



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 10, 2021

COUNCIL DISTRICT: 3

SUBJECT: PDC18-032, PD18-042. PLANNED DEVELOPMENT REZONING FROM THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT TO THE CIC(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND A PLANNED DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A FIVE-STORY, UP TO 48-ROOM HOTEL WITH AN ALTERNATIVE PARKING ARRANGEMENT (MECHANICAL LIFTS) AND THE REMOVAL OF ONE NON-ORDINANCE-SIZE TREE ON AN APPROXIMATELY 0.25-GROSS ACRE SITE.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10-0-1 (Bonilla absent) to recommend that the City Council take all of the following actions:

1. Adopt a resolution adopting the Oakland Road Comfort Suites Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended;
2. Adopt an ordinance of the City of San José rezoning certain real property of approximately 0.25 acres on the northeast corner of Oakland Road and Faulstich Court from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District; and
3. Adopt a resolution, approving subject to conditions, a Planned Development Permit to allow the construction of a five-story, up to 48 room hotel with an alternative parking arrangement (mechanical lifts), valet parking, and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site.

OUTCOME

If the City Council approves all the actions listed above, the applicant would be able to proceed with building permits to remove one non-ordinance-size tree and construct a five-story, 48-room hotel with an alternative parking arrangement pursuant to the conditions of the development permits. The Planning Commission recommended that City Council adopt the resolution certifying the Initial Study/Mitigated Declaration for the Oakland Road Comfort Suites Project and the associated Mitigation Monitoring and Reporting Plan and approve the project as well as the other actions specified above relating to this project.

BACKGROUND

On December 1st, 2021, the Planning Commission held a Public Hearing to consider the adequacy of the resolution adopting the Initial Study/Mitigated Negative Declaration (IS/MND), Planned Development Rezoning, and Planned Development Permit. The Planning Commission recommended that the City Council adopt the resolution adopting the Oakland Road Comfort Suites Project and related Mitigation Monitoring and Reporting Plan and take all of the other actions specified above relating to approval of this project.

The project remained on the consent calendar. No members of the public requested to speak on this item, and there was no discussion by the Commissioners. Commissioner Lardinois made a motion to approve the project. Commissioner Caballero seconded the motion. The motion passed unanimously 10-0-1 (Bonilla absent).

ANALYSIS

Analysis of the proposed CEQA clearance, Planned Development Rezoning, and Planned Development Permit including conformance with the General Plan, Zoning Ordinance, and City Council Policies are contained in the attached staff report.

EVALUATION AND FOLLOW-UP

Should the City Council adopt the resolution adopting the Initial Study Mitigated Negative Declaration and approving the Planned Development Rezoning and Planned Development Permit, the project would be approved to allow the construction of a five-story, up to 48-room hotel with an alternative parking arrangement (mechanical lifts), and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site. The applicant could proceed with an application for building permits.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy, whereby the project is considered a large development proposal. Following City Council Policy 6-30, the applicant posted the on-site sign to inform the neighborhood of the proposed project. 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 staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

There was one public comment received on this project regarding lack of parking. Staff responded indicating there would be 42 parking spaces on-site. Additionally, a shuttle service, bike share program, daily room discount up to \$10.00 for guests who provide proof of use of public transportation to travel to the hotel, and emergency use of a corporate Uber or Lyft account for employees who commute on alternate transportation will be provided.

COORDINATION

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

CLIMATE SMART SAN JOSE

The recommendation in this memo aligns with one or more Climate Smart San Jose mobility goals. The project would facilitate the choice of mobility choices other than single-occupancy, gas-powered vehicles and would facilitate job creation within City limits. The property owner would participate in the VTA SmartPass system for all employees and would pay for employee participation in this system. Guests would receive a daily room discount up to \$10.00 for providing proof of use of public transportation to travel to the hotel. For employees only, the ownership would provide for emergency use of a corporate transportation company (i.e.: Uber or Lyft) account for management to make available to employees who commute on alternate transportation. The hotel would provide employment for up to 14 employees in four shifts.

CEQA

The City of San José, as the lead agency for the project, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the subject rezoning and planned development permit. The Initial Study/Mitigated Negative Declaration was circulated for public comments between March 30, 2021 and April 19, 2021. One comment letter was received from Kanyon Consulting, LLC regarding tribal cultural resources. The comments in the comment letter did not result in any substantial changes to the project description, analyses, and/or impacts that were previously disclosed in the IS/MND. These comments are addressed in the Response to Comments document prepared by the Director of Planning, Building and Code Enforcement.

The Initial Study identified relevant mitigation measures for potential impacts to air quality during construction, nesting birds, contamination during construction, and operational noise impacts on nearby residential areas. In addition, standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for construction related air quality impacts, compliance with the Santa Clara Valley Habitat Plan, compliance with the California Building Code for seismic safety of the proposed building, erosion control during construction activities, protection of unknown subsurface resources, protection of construction workers from hazards related to contaminated soils, and impacts to public facilities. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and both the mitigation measures and standard permit conditions are made part of this permit.

The Initial Study concluded that the proposed project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the project.

The entire IS/MND, Responses to Comments, and other related environmental documents are available on the Planning Department web site.

CONCLUSION

In summary, the project was heard at the December 1st, 2021 Planning Commission Meeting. The motion to recommend Council approval of the project passed unanimously (10-0-1, Bonilla absent). As discussed in the attached staff report, the project is consistent with the Envision San José 2040 General Plan, the Zoning Code, applicable City Council Policies for Public Outreach, the Residential Design Guidelines, and the requirements of CEQA. Should the City Council adopting the Initial Study Mitigated Negative Declaration and approve the Planned Development Rezoning and Planned Development Permit, the project would be approved to allow the construction of a five-story, up to 48-room hotel with an alternative parking arrangement (mechanical lifts), and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site. The applicant could proceed with an application for building permits.

/s/

CHRISTOPHER BURTON, Secretary
Planning Commission

For questions, please contact Planning Official, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING
COMMISSION
SUBJECT: PDC18-032 & PD18-042

FROM: Christopher Burton
DATE: December 1, 2021

COUNCIL DISTRICT: 3

Type of Permit	Planned Development Rezoning (File No. PDC18-032) Planned Development Permit (File No. PD18-042)
Demolition	N/A
Existing Land Use	Vacant
New Residential Units	0
New Square Footage	24,875-square foot building with a 10,057 SF basement
City Council Policy Review Items	US 101/Oakland/Mabury Transportation Policy
Tree Removals	One non-ordinance-sized tree
Project Planner	Rhonda Buss
CEQA Clearance	Oakland Road Comfort Suites Project Mitigated Negative Declaration
CEQA Planner	Kara Hawkins

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council to take all of the following actions:

1. Adopt a resolution adopting the Oakland Road Comfort Suites Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended;
2. Adopt an ordinance of the City of San José rezoning certain real property of approximately 0.25 acres on the northeast corner of Oakland Road and Faulstich Court from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District; and
3. Adopt a resolution, approving subject to conditions, a Planned Development Permit to allow the construction of a five-story, up to 48 room hotel with an alternative parking arrangement (mechanical lifts), valet parking, an 8-foot masonry wall, and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site.

PROPERTY INFORMATION

Location	Northeast corner of Oakland Road and Faulstich Court
Assessor Parcel No.	241-13-019
General Plan	Combined Industrial/Commercial

Growth Area	US 101/Oakland/Mabury
Existing Zoning District	CIC Combined Industrial/Commercial
Proposed	CIC(PD) Planned Development Zoning District
Historic Resource	N/A
Annexation Date	August 18, 1972
Council District	3
Acreage	Approximately 0.25-gross acres

PROJECT SETTING AND BACKGROUND

- As shown on the attached Aerial Map ([Exhibit A](#)), The approximately 0.25-gross acre site is accessed from one driveway off Faulstich Road and one driveway off Oakland Road and is currently vacant.

The project site is surrounded by a mobile home park to the north and east and industrial uses to the west across Oakland Road and to the south across Faulstich Court.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Public/Quasi-Public	R-MH Residential-Mobile Home	Mobile Home Park
South	Mixed-Use Neighborhood	LI Light Industrial	Industrial
East	Residential Neighborhood	Industrial Park	Industrial
West	Public/Quasi-Public	R-MH Residential-Mobile Home	Mobile Home Park

On October 9, 2018, the applicant's representative, Alex Ross, submitted a Planned Development Rezoning Application and a Planned Development Permit application, File Nos. PDC18-032 & PD18-042 to allow for the rezoning of the approximate 0.25 gross acre site from CIC Combined Industrial/Commercial

Zoning District (CIC) to CIC(PD) and to allow the construction of a up to five-story hotel with up to 48 rooms, an alternative parking arrangement (mechanical lifts), a 20% parking reduction, valet parking, an 8-foot concrete masonry wall, and the removal of one non-ordinance sized tree.

The site is currently vacant and is to be accessed from one driveway off Faulstich Road and one driveway off Oakland Road. The applicant proposes a rezoning from the CIC to the CIC (PD) Planned Development Zoning District. The planned development rezoning is requested so that the project could be developed at the density allowed by the General Plan, for step-backs in the building design where the project abuts residential, and to meet parking requirements.

As described further below, the proposed project is consistent with the General Plan land use designation, the Zoning Ordinance, City Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals, and Commercial Design Guidelines. In order to accommodate development to occur at the density allowed by the General Plan, for stepbacks in the building design adjacent to neighboring residential, and to meet parking requirements, the project requires a planned development rezoning.

ANALYSIS

The Rezoning and Planned Development Permit are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. San José Municipal Code (SJMC)
3. US 101/Oakland/Mabury Transportation Development Policy (TDP); and compliance with
4. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Conformance

Land Use Designation

As shown in the attached General Plan Map ([Exhibit B](#)), the subject site is designated **Combined Industrial/Commercial** on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

Density: FAR Up to 12.0 (1 to 24 stories)

This category allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area.

Analysis: The rezoning and Planned Development Permit for the construction of the hotel is consistent with the General Plan Designation of Combined Industrial/Commercial, as the site is located near residential and industrial uses. The Floor Area Ratio (FAR) requirement in the CIC General Plan designation is up to 12.0, and the hotel has a FAR of 2.28. The project is therefore, consistent with the allowed FAR and use.

The project is found to be consistent with the following goals and polices of the Envision San Jose 2040 General Plan:

- a. Policy IE-1.1 To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.
- b. Policy IE-1.2 Plan for the retention and expansion of a strategic mix of employment activities at appropriate locations throughout the City to support a balanced economic base, including industrial suppliers and services, commercial/retail support services, clean technologies, life sciences, as well as high technology manufacturers and other related industries.
- c. Policy IE-1.6 Plan land uses, infrastructure development, and other initiatives to maximize utilization of the Mineta San José International Airport, existing and planned transit systems including fixed rail (e.g., High-Speed Rail, BART and Caltrain), Light-Rail and Bus Rapid Transit facilities, and the roadway network. Consistent with other General Plan policies, promote development potential proximate to these transit system investments compatible with their full utilization. Encourage public transit providers to serve employment areas.
- d. Policy IE-2.7 Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.

Analysis: for IE-1.1, IE-1.2, IE-1.6, IE-2.7: With this development, land for employment use is retained and development of additional employment is proposed. The hotel would provide convenient hotel

accommodations near Mineta San José International Airport for both pleasure and business travelers as well as neighborhood residents who may have out of town guests. A bike share program is proposed to be provided for guests by the hotel to encourage multimodal travel. The hotel could add to the City's revenue stream as Transit Occupancy Taxes would be applied to guests and six jobs would be created.

IP-1.8 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 IP-1.8: In order to accommodate development to occur at the density allowed by the General Plan, for setbacks in the building design adjacent to neighboring residential, and to meet parking requirements, the project requires a planned development rezoning. As discussed in the zoning section below, the front side and rear setbacks would be reduced and the height would be increased with the projects rezoning to allow for project accommodation on the site.

The project requires a rezoning from CIC to CIC(PD) pursuant to SJMC [Section 20.120.020](#), and [SJMC Chapter 20.120.400](#) and a Planned Development permit pursuant to SJMC [Section 20.100.910](#). The development standards for the issuance of the rezoning and planned development permit are discussed below.

Zoning Ordinance Conformance

Land Use

This project is for a rezoning from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District. The surrounding residential uses are primarily zoned R-MH, across Oakland Road sites are zoned Heavy Industrial, and Industrial Park Zoning District while lands to the south are zoned Light Industrial.

The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Below is a comparison of the CIC Combined Industrial/Commercial Zoning District and the project's Planned Development Zoning District development standards.

When a PD permit has been implemented, the provisions of the permit prevail over the regulations of the base district zoning of the property (SJMC sec. 20.60.040.B).

Setbacks and Height:

	CIC Combined Industrial/Commercial Zoning District Requirements	CIC(PD) Planned Development Zoning District Development Standards (Proposed)	Provided by Project
Front Building Setback (Oakland Road)	15 feet minimum	0 feet minimum	0 feet minimum
Front Parking and circulation for passenger vehicles	20 feet minimum	0 feet minimum	0 feet minimum

(Oakland Road)			
Front Building Setback (Faulstich Court)	15 feet minimum	0 feet minimum	0 feet minimum
Front Parking and circulation for passenger vehicles (Oakland Road)	20 feet minimum	0 feet minimum	0 feet minimum
East Side Building Setback	25 feet minimum from residential district	<ul style="list-style-type: none"> • Above grade setback of 15'-0" min. from property line. • Below grade setback of Zero (0) Feet. 	15 feet 2 inches
East Side Setback Parking and circulation for passenger vehicles	25 feet minimum from residential district	0 feet minimum	0 feet minimum
Interior Rear Setback Building and Structures	25 feet minimum from residential district	<ul style="list-style-type: none"> • Above grade setback of 25'-0" min. from property line. • Awning setback encroachment, when attached to the building and having a min. of 2 sides open the awning structure may encroach up to the full depth of the setback (0'-0" setback) for an overall maximum width of the structure is not more than 22'-0". • Below grade setback of Zero (0) Feet. 	<p>Above grade setback of 25'-0";</p> <p>Below grade setback 0 feet</p>
Rear Setback Parking and circulation for	25 feet minimum from residential district	0 feet minimum	0 feet minimum

passenger vehicles Rear			
Height	45 feet maximum	<ul style="list-style-type: none"> • Motels or Hotels shall not exceed 50 feet to top or roof or roof parapet from finished site grade. • Elevator shafts, roof equipment, and other non-habitable building elements may extend 10 feet past the maximum building height to a height of 60 feet. 	Building height is 50 feet; Elevator shaft 55 feet 6 inches.

As shown on the Planned Development Permit plan set (Exhibit G), the project conforms with all required height and setback standards pursuant to the General Development Plan of the Planned Development Zoning District. The reduced setbacks, compared to the standard CIC Combined Industrial/ Commercial Zoning District would allow the project to achieve a density consistent with the General Plan Land Use Designation of Combined Industrial/Commercial, while allowing for stepbacks and better interface with the adjacent residential uses.

The project includes a rezoning from the CIC Combined Industrial/Commercial Zoning District to the CIC (PD) Planned Development Zoning District. The site is vacant, and to allow the project to be built at the FAR and number of stories/height allowed under the General Plan Designation, a Planned Development rezoning and permit is required. Additionally, the rezoning provides a buffer between the adjacent residential uses and the industrial uses along Oakland Road, and across Faulstich Court. The CIC Combined Industrial/Commercial Zoning District would require a greater front and rear setback. The rezoning allows the building's massing to be pushed forward towards both Oakland Road and Faulstich Court away from the adjacent mobile home park. The rezoning also allows for stepbacks to the north and maintains a 15-foot setback on the east side at the ground level. Improves the interface between the project and the adjacent residential uses. The hotel is 5 stories and the General Plan allows for 1-24 stories.

Associated File No. PD18-042 shows the building design. The figure below is shown to illustrate the north side step back abutting the mobile home park.



The allowed uses would be the uses allowed in the CIC Combined Industrial/Commercial Zoning District of Title 20 of the SJMC, and as may be as amended in the future. Pursuant to SJMC [Section 20.50.100](#), a hotel is a permitted use in the Combined Industrial/Commercial Zoning District. Food Services shall be permitted without the need for conditional or special use permit when provided in conjunction with a hotel or motel use with 60 or fewer guest rooms. All permitted, conditional and special uses shall require the approval of a Planned Development Permit or amendment.

Noise: Pursuant to SJMC [Section 20.50.300](#) Industrial use adjacent to a property used or zoned for residential purposes have maximum noise level of 55 decibels at the property line. A detailed acoustical study to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations around the project site. The noise control features identified by the study is to be incorporated into the project.

Parking: Pursuant to SJMC Section 20.90.060, one stall is required per ten guest rooms and an additional one stall is also required.

Pursuant to SJMC [Section 20.90.220\(G\)](#) up to a twenty percent reduction in the required off-street parking for private instruction or personal enrichment; sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions; SROs; efficiency living units; emergency residential shelters; residential care/service facilities; convalescent hospitals; hotels/motels; bed and breakfast inns; senior housing uses; recreation uses; gasoline service or charge stations when combined with other uses; and performing arts rehearsal space uses may be approved with a development permit or a development exception if no development permit is required, provided that such approval is based upon the findings that the project is either within two thousand feet of an existing or proposed bus or rail transit stop; or the use is clustered with other uses that share all parking spaces on a site.

SJMC Section 20.90.220.A.2 states that a reduction in the required off-street vehicle parking spaces for a structure or use of up to 10 percent or up to two off-street vehicle parking spaces, whichever is less, may be authorized with a development permit

This project proposes no more than 48 guest rooms and six employees, which equates to a required total of 54 parking spaces. A 20 percent parking reduction (10 stalls) is requested pursuant to SJMC Section 20.90.220.g and an additional two stall reduction is allowed pursuant to SJMC Section 20.90.A.2 for a total authorized reduction of 12 parking stalls. With these reductions, a total of 42 parking spaces are

required and 42 are provided. Additionally, the property owner shall participate in the VTA SmartPass system for all employees and shall pay for employee participation in this system. Guests that take public transportation to the hotel shall receive a daily room discount up to \$10.00 for providing proof of use of public transportation to travel to the hotel. For employees only, the ownership shall provide for emergency use of a corporate transportation company (i.e.: Uber or Lyft) account for management to make available to employees who commute on alternate transportation. As discussed below, valet parking as well as car elevator and mechanical car lifts are project conditions.

The project requires 16 bicycle parking spaces total, consisting of five spaces for the 48 guest rooms and on additional space for a total of five bicycle parking spaces and 5 spaces for the reduction of two parking spaces pursuant to SJMC Section 20.90.220.A.2 for a total of 16 required bicycle parking spaces. The project requires sixteen bicycle parking spaces, and 16 spaces are provided so the project is consistent with the parking standards.

Alternative Parking Arrangement

Pursuant to [SJMC Section 20.90.220](#), parking facilities which accommodate the required number of spaces in an alternative parking design may be permitted.

The project proposes an alternative parking arrangement by utilizes car lifts, a car elevator, and cars are to be parked four deep and a valet service is provided access the cars and to accommodate the on-site parking.

There is to be one car elevator and nine car lifts as shown on the attached plan sets. The car lifts are three deep and four standard parking spaces deep at the eastern end of the garage.

Based upon the project's operations plan, two valet drivers will be employed during peak hours and one valet driver during non-peak hours. The usual wait time for guests for car pick up will be approximately 7-10 minute and guests may request car pickup in advance. The hotel is to be 100% valet parked with the exception of the two accessible parking stalls.

Because there is a robust parking management and Transportation Demand Plan as discussed above, and the project provides the required amount of parking, the parking facilities alternative parking design is consistent with SJMC Section 20.90.220.

Tree Removal.

The City's tree replacement ratio table is below.

Circumference of Tree to be Removed (measured at 4.5 feet above ground)	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than 38-inch circumference shall not be removed unless a Tree Removal Permit or equivalent, has been approved for the removal of such tree.

For Multi-Family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch in circumference equals 12.1 inches in diameter

A 24-inch box tree can be used in lieu of two 15-gallon trees

Single-Family and Two-dwelling properties may be mitigated at a 1:1 ratio

There is one non-ordinance sized lemon tree on the site which is proposed to be removed and is being required to be replaced with one 15-gallon replacement tree.

Analysis: Based upon the information received dated September 9, 2021 there is one non-ordinance sized tree to be removed and a total of one replacement tree is required and six 24-inch box trees are to be provided which is consistent with the City's Tree Replacement standards.

Council Policies

Outdoor Lighting on Private Developments (Council Policy 4-3)

The project would be subject to [Council Policy 4-3](#) and the [City of San Jose Interim Lighting Policy Broad Spectrum Lighting \(LED\) for Private Development](#) and a permit adjustment for outdoor lighting is a project condition. Outdoor lighting is to be reviewed through the permit adjustment process.

Public Outreach Policy for Pending Land Use and Development Proposals (Council Policy 6-30)

Under City Council Policy 6-30, the project is considered a standard development proposal. Following City Council Policy 6-30, the applicant has posted the on-site sign to inform the neighborhood of the proposed project. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. One public comment regarding the lack of parking was received and the Public Outreach section below provides additional information on public comments.

Design Guidelines Consistency

The project includes a hotel use building and was evaluated under the City's Commercial Design Guidelines as the project was submitted prior to the adoption of the Citywide Design Guidelines. The guidelines relevant to this project are as follows:

A.5. Transitions between existing and new buildings should be gradual. The height and mass of new projects should not create abrupt changes from those of existing buildings.

C.2 *Interfaces*: Loading areas, access and circulation driveways, trash, and storage areas and rooftop equipment should be located as far as possible from adjacent residences and should never be located next to residential properties without fully mitigating their negative effects.

C.3 *Interfaces*: Adjacent residential and non-residential uses should be as segregated as is necessary to maintain a livable residential environment, by employment of masonry walls, landscaping, berms, building orientation, and activity limitations.

2.C.3 Structures: Variation in wall plane, roof line, detailing, materials, and siting may be used to prevent a monotonous appearance in buildings. Roof and wall plane variations including building projections bay windows and balconies are recommended to reduce scale and bulk.

Analysis: A.5-2.C.3: The project is consistent with the Architectural and Site Design Standards as the project includes stepbacks as well as façade and use of varying materials. The ground floor interface is raised one foot and awnings/other fenestrations are incorporated into the design. Additionally, the project is conditioned to be consistent with all design standards of File No. PDC18-032 allowing for consistency to be shown with the design standards.

As shown in the attached plan set (Exhibit G), the project would orient the primary façade toward the public street. The building provides variation in the wall plane, roof line, materials, and colors to avoid a monotonous appearance. Building materials include red brick, a glass curtain wall, and greenery. The building is stepped back from the residential uses to the north and pushed towards Oakland Road and Faulstich Court. Additionally, an eight-foot solid concrete wall is to run along the residential property lines to provide for separation of use.

Planned Development Permit Findings

In order for the Planned Development permit to be approved, the Planning Commission must be able to make all required findings for a Planned Development Permit. SJMC [Section 20.100.940](#) specifies the required findings for approval of a Planned Development Permit. These findings are made for the project based on the analysis related to consistency with the General Plan and Zoning Ordinance, compliance with CEQA,, and subject to the conditions set forth in the Permit:

1. The planned development permit, as issued, is consistent with and furthers the policies of the general plan.

Analysis: As discussed in the General Plan conformance section above, the project is consistent with the General Plan land use designation of Combined Industrial/Commercial and the project meets the General Plan goals. The rezoning allows for the project to be built at the height and density allowed by the General Plan, and the density and building form are consistent with the existing surrounding residential and industrial developments. The hotel would provide employment opportunities and retain employment lands. The hotel would provide accommodation space for Mineta San José International Airport customers, nearby residents who may have out of town guests, and others. The guest rooms are subject to the payment of transient occupancy taxes which would add to the City's revenues. Additionally, a bike share program for guests would be provided by the hotel to encourage multi-modal transportation and other transportation demand measures described in the parking section above are to be provided. Therefore, the project furthers the goals of the General Plan.

2. The planned development permit, as issued, conforms in all respects to the planned development zoning of the property.

Analysis: As discussed in the Zoning Consistency section above, the project conforms in all respects to the Planned Development Zoning's General Development Plan. Hotel is an allowed use and the proposed structure is 50 feet in height and the elevator shaft is below the height maximums. The project is also consistent with the setback and parking requirements of the proposed PD zoning district.

3. The planned development permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency.

Analysis: As noted above, this project is conditioned to be consistent with the, Outdoor Lighting on Private Developments Lighting on Private Property/Exception to the Outdoor Lighting Policy. A permit adjustment for outdoor lighting is a condition of the Planned Development Rezoning and Planned Development Permit.

The project is consistent with the [City Council Policy 6-30](#) for Public Outreach. The project installed an on-site sign at the project site. Additionally, the public hearing notices were mailed to property owners and tenants within 500-foot radius of the project site and staff has been available to respond to comments.

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 project has been reviewed for conformance to the Commercial Design Guidelines. The site is currently vacant and there is only one building on site. As described above, the proposed building is cohesive, and is aesthetically harmonious in that the building materials shown in the attached plan sets are both differentiated and complimentary. The massing is pushed towards the corner of Oakland Road and Faulstich Court away from the adjacent mobile home park.

5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, 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: The project will not have an unacceptable negative effect on adjacent property or properties. The project would be located on a site designated for commercial/industrial use and a hotel is proposed. The development is located in an urbanized area that is adequately served by all required utilities and public services, and the Stormwater Control Plan is in compliance with the City's stormwater policies that require low impact development stormwater treatment measures to minimize stormwater pollutant discharges. Construction activities would result in temporary noise, vibration, and dust impacts; however, standard permit conditions and mitigation measures are required in order to lessen these impacts. Standard permit conditions and best management practices are also required to ensure that no excessive dust, erosion, or drainage occurs during project construction. Hotel uses are not typically considered an odor-generating use and therefore no odor impacts are expected. Therefore, the project will not have unacceptable negative effects on adjacent properties.

The Oakland Road Comfort Suites Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program were prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. All potential environmental impacts will be mitigated to less than significant levels with the mitigation measures identified in the Mitigation Monitoring and Reporting Program. Therefore, the project will not have unacceptable negative effects on adjacent properties.

Alternative Parking Arrangement

In addition to any other findings required for a Special Use Permit, the City Council may approve such off-street parking facilities arrangements only upon making the following findings, as specified in SJMC [Section 20.90.200](#) in the San José Municipal Code:

1. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this [Chapter 20.190](#) of this title.

Analysis: As identified above, there are 48 rooms total and six employees, which requires 54 parking spaces. A 20 percent parking reduction (10 stalls) is requested pursuant to SJMC [Section 20.90.220.G](#) and an additional two stall reduction is also allowed pursuant to SJMC Section 20.90.A.2 for a total reduction in parking spaces of 12 spaces. Therefore, a total of 42 parking spaces are required and 42 are provided.

2. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use.

Analysis: As discussed in the parking section above, the lifts are conditioned to be maintained and operate as well as valet parking service for the life of the project. Additionally, based upon the parking management plan, a shuttle service as well as a bike share program is to be provided and are project conditions of approval in the Planned Development Zoning and Planned Development Permit.

3. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

Analysis: The project includes a car elevator with access on the first floor. Additionally, the valet service allows the desired car to be called for hotel customer convenience. Therefore, the finding above can be made. Additionally, a project condition of approval in the Planned Development Zoning and Planned

Development Permit is includes timely repair of the car lift and/or elevator when out of service and/or when needed.

Tree Removal Findings. Chapter 13.32 of the San José Municipal Code establishes at least one of the following required findings must be made for issuance of a Live Tree Removal Permit for ordinance-size trees. Findings are made for the project based on the findings related to General Plan, Zoning Ordinance and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the resolution.

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in [Section 13.32.010](#).

Analysis: As indicated above, there is one non-ordinance sized tree to be removed. Since the project is for a commercial use, although the tree is non-ordinance sized, a tree removal permit is needed to remove the tree. The tree is located in the drive aisle of the hotel. As such, as part of the proposed project, the tree will be removed and the above finding can be made. The project is conditioned to replace the tree. Additionally, one replacement tree is required and six 24-inch box trees are to be provided.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the project, prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the subject rezoning and planned development permit. The Initial Study/Mitigated Negative Declaration was circulated for public comments between March 30, 2021 and April 19, 2021. One comment letter was received from Kanyon Consulting, LLC regarding tribal cultural resources. The comments in the comment letter did not result in any substantial changes to the project description, analyses, and/or impacts that was previously disclosed in the IS/MND. These comments are addressed in the Response to Comments document prepared by the Director of Planning, Building and Code Enforcement.

The Initial Study identified relevant mitigation measures for potential impacts to air quality during construction, nesting birds, contamination during construction, and operational noise impacts on nearby residential areas. In addition, standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for construction related air quality impacts, compliance with the Santa Clara Valley Habitat Plan, compliance with the California Building Code for seismic safety of the proposed building, erosion control during construction activities, protection of unknown subsurface resources, protection of construction workers from hazards related to contaminated soils, and impacts to public facilities. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and both the mitigation measures and standard permit conditions are made part of this permit.

The Initial Study concluded that the proposed project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures. Therefore, an EIR is not required, and an Initial Study/Mitigated Negative Declaration is the appropriate level of CEQA clearance for the project.

The entire IS/MND, Responses to Comments, and other related environmental documents are available on the Planning Department web site.

PUBLIC OUTREACH

To inform the public of the project, 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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public. Additionally, an on-site sign was posted.

There was one public comment received on this project regarding lack of parking. Staff responded indicating there would be 42 parking spaces on-site. Additionally, a shuttle service, bike share program, guests that take public transportation to the hotel shall receive a daily room discount up to \$10.00 for providing proof of use of public transportation to travel to the hotel, and emergency use of a corporate Uber or Lyft account for employees who commute on alternate transportation will be provided.

Project Manager Rhonda Buss

Approved by: /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	Aerial Map
Exhibit B:	General Plan Map
Exhibit C:	Existing Zoning District Map
Exhibit D:	Proposed Zoning District Map
Exhibit E:	Existing Zoning District Map
Exhibit F:	Draft CEQA Resolution and MMRP
Exhibit G:	Ordinance and Resolution (Rezoning and Planned Development Permit)
Exhibit H:	Planned Development Zoning and Planned Development Plan Sets
Exhibit I:	Development Standards
Exhibit J:	Public Correspondence

Owner/Tenant:	Applicant's Representative:
Ngo Nghi 1519 Fulton Place Fremont, California, 94539	Alex Ross 12 South 1st Street, Suite 808, San Jose, California, 95113

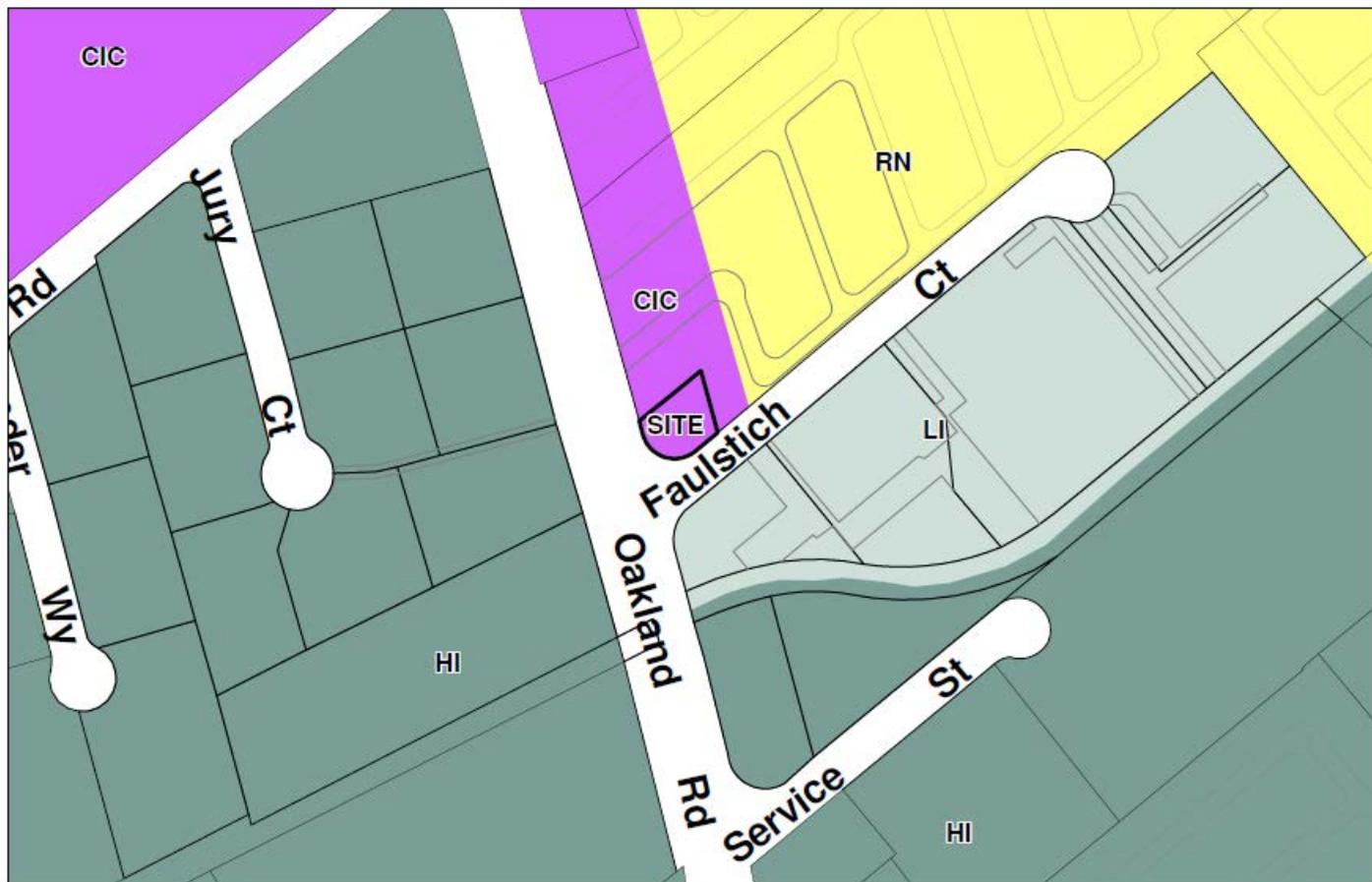
Exhibit A: Aerial Map



File No: PDC18-032 & PD18-042
District: 3

AERIAL

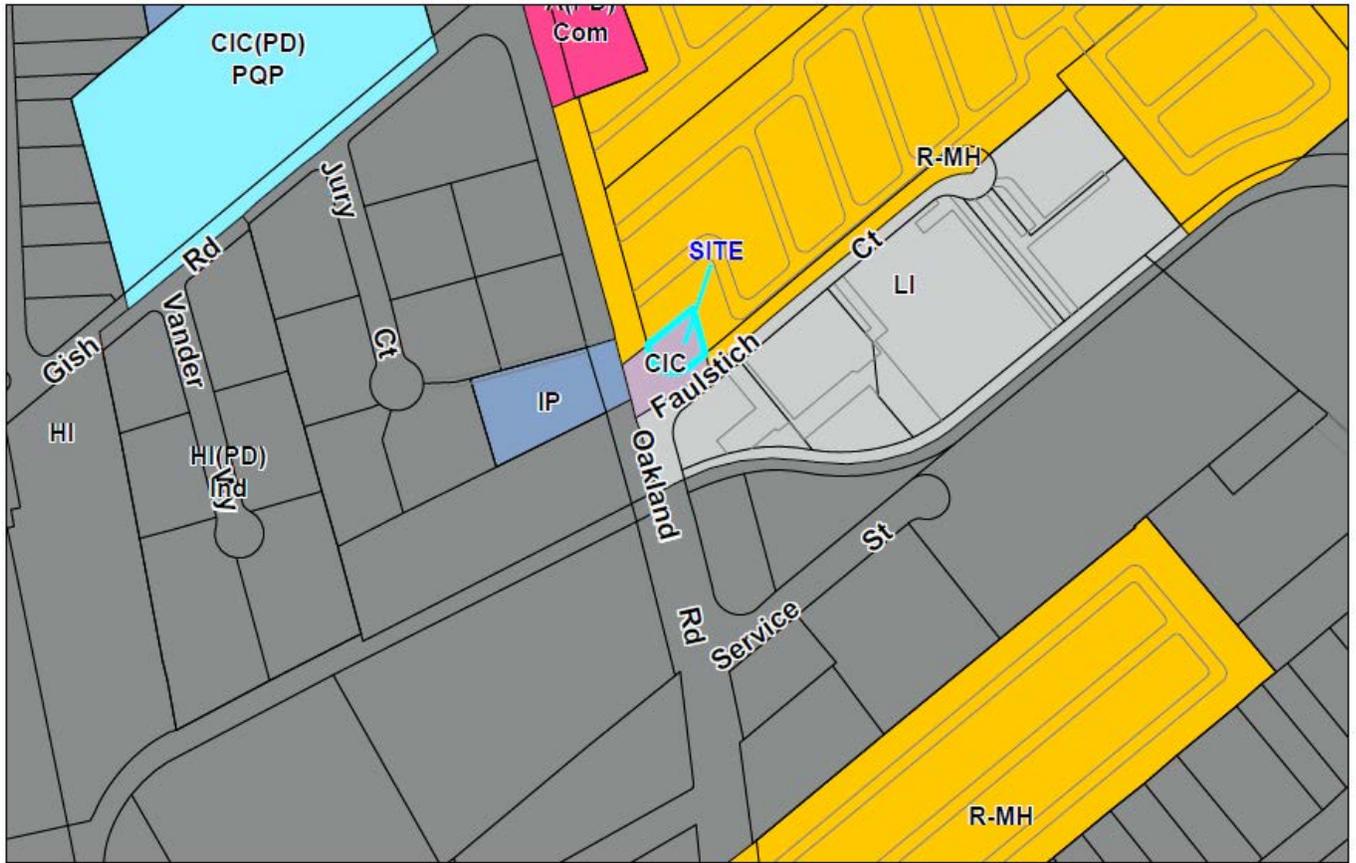
Exhibit B: General Plan Map



File No: PDC18-032 & PD18-042
District: 3

GENERAL PLAN

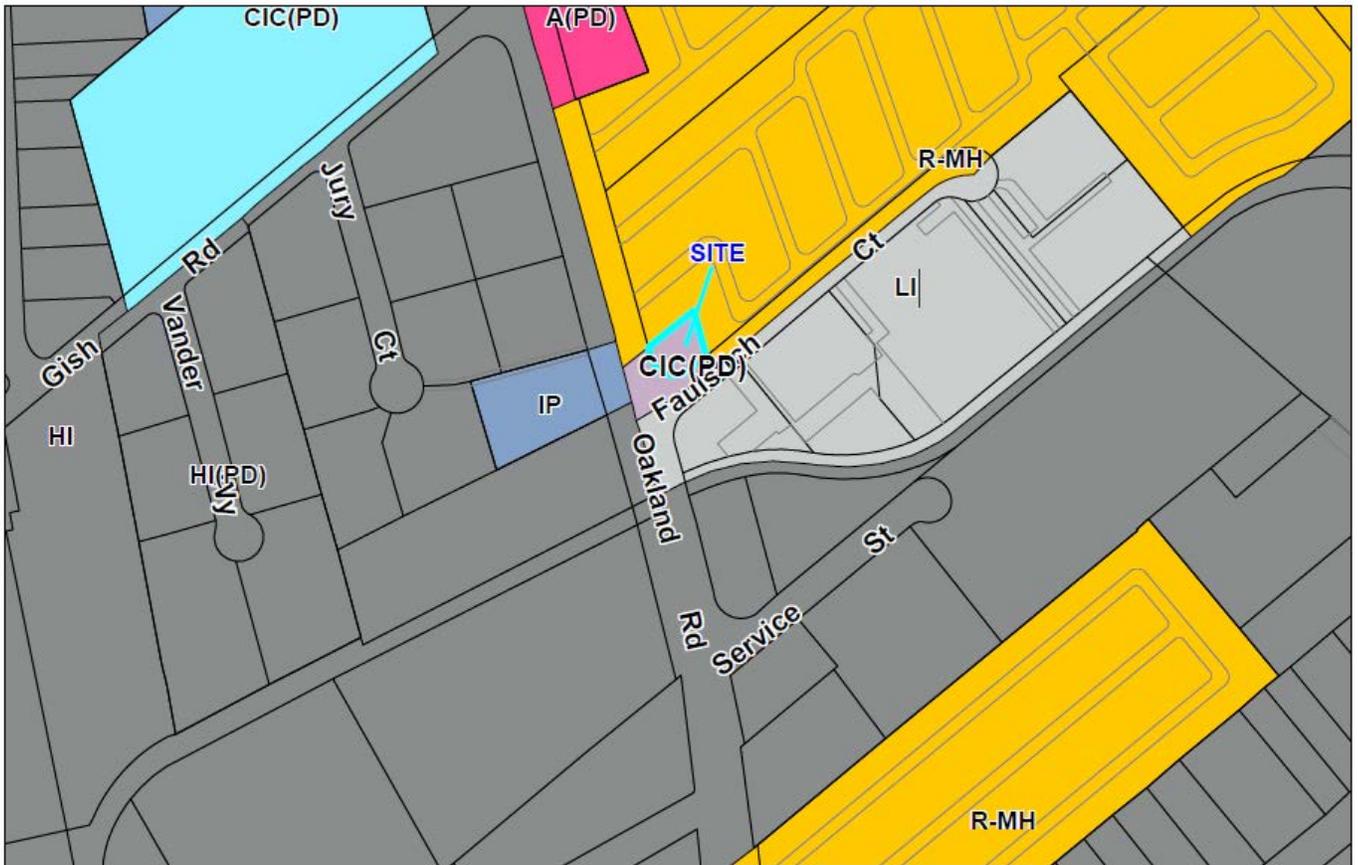
Exhibit C: Existing Zoning District Map



File No: PDC18-032 & PD18-042
District: 3

Zoning

Exhibit D: Proposed Zoning District Map



File No: PDC18-032 & PD18-042
District: 3

Proposed Zoning



Prepared by the Department of Planning,
Building and Code Enforcement

Exhibit E: Existing Zoning District Map



File No: PDC18-032 & PD18-042
District: 3

Zoning



PDC18-032 & PD18-042

Links to Attachments F-J

Click on the title to view document

Exhibit F:	Draft CEQA Resolution and MMRP
Exhibit G:	Ordinance and Resolution (Rezoning and Planned Development Permit)
Exhibit H:	Planned Development Zoning and Planned Development Plan Sets
Exhibit I:	Development Standards
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Correspondence received after November 24, 2021