



Memorandum

TO:HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 1, 2017

COUNCIL DISTRICT: 6

SUBJECT: PDC16-045 & PD16-031. PLANNED DEVELOPMENT REZONING FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND PLANNED DEVELOPMENT PERMIT TO ALLOW DEMOLITION OF AN EXISTING 8,170 SQAURE FOOT COMMERCIAL STRUCTURE, REMOVAL OF SIX NON-ORDINANCE SIZED TREES AND THE CONSTRUCTION OF A 7-STORY, 56-UNIT MULTI-FAMILY BUILDING WITH TWO STORIES OF PARKING ON A 0.41-GROSS ACRE SITE (750 WEST SAN CARLOS STREET).

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Ballard absent) to recommend that the City Council (i) adopt a resolution approving the Addendum to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), and Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, and related Mitigation Monitoring and Reporting Program, and (ii) approve the rezoning ordinance, Development Standards and Planned Development Permit as described in the attached staff report and as modified by the Planning Commission to change the General Development Plan to include a six foot eight inch west side setback and to include a condition in the Planned Development Permit requiring a carshare space for residents.

OUTCOME

Should the City Council approve the Addendum, rezoning ordinance, Development Standards, and Planned Development Permit, the applicant will be able to implement the zoning and pursue building permits to construct the proposed 7-story, 56-unit multi-family building consistent with the proposed Development Standards and the General Plan Land Use/Transportation Diagram designation of Mixed Use Neighborhood.

BACKGROUND

On November 15, 2017, the Planning Commission held a Public Hearing to consider the Addendum and proposed Rezoning and Planned Development Permit. The Planning Commission recommended approval of the Addendum and proposed Rezoning and Planned Development Permit.

The item was on the Consent Calendar and was moved to the Public Hearing as the Commission needed clarification and there was community interest to speak on the item. During staff's presentation, staff summarized how the proposed project is consistent with the General Plan Land Use/Transportation Diagram and Diridon Station Area Plan designation of Transit Residential and furthers multiple goals and policies of the Envision San José 2040 General Plan and the Diridon Station Area Plan, as explained in the Planning Commission Staff Report.

Public Testimony

Public testimony included one member of the public. He spoke in behalf of the adjacent owner and they are in support of the project and noted the following:

- He owns the project site to the east and they have been coordinating the project designs; and
- They are on different time frames and are working on soil remediation on the adjacent project site.

Staff and Planning Commission Discussion

Commissioner Yesney asked for further clarification regarding the proposed balconies on the sides of the proposed building and what the setbacks were. Staff clarified that the west site has a 6' 8" side setback and there is zero setback on the east side. Commissioner Yesney noted that the Development Standards noted a zero setback on both sides. Staff explained that the Planning Commission can adjust the proposed Development Standards to include the 6'8" setback on the west side. The project applicant's architect explained that the adjacent project to the east is being designed to provide matching lightwells which will provide more open separation between the buildings.

Commissioner Yesney also inquired about the base zoning and that it allows commercial uses and that the Development Standards did not have any limitation. Staff explained that the common practice is to leave the base zoning in place rather than alter it as it has resulted in complications if any changes were proposed later. Staff further clarified that due to the narrowness of the lot, fitting any type of functional commercial space is difficult and if there were any changes proposed in the future it would have to come back through the City for review.

Commissioner Abelite suggested to continue the item for one or two meetings to allow time for staff to refine the proposed Development Standards and submit photos to get a better feel of the site. Commissioner Bit-Badel concurred with Commissioner Abelite's proposal. Staff noted that that it may be best to let the applicants architect respond and provide additional clarification. Commissioner Abelite clarified that he was not requesting an increased setback and that he is not proposing to change the project.

Commissioner Abelite asked the applicant's architect for clarification regarding the side setbacks. The applicant's architect clarified that it is six feet eight inches on the west side and zero feet on the east side. Additionally, she noted that they could consider a carshare option for the project to offset any parking concerns. Commissioner Yesney asked for clarification on the east side balconies. The applicant's architect clarified that the balconies are inset, similar to a lightwell and there will be matching ones on the future project to the east of the site.

Planning Commissioner Vora made a motion, seconded by Commissioner Bit-Badal, to recommend that the City Council adopt the Planned Development Rezoning and Planned Development with the staff modification to revise the setback on the west side of the property to six feet eight inches and to add a condition of approval requiring car share parking in the development (6-0-1, Commissioner Ballard Absent).

Condition of Approval Modification

Condition of Approval number 29(b) was modified to include the voluntary contribution amount towards the planned Valley Transportation Authority (VTA) light rail transit (LRT) station adjacent to the project site. Condition of Approval number 29(j) was modified to require acquisition of an access easement to the property to the east (740 West San Carlos).

ANALYSIS

A complete analysis of the issues regarding this project are contained in the attached Planning Commission Staff Report.

EVALUATION AND FOLLOW UP

If the Rezoning and Planned Development Permit are approved, the applicant will be able to move forward with building permit plans, demolition and construction of the proposed project.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings for the project were mailed to the owners and tenants of all properties located within 1,000 feet of the project site. An electronic version of this memorandum has been available online, accessible from the City Council Agenda for the December 12, 2017, hearing. Staff has been available to discuss the proposal with members of the public.

COORDINATION

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

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CEQA

An Addendum to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), and Supplemental Environmental Impact Report (Resolution No. 77617) and Addenda thereto was prepared for the project under the provisions of the environmental review requirements the California Environmental Quality Act of 1970, as amended (CEQA), including the state and local implementing regulations. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which will require major revisions to the previous EIR, substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, or new information of substantial importance is available.

The purpose of this Addendum is to evaluate the environmental impacts of the subject Planned Development Rezoning and Planned Development Permit to be considered for recommendation for approval to the City Council.

The project was found to be consistent with the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), and Supplemental Environmental Impact Report (Resolution No. 77617) and Addenda thereto and would not result in any new environmental impacts not previously disclosed.

The Initial Study, Addendum, and reference documents are available for review on the Planning web site at: <http://www.sanjoseca.gov/index.aspx?nid=5625>.

/s/

ROSALYNN HUGHEY, SECRETARY
Planning Commission

For questions, please contact Planning Official, Steve McHarris, at (408) 535-7819.

Attachments: Revised Development Standards
Planning Commission Staff Report

FILE NO. PDC16-045
750 W. SAN CARLOS DRAFT DEVELOPMENT STANDARDS

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

ALLOWED USES

- Up to 56 residential units
- Permitted, Special, and Conditional uses of the R-M Multiple Residence Zoning District and the CP Commercial Pedestrian Zoning District of Title 20 of the San José Municipal Code, and as may be as amended in the future. Special and Conditional uses as identified in the R-M Multiple Residence District and the CP Commercial Pedestrian Zoning District shall be subject to approval of a Planned Development Permit or Amendment by the Planning Director.

DEVELOPMENT STANDARDS

BUILDING HEIGHT

The maximum height of any buildings shall be 85 feet. Rooftop elements that may need to exceed the maximum building height due to their function, such as stair and elevator towers, shall not exceed 10 feet beyond the maximum building height. Such rooftop elements shall be integrated into the design of the building and shall be setback from the western property line a minimum of one foot for each foot in height.

SETBACKS

All building setbacks are from the back of the public right-of-way (where private property meets public right-of-way).

- Front setback: 10 feet minimum, 20 feet maximum
- East Side setback: 0 feet
- West Side setback: 6-foot 8-inch
- Rear setbacks: 0 feet
- At least 75 percent of the frontage along public streets shall have buildings where the first floor is within 15 feet of the minimum setback line.
- Minor architectural projections such as but not limited to awnings, balconies, fin signs, eaves, and bay windows may project into any setback by up to two feet for a length not to exceed 75% of the frontage subject to approval by the Director of Planning. Such projections may be considered with a Permit Adjustment.

OFF STREET PARKING REQUIREMENTS

Vehicular Parking Requirements:

- Multi-Family Residential:
 - One bedroom: 0.5 to 1.0 spaces per unit
 - Two bedroom: 0.5 to 1.1 spaces per unit
- Ground-floor commercial: ground-floor commercial uses (except day care centers, public or private elementary and secondary schools, and church/religious assembly uses shall conform to Chapter 20.90 of the San Jose Municipal code (Title 20—Zoning Ordinance), as may be amended in the future.
- Parking spaces for all other uses are to be provided per the San José Municipal Code, Title 20, as may be amended. For ground floor commercial uses up to 1,000 square feet of floor area, no vehicular off-street parking is required. Parking exceptions and an alternative parking arrangement as specified in Chapter 20.90 of the San Jose Municipal Code (Title 20—Zoning Ordinance), as may be amended, may be utilized.

Bicycle Parking Requirements:

- Per Chapter 20.90 of the San Jose Municipal Code (Title 20—Zoning Ordinance), as may be amended in the future.

ARCHITECTURAL & SITE DESIGN

- Projects shall be consistent with the Residential Design Guidelines and the Design Guidelines contained in the Diridon Station Area Plan, as may be amended.
- Multiple materials and façade variations shall be utilized to increase visual interest.

OPEN SPACE

- Private open space shall be provided at 60 square feet per unit (for at least 75% of the units). The minimum width of all private open space areas shall be 6 feet, however a minor reduction in that width may be considered by the Director of Planning at the Planned Development Permit stage if the overall size of open space area is increased beyond the overall minimum area requirements.
- Common open space shall be provided at a ratio of 50 square feet average per unit.

PERFORMANCE STANDARDS

- Multi-family Residential: In accordance with Chapter 20.30 of the City of San José Municipal Code (Title 20 - Zoning Ordinance), as may be amended in the future.
- Ground-floor Commercial: In accordance with Chapter 20.40 of the City of San José Municipal Code (Title 20 - Zoning Ordinance), as may be amended in the future.

ENVIRONMENTAL MITIGATION

Implement the mitigation measures identified in the adopted Addendum to the Diridon Station Area Plan Final Environmental Impact Report, And The Envision San Jose 2040 General Plan Supplemental Environmental Impact Report for 750 W. San Carlos (File No. PDC16-045) and Mitigation Monitoring and Reporting Program, as may be amended.