



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** December 19, 2018

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**COUNCIL DISTRICT: 6**

**SUBJECT: FILE NOS. PDC16-007 & PD18-007. PLANNED DEVELOPMENT REZONING FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT; A PLANNED DEVELOPMENT PERMIT TO ALLOW 61 RESIDENTIAL PERMANENT SUPPORTIVE HOUSING AND AFFORDABLE HOUSING UNITS IN EIGHT (8) PREFABRICATED BUILDINGS, A RESIDENTIAL COMMUNITY BUILDING/STAFF OFFICES, COMMUNITY GARDEN, AND A PUBLIC LIBRARY ON A 5.97-GROSS ACRE SITE APPROXIMATELY 170 FEET NORTHERLY OF CANOAS GARDEN AVENUE (0 EVANS LANE).**

## **RECOMMENDATION**

The Planning Commission voted 4-1-1 (Commissioner Ballard opposed; Commissioner Vora absent) to recommend that the City Council:

- (a) Adopt a resolution adopting the Addendum to the Adopted Mitigated Negative Declaration for the Evans Lane Housing Project; and
- (b) Adopt an ordinance rezoning certain real property of approximately 5.97-gross acres, situated on the east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue (0 Evans Lane), from the A(PD) Planned Development Zoning District and LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings, a residential community building/staff offices, community garden, and a public library on a 5.97-gross acre site; and
- (c) Adopt a resolution approving a Planned Development Permit to effectuate the Planned Development Zoning District by allowing 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings each with six or eight private units, community room/office space, community garden, and public library.

## **OUTCOME**

If City Council approves the Planned Development Rezoning and Planned Development Permit, the applicant would be able to move forward with a building permit application for the construction of 61 residential Permanent Supportive Housing and Affordable Housing units, community room/office space, community garden, and public library.

## **BACKGROUND**

On December 5, 2018, the Planning Commission held a public hearing to consider the Planned Development Zoning District and Planned Development Permit. The item was on the public hearing calendar and three members of the public spoke on the proposed project.

### **Staff Presentation**

Staff presented a summary of how the proposed project is consistent with the General Plan Land Use/Transportation Diagram, furthers multiple goals and policies of the Envision San José 2040 General Plan, and conforms to the Municipal Code and the City's Residential Design guidelines.

### **Public Testimony**

The applicant presented the project's history and design changes. He also provided a review of the community outreach that began in 2016 and discussed how through this process, they incorporated several changes to the project including: the installation of speed humps to address speeding concerns, incorporation of an on-street parking, a dog park, and a school bus stop within the project site. Public testimony consisted of three members of the public who were in support of the project. The first speaker spoke on behalf of Destination: Home, a local non-profit that works on collective impact strategies to end homelessness in Santa Clara County. He spoke on the importance of providing supportive housing. The second speaker a member of the La Mesa Verde committee, stated that the community garden project would be the first of its kind in the City of San José. The project would provide garden plots to existing residents and the new residents of the proposed housing project, as well as other members of the community. The garden would provide a space for hosting classes for participants. She stated that the City needs more low-income housing and housing for homeless individuals. The third speaker, manager of the La Mesa Verde program, expressed excitement for the project and shared that the neighbors of the project were looking forward to the garden.

### **Planning Commission Discussion**

Commissioner Ballard asked how the proposed design of the project would not isolate the residents from the rest of the neighborhood, given its location. Staff explained that the project includes on-site services and space that would be accessible to both residents and surrounding neighbors, such as the satellite library and community garden. The design and layout of the site enables those areas to function as a third space for the neighborhood, and encourages the interaction of the residents and neighbors. Commissioner Ballard asked where the parking for

the project would be located. Staff explained that the required parking for the project would be provided on-site. Staff also clarified that since the portion of Evans Lane fronting the project is currently designated "No Parking" and one of the community's concerns was insufficient parking in the neighborhood, the applicant agreed to provide 14 on-street parking spaces. These spaces will not be restricted to the project. Staff further explained that on-street parking minimizes the perception of wide street lanes and naturally slows down drivers.

Commissioner Ballard asked why there was a reduction of 170 units to 61 units. Staff from the Housing Department responded that the reduction was based on feedback from the community, and based on the configuration of the site, there is potential to expand the number of units with additional outreach and entitlement applications in the future.

Commissioner Leyba inquired whether the applicant considered stacking the units and whether it would be a feasible option. The applicant responded that stacking was not considered because the Mitigated Negative Declaration adopted by Council in 2016 did not evaluate more than one story in height. Commissioner Leyba appreciated the outreach to the community and the incorporation of a satellite library, but expressed concern that the library may not have funding for programming. Commissioner Yesney explained that satellite libraries are part of the approved Capitol Improvement Project (CIP) budget. Commissioner Leyba also inquired as to why the dog park is an interim use and whether San Jose Unified School District approved the use of the bus stop within the project site. The applicant explained that the dog park is an interim use because the City may want to entitle that part of the site in the future and wanted to be clear that it may only be an interim use. The applicant also explained that they have not yet received confirmation from the school district that they would use the bus stop. However, based on community feedback, there is currently no safe or well-designed bus stop nearby, so they wanted to ensure that the project would provide a useable bus stop location for the community.

Planning Commissioner Leyba made a motion, seconded by Commissioner Griswold, to recommend to City Council the staff's recommendation for approval. He also noted that the additional street parking is an amenity for the community, given the community's concern about a lack of street parking in the neighborhood.

Commissioner Griswold agreed with Commissioner Leyba's comments and stated she was impressed by the application and the level of community outreach achieved by the project.

Commissioner Ballard subsequently made a request to Commissioner Leyba to amend the motion to approve the project, but not allow the proposed on-street parking. Commissioner Leyba declined to amend the motion.

Commissioner Yesney stated that the project represented hard work in alleviating the community's concerns and that reducing the size of project was an important piece in making a compromise.

Commissioner Allen stated that the project was an opportunity to prove permanent supportive housing can work and thanked staff and Abode for their efforts. Commissioner Ballard stated that she would vote against the motion, because of the lack of density.

The Planning Commission voted 4-1-1 (Ballard opposed; Vora absent) to recommend to the City approval of staff's recommendation.

### **ANALYSIS**

A complete analysis of the issues regarding this project are contained in the attached Planning Commission Staff Report. Additionally, following the Planning Commission meeting, the Housing Department requested a minor change in Permit Condition No. 35 to provide another option by which the site may be subdivided. The recommended change makes no change to the project.

### **EVALUATION AND FOLLOW UP**

If City Council approves the Planned Development Rezoning and Planned Development Permit, including the change to PD Permit Condition No. 35, the developer would need to further subdivide the site and obtain building permits to construct 61 residential Permanent Supportive Housing and Affordable Housing units, community room/office space, community garden, and public library.

### **PUBLIC OUTREACH**

Staff followed Council Policy Public Outreach Policy 6-30, 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 January 8, 2019 hearing. Staff has been available to discuss the proposal with members of the public.

A City sponsored community meeting was held on May 14, 2018. Approximately 20 members of the public attended. Attendees expressed concern over the amount of required parking, the lack of parking in the neighborhood, vehicular access near Curtner and Canoas Garden, and that the intersection of Canoas Garden and Evans Lane needs improvement.

In addition to the community meeting in May, the applicant held outreach meetings at the Willow Glen Community Center on June 1 and June 20, 2016. The applicant also met with residents of the adjacent Willow Glen Mobile Estates and Catalonia Apartments. The applicant participated in over a dozen Willow Glen/Canoas Gardens Partnership Meetings with local businesses, community members and groups. These were led and organized by the Housing Department. Staff received three emails from the public requesting information on the project and one phone inquiry regarding a potential waitlist for the residential units.

## **COORDINATION**

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

## **CEQA**

An Addendum to the March 2016 Initial Study/Mitigated Negative Declaration (IS/MND) for the Evans Lane Transitional Housing Project adopted by the City (Resolution 77876) was prepared for the Evans Lane Community Village Project (proposed project) under the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, and the CEQA Guidelines including the State and local implementing regulations. CEQA Guidelines Section 15164 states that an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

An addendum is not circulated for public review but is included in or attached to the final adopted CEQA document. The Council, as the decision-making body, must consider the addendum with the final adopted negative declaration prior to making a decision on the project.

Since adoption of the 2016 IS/MND, changes to the project have been proposed which are the subject of the Initial Study/Addendum for the proposed project. No new or more significant environmental impacts beyond those identified in the 2016 IS/MND have been identified. The proposed project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified. For these reasons, a supplemental or subsequent EIR or mitigated negative declaration is not required, and the Addendum to the 2016 IS/MND is the appropriate CEQA document for the proposed project.

The Council may take action on the proposed project as being within the scope of the Adopted MND as addended. The MND and final Addendum, associated appendices, and other related environmental documents are available on the Planning website at:  
<http://www.sanjoseca.gov/index.aspx?NID=6245>.

/s/

Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Deputy Director, Robert Manford, at (408) 535-3555.

Attachment: Planning Commission Staff Report and Attachments:

<http://www.sanjoseca.gov/DocumentCenter/View/81427>

Revised Condition No. 35 of PD Permit Resolution

Building and Code Enforcement prior to approval of the final inspection of the project.

29. **Street Cleaning and Dust Control.** During construction, permittee shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, permittee shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
30. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
31. **Lighting.** All exterior lighting shall be as shown on the approved plans. On-site, exterior, unroofed lighting shall conform to the Outdoor Lighting Policy. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
32. **Fencing.** Fence height and materials shall be as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement.
33. **Mechanical Equipment.** The location of mechanical equipment (AC Units) shall be located as shown on the approved plans and shall be screened from view.
34. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
- ~~35. **Final Map.** With the exception of building demolition, improvements associated with this permit cannot occur until there is a City approved and recorded final map subdividing the property.~~
35. **Subdivision of Site.** With the exception of building demolition, improvements associated with this permit cannot occur until the subject property is lawfully subdivided by an approved and recorded final map, or in accordance with Government Code sections 66428(a)(2) if applicable.
36. **Single Room Occupancy Facilities.** The project shall be subject to the following conditions:
  - a. Individual SRO living units may not have separate external entryways. Access to the residential units will be through the community room lobby.
  - b. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof.
  - c. A cleaning supply storeroom and/or utility closet with at least one (1) laundry tub with hot and cold running water must be provided in the Community Room.
  - d. The SRO living unit facility shall provide interior common space based on the unit size as follows: 3.0 sq. ft. for every unit over 180 sq. ft. in size.