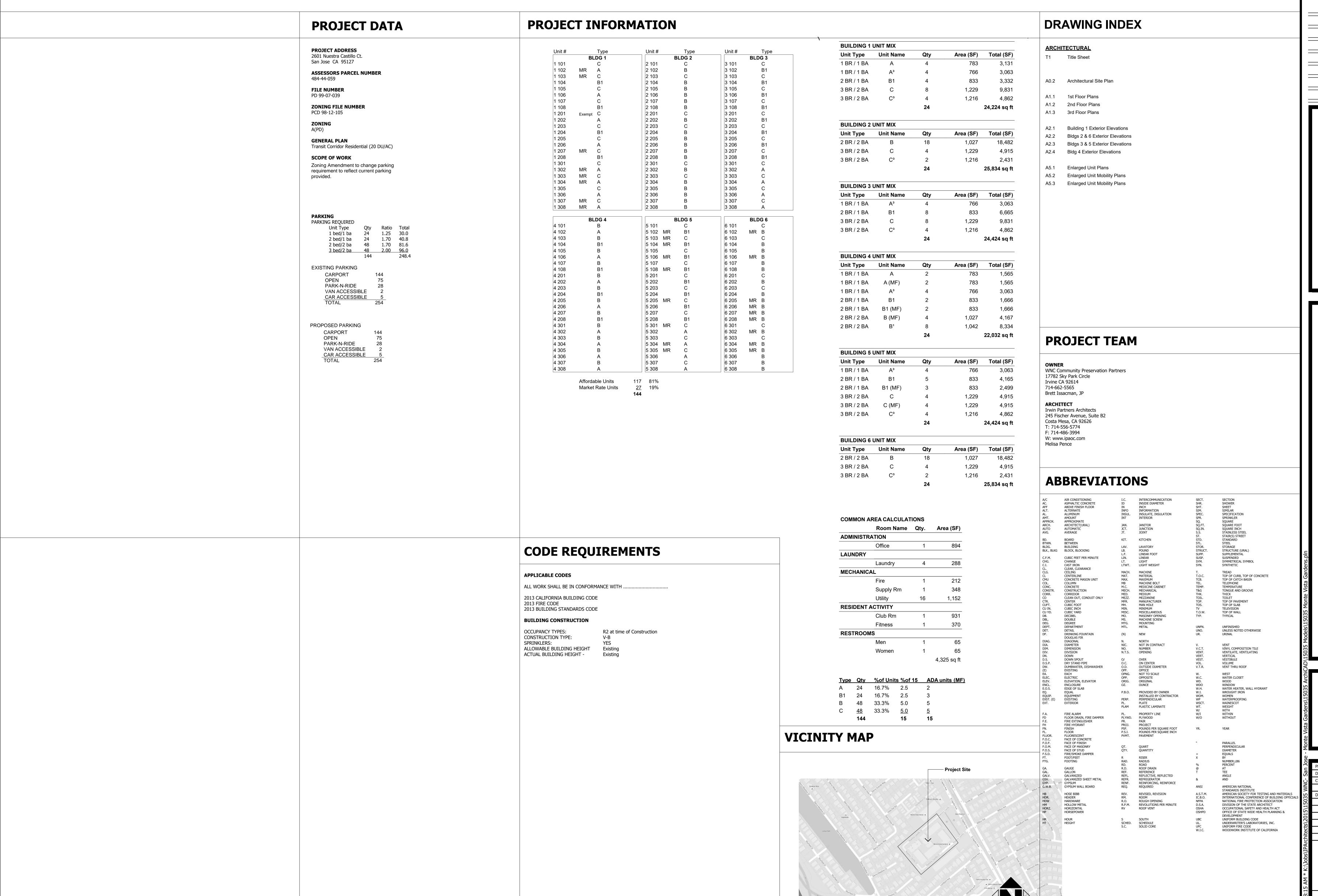
- 1. Up to 60 spaces may be provided for the use of the multi-family attached units, easements for which are contained in that certain quitclaim deed recorded September 1, 2000, Instrument No. 15376544, in the Official Records of the County of Santa Clara.
- 2. A setback of 15'-0" shall be provided adjacent to all public and private streets. 3. Parking lot layout shall be consistent with the City Commercial Design Guidelines.

GENERAL DEVELOPMENT PLAN

**EXHIBIT 'C'** 

# Monte Vista Gardens

# WNC Community Preservation Partners





IRWIN PARTNERS
ARCHITECTS

ARCHITECTURE
PLANNING
CONSULTING

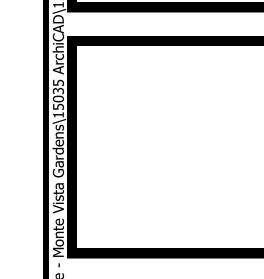
245 Fischer Avenue
Suite B-2
Costa Mesa

Costa Mesa

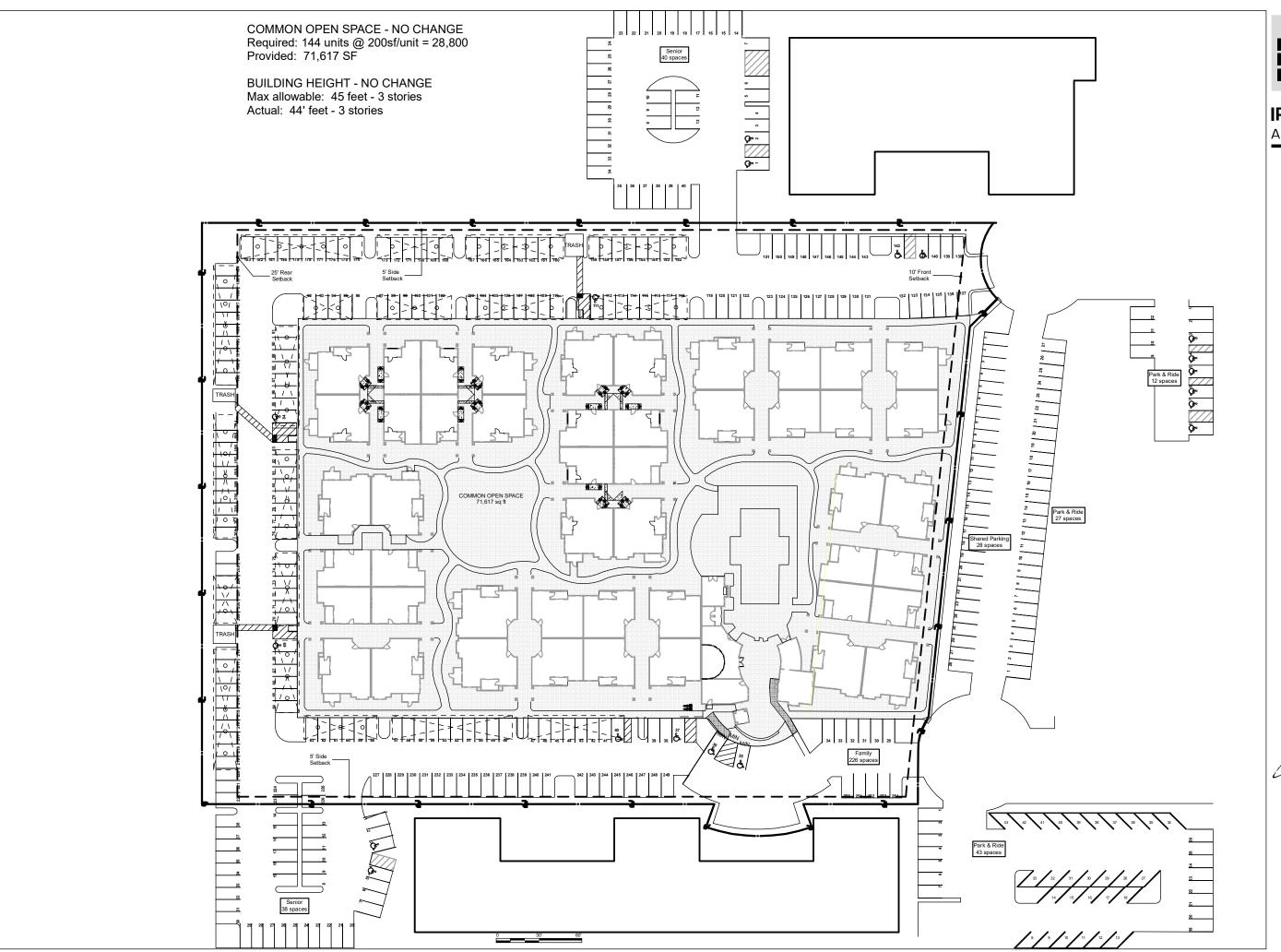
California 92626

T: 714 557 2448

F: 714 556 1572 www.ipaoc.com



PROJECT:	15035		
DRAWN BY:	AP, SA, GC		
CHECKED B	γ: M. Pence		
DATE OF IS	SUE:05/04/2016		
DRAWING DESCRIPTION			
Title Sheet			





#### **IRWIN PARTNERS**

ARCHITECTS

245 Fischer Avenue Suite B-2 Costa Mesa CA 92626 T: 714 557 2448 www.ipaoc.com

# Monte Vista Gardens WNC Community Preservation Partners 2601 Nuestra Castillo Ct., San Jose CA 95127



PROJECT: 15035 DATE: 9/21/2018 Parking Plan

### **LEGEND AND NOTES**

#### ROOM SYMBOL LEGEND

A ELEVATION LETTER

XXX ROOM NAME

ROOM NUMBER

B WALL/FLOOR/BASE

X/A-XX ELEVATION NO./SHEET NO.

Indicates Units with
Communication Features

V (MF)
UNIT TYPE (MF) Indicates
units with Mobility Features
UNIT NUMBER
Enlarged Plan Reference

For units with Mobility Features see (22/A7.2) For units with Communication Features see (21/A7.2)



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Monte Vista Garder WNC Community Preservatio 2601 Nuestra Castillo Ct., San Jose



PROJECT: 15035

DRAWN BY: AP, SA, GC

CHECKED BY: M. Pence

DATE OF ISSUE:05/04/2016

DRAWING DESCRIPTION

1st Floor Plans

A — ELEVATION LETTER

XXX — ROOM NAME

A2.4

B1 3 102 2/A5.1

B<sup>1</sup> 4 203 4/A5.1

B<sup>1</sup> 4 201 4/A5.1

4 A2.4

B1 4 208 2/A5.1

A 4 206 1/A5.1

B<sup>1</sup> 4 207 4/A5.1

C 2 203 3/A5.1

C 2 201 3/A5.1

1 A2.4

B1 5 208 1/A5.1

B1 5 204 1/A5.1

B1 5 206 1/A5.1

B 2 207 4/A5.1

For units with Mobility Features see (22/A7.2) For units with Communication Features see (21/A7.2)

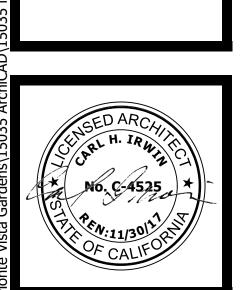
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A 1 202 1/A5.1

C 1 201 3/A5.1

B 6 208 4/A5.1

B 6 206 4/A5.1

C 6 201 3/A5.1

For units with Mobility Features see (22/A7.2)

For units with Communication Features see (21/A7.2)

A — ELEVATION LETTER

D XXX B ROOM NUMBER

X/X/X

B WALL/FLOOR/BASE

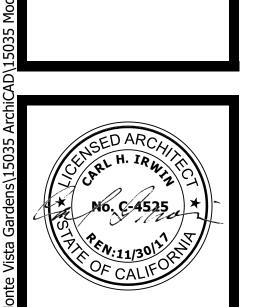
X/A-XX ELEVATION NO./SHEET NO.

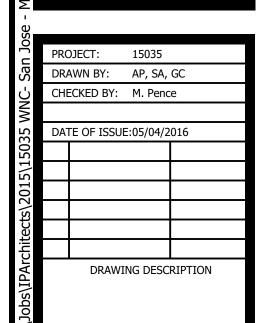
XXX — ROOM NAME

Enlarged Plan Reference

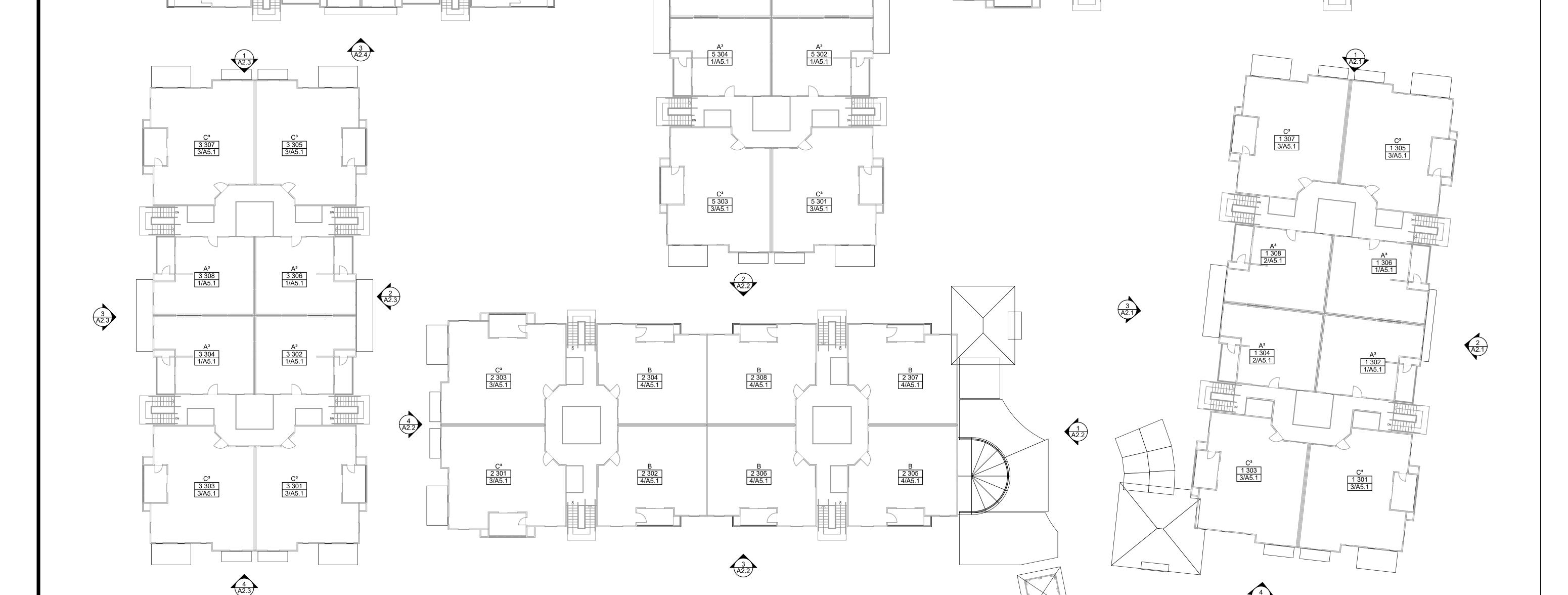
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**3rd Floor Plans** 



C<sup>3</sup>
5 307
3/A5.1

1 A2.4

C³ 6 303 3/A5.1

B 6 308 4/A5.1

B 6 306 4/A5.1

6 305 4/A5.1

A2.4

A<sup>3</sup>
4 208
2/A5.1

A<sup>3</sup> 4 206 1/A5.1

B<sup>1</sup> 4 203 4/A5.1

B<sup>1</sup> 4 201 4/A5.1





- 3. Repaint buildings with same colors as existing.

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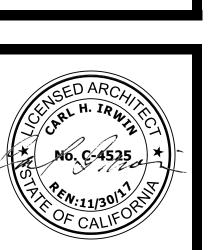
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<b>Building 1 Exterior</b>				
Elevations				
	Elevations			



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DRAWING DESCRIPTION			
Bldgs 2 & 6 Exterior			

Elevations

DRAWING NUMBER

A2.2



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Bldgs 3 & 5 Exterior Elevations			

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## **LEGEND AND NOTES**

### **FLOOR PLAN LEGEND**

X DOOR NUMBER - SEE DOOR SCHEDULE SHEET A4.1

XX KEYNOTE NUMBER

#### **WALL LEGEND**

EXISTING NON-BEARING WALL TO BE REMOVED

EXISTING WALL TO REMAIN

NEW NON-BEARING INTERIOR WALL

#### **FLOOR PLAN GENERAL NOTES**

- 1. VERIFY THE SPACE AND ROUGH-IN REQUIREMENTS OF ALL OWNER-SUPPLIED
- 2. REPLACE PTAC IN-KIND. ENERGY EFFICIENCY RATIO TO BE THE SAME OR BETTER
- THAN EXISTING PTAC.
- 3. REPLACE BATHROOM LAV AND FAUCET
- 4. REPLACE KITCHEN SINK AND FAUCET
- 7. REPLACE UNIT ENTRY LIGHT FIXTURE WITH ENERGYSTAR FIXTURES
- **UNIT TYPES B AND C ONLY**
- 8. INSTALL CABINET HARDWARE
- 9. INSTALL COUNTERTOPS IN BATHROOMS
- 10. INSTALL COUNTERTOPS IN KITCHEN
- 11. INSTALL REFRIGERATOR REFER TO UNIT MATRIX FOR SPECIFIC UNITS 12. INSTALL CARPET - REFER TO UNIT MATRIX FOR SPECIFIC UNITS
- 13. REPLACE FABRIC OF AWNINGS EXISTING FRAMES TO REMAIN
- 14. PAINT RESIDENT UNIT KITCHENS AND BATHROOMS REFER TO UNIT MATRIX
- FOR SPECIFIC UNITS
- 15. INSTALL ANGLE STOPS
- 17. INSTALL HARD SURFACE FLOORING WHERE MEETS BASEBOARD USE 1/4 ROUND AT TRANSITION.
- DO NOT REMOVE EXISTING BASE
- 18. EXPOXY FLOOR RELOCATED LAUNDRY ROOM 19. RAMP AT ADA UNIT ENTRY - REFER TO UNIT MATRIX FOR SPECIFIC UNITS
- 20. REPAIR DRY ROT AS NEEDED REFER TO UNIT MATRIX FOR SPECIFIC UNITS

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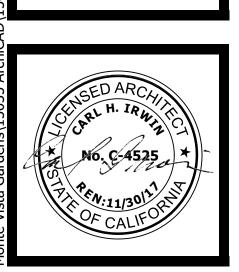
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Unit B1 Demo Plan (Mobility Features) | 1/4" = 1'-0" 3



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- 2. REPLACE PTAC IN-KIND. ENERGY EFFICIENCY RATIO TO BE THE SAME OR BETTER

- 20. REPAIR DRY ROT AS NEEDED REFER TO UNIT MATRIX FOR SPECIFIC UNITS

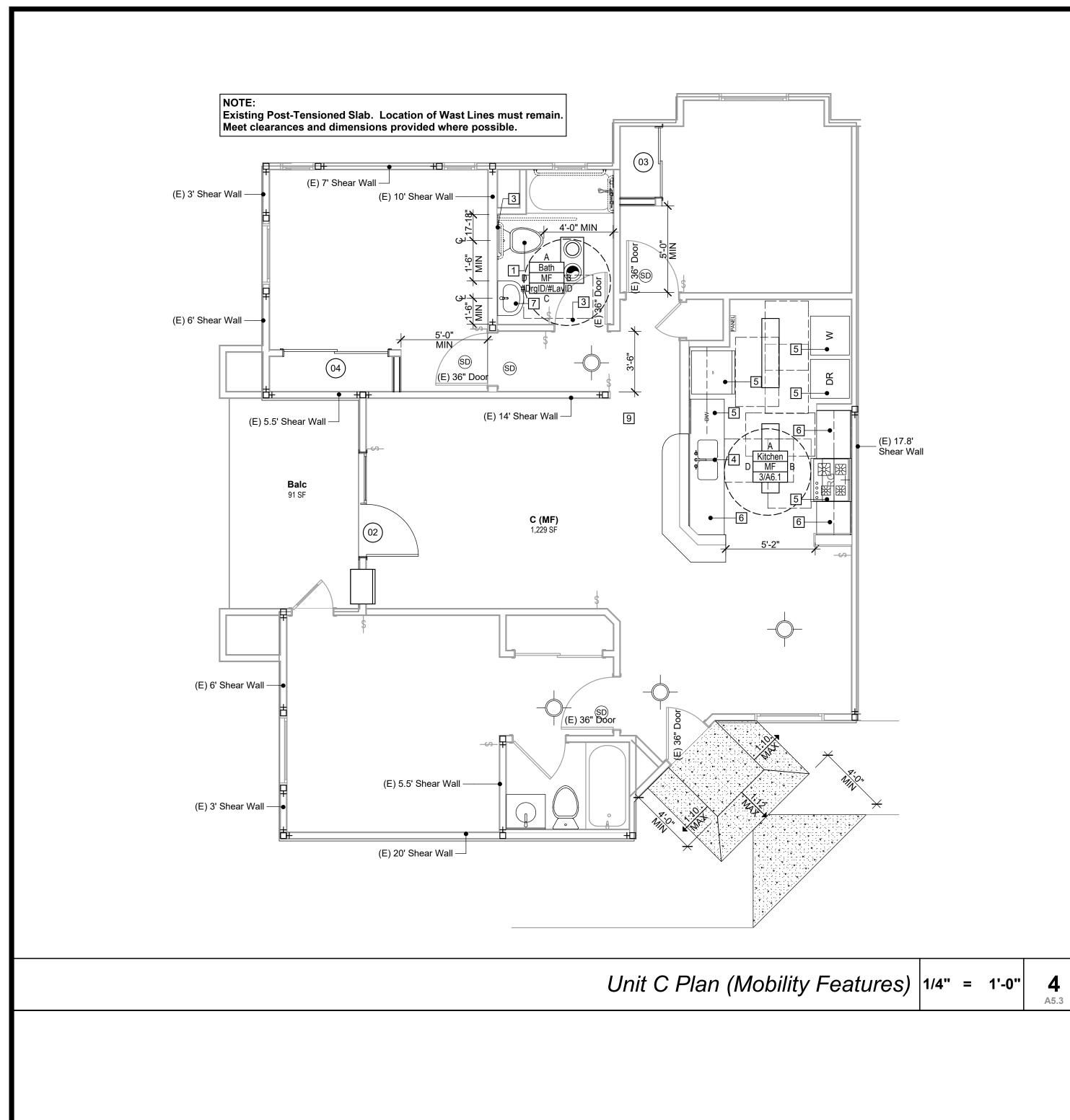
- . REMOVE EXISTING TOILET, BATHROOM CASEWORK, LAVATORY, AND INCANDESCENT
- 9. LIGHT SWITCH TO BE RELOCATED (PLEASE SEE ENLARGED PLAN FOR RELOCATION)

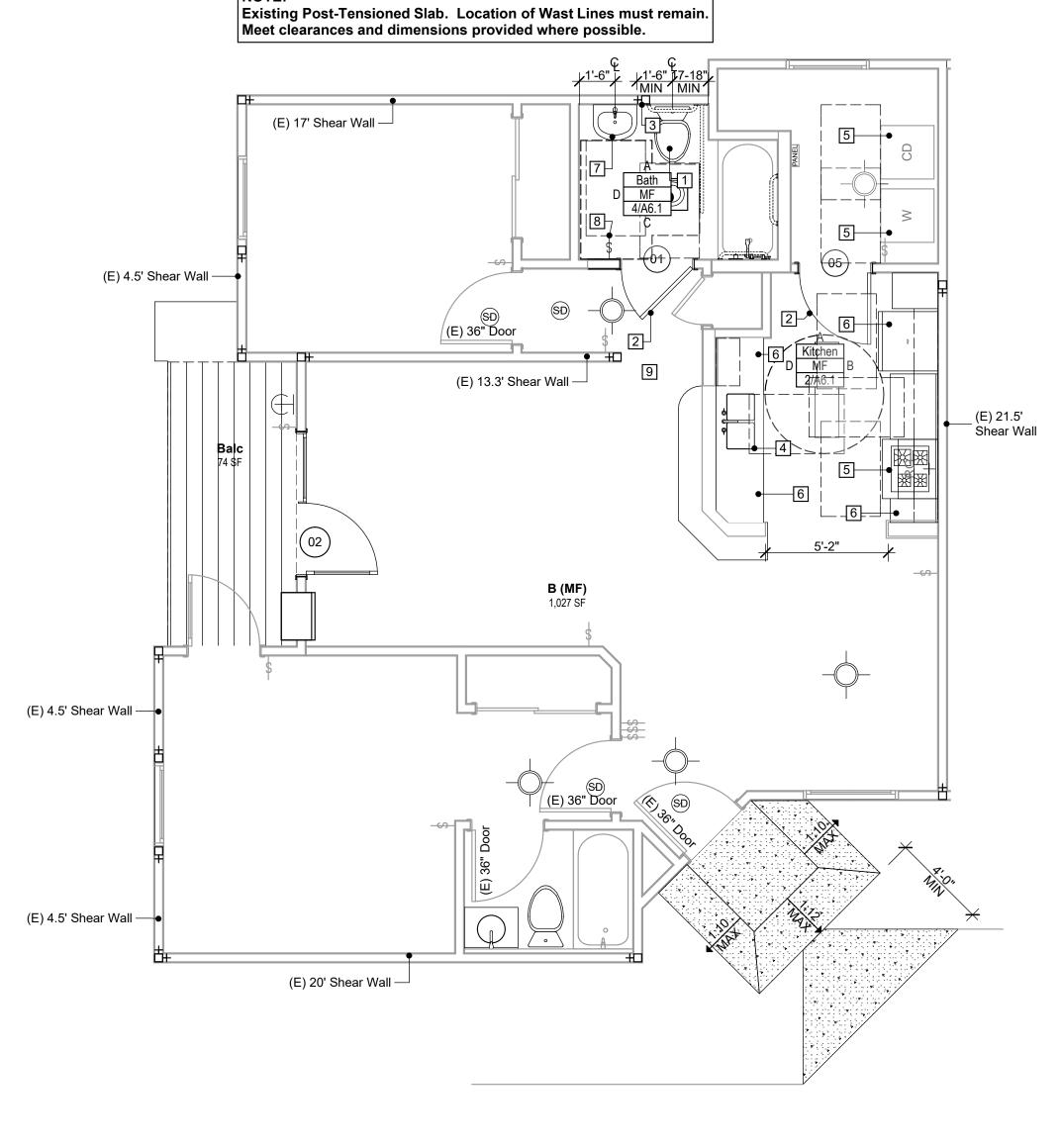
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Enlarged Unit Mobility Plans





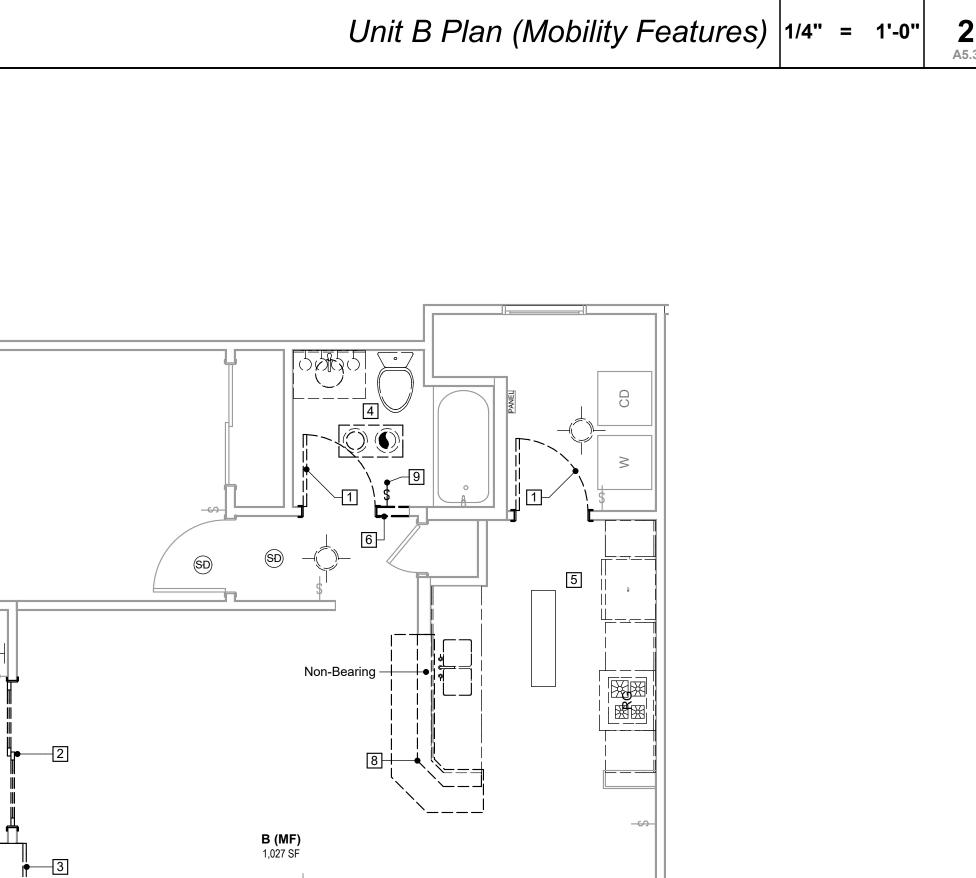
### **FLOOR PLAN KEYNOTES UNITS WITH MOBILITY FEATURES**

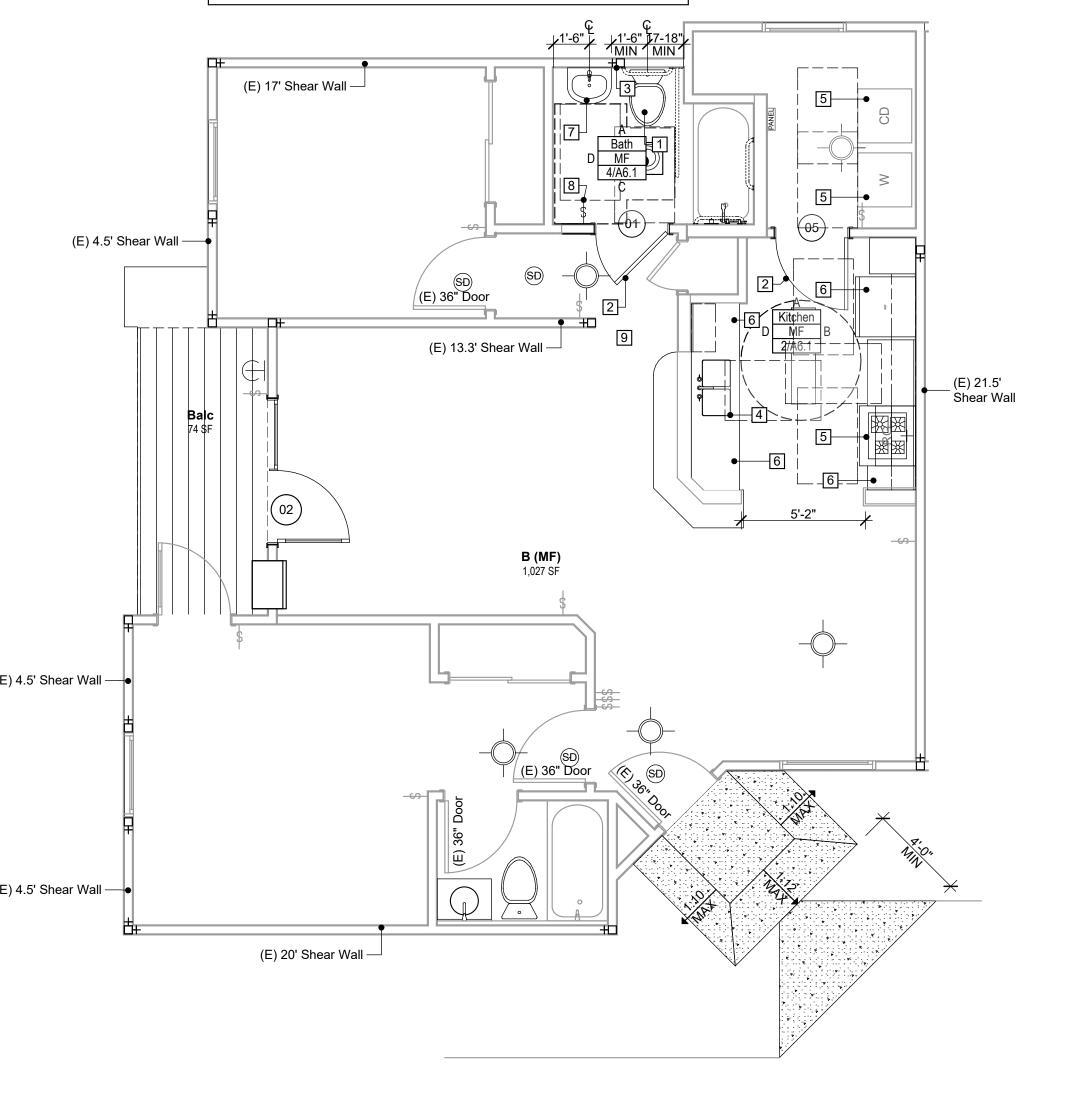
### SEE INTERIOR ELEVATIONS (A6.1) FOR MORE INFORMATION

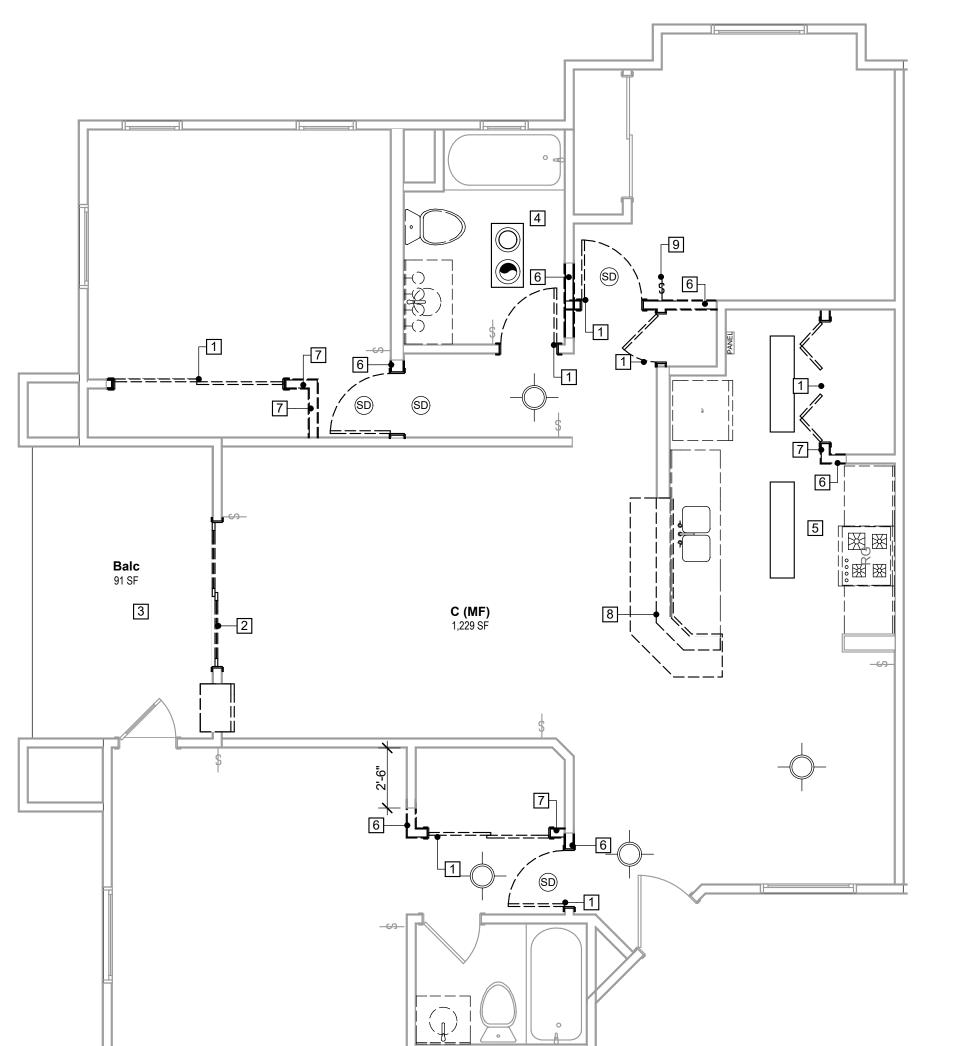
- 1. ADA COMPLIANT LOW-FLOW TOILET AT EXISTING LOCATTION, TYP
- 2. REVERSE SWING OF DOOR TO PROVIDE ACCESSIBLE CLEARANCE AT DOOR

### **DEMOLITION KEYNOTES**

- REMOVE EXISTING INTERIOR DOOR TO REVERSE SWING
- REMOVE EXISTING BALCONY SLIDER (FOR NEW ACCESSIBLE DOOR)
- REMOVE EXISTING PTAC FOR IN-KIND REPLACMENT
- . REMOVE EXISTING TOILET, BATHROOM CASEWORK, LAVATORY, AND INCANDESCENT LIGHT FIXTURES. FLUORESCENT FIXTURES TO REMAIN.
- REMOVE EXISTING KITCHEN CASEWORK, APPLIANCES, AND SINK (SALVAGE AND REUSE APPLIANCES WHEN APPLICABLE; SEE ENLARGED PLANS FOR RELOCATION)
- 5. WALL TO BE PARTIALLY DEMOLISHED (PATCH AND REPAIR AS NECESSARY)
- 7. WALL TO BE COMPLETELY REMOVED
- 8. EXISTING PONY WALL TO BE PARTIALLY DEMOLISHED TO MEET ADA HEIGHT
- 9. LIGHT SWITCH TO BE RELOCATED (PLEASE SEE ENLARGED PLAN FOR RELOCATION)
- REQUIREMENTS WITH ATTACHED COUNTER. REMOVE BAR TOP.







Unit C Demo Plan (Mobility Features) | 1/4" = 1'-0" 3

**Balc** 74 SF

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Unit B Demo Plan (Mobility Features) |1/4" = 1'-0"

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FLOOR PLAN GENERAL NOTES

1. VERIFY THE SPACE AND ROUGH-IN REQUIREMENTS OF ALL OWNER-SUPPLIED ITEMS PRIOR TO CONSTRUCTION.

EXISTING NON-BEARING WALL TO BE REMOVED

EXISTING WALL TO REMAIN

NEW NON-BEARING INTERIOR WALL

- 2. REPLACE PTAC IN-KIND. ENERGY EFFICIENCY RATIO TO BE THE SAME OR BETTER THAN EXISTING PTAC.
- 3. REPLACE BATHROOM LAV AND FAUCET
- 4. REPLACE KITCHEN SINK AND FAUCET
- 5. REPLACE KITCHEN LIGHT FIXTURE WITH ENERGYSTAR FIXTURES 6. REPLACE BATHROOM LIGHT FIXTURES WITH ENERGYSTAR FIXTURES

**LEGEND AND NOTES** 

X DOOR NUMBER - SEE DOOR SCHEDULE SHEET A4.1

FLOOR PLAN LEGEND

**WALL LEGEND** 

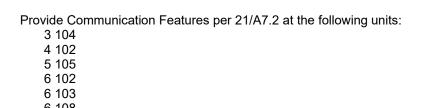
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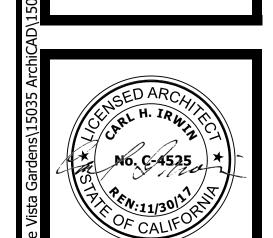
- 7. REPLACE UNIT ENTRY LIGHT FIXTURE WITH ENERGYSTAR FIXTURES
- **UNIT TYPES B AND C ONLY**
- 8. INSTALL CABINET HARDWARE 9. INSTALL COUNTERTOPS IN BATHROOMS
- 10. INSTALL COUNTERTOPS IN KITCHEN
- 11. INSTALL REFRIGERATOR REFER TO UNIT MATRIX FOR SPECIFIC UNITS
- 12. INSTALL CARPET REFER TO UNIT MATRIX FOR SPECIFIC UNITS 13. REPLACE FABRIC OF AWNINGS - EXISTING FRAMES TO REMAIN
- 14. PAINT RESIDENT UNIT KITCHENS AND BATHROOMS REFER TO UNIT MATRIX
- FOR SPECIFIC UNITS 15. INSTALL ANGLE STOPS
- 16. INSTALL LOW-FLOW SHOWER HEAD
- 17. INSTALL HARD SURFACE FLOORING WHERE MEETS BASEBOARD USE 1/4 ROUND AT TRANSITION.
- DO NOT REMOVE EXISTING BASE
- 18. EXPOXY FLOOR RELOCATED LAUNDRY ROOM 19. RAMP AT ADA UNIT ENTRY - **REFER TO UNIT MATRIX FOR SPECIFIC UNITS**

20. REPAIR DRY ROT AS NEEDED - REFER TO UNIT MATRIX FOR SPECIFIC UNITS

- 3. GRAB BAR BACKING BEHIND TOILET AND AT BATHTUB (4/A7.3), TYP

- 6. CASEWORK (1/A7.1, 3/A7.1, 4/A7.1), TYP
- 7. ACCESSIBLE WALL HUNG LAVATORY WITH ACCESSIBLE LOW-FLOW FAUCET, TYP 8. RELOCATED LIGHT SWITCH
- 9. FLUORESCENT LAMPS/FIXTURES AT EXISTING LOCATIONS, TYP
- **UNITS WITH COMMUNICATION FEATURES**





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