



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: June 1, 2020

COUNCIL DISTRICT: 3

SUBJECT: PDC18-025. PLANNED DEVELOPMENT REZONING FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 569 MULTI-FAMILY RESIDENTIAL DWELLING UNITS (434 MARKET RATE AND 135 AFFORDABLE UNITS) AND A COMMERCIAL OR CHILDCARE FACILITY UP TO 3,000 SQUARE FEET ON AN APPROXIMATELY 6.96-GROSS ACRE SITE LOCATED ON THE WESTERLY SIDE OF LICK AVENUE, APPROXIMATELY 470 FEET NORTHWESTERLY OF WEST ALMAN AVENUE (1197 LICK AVENUE).

RECOMMENDATION

The Planning Commission voted 5-0-1 (Commissioner Bonilla absent) to recommend that the City Council:

1. Adopt and approve a resolution adopting the Tamien Station Transit-Oriented Development Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting an associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended;
2. Adopt and approve the proposed Planned Development Rezoning from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow up to 569 multi-family residential dwelling units (434 Market Rate and 135 Affordable units) and commercial or childcare facility up to 3,000 square feet on an approximately 6.96- gross acre site.

OUTCOME

Should the City Council approve the recommendation, the applicant will be able to move forward with the planned development permit process to construct a development of up to 569 multi-family units and up to 3,000 square feet of commercial or childcare uses.

Should the City Council decide to deny the recommendation, the applicant will not be able to continue with the planned development permit process and uses on the site would be restricted to the current Planned Development Zoning District.

BACKGROUND

On August 18, 2018, a Planned Development Rezoning application was submitted by Urban Co. Tamien LLC, on behalf of Urban Republic and CORE Companies, for a Planned Development Rezoning from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow up to 569 multi-family residential dwelling units (434 Market Rate and 135 Affordable units) and a commercial or childcare facility up to 3,000 square feet on the approximately 6.96-gross acre site.

The proposed planned development zoning includes a multi-family affordable housing development and a multi-family market rate housing development. The affordable development, with 135 units, will be five-stories, with two (2) levels of parking and an outdoor courtyard and amenity rooms for the residents. A commercial/child care space will be located on the ground floor of the affordable development and would include an outdoor play area reserved only for their use. The development will provide 160 parking spaces for the residents and six spaces for the commercial/child care use. Traffic would enter and exit from Lick Avenue. The market rate buildings, proposed to be built in two phases, include a total of 434 units with two (2) levels of parking, one level of which is partially underground. The portion of the buildings facing Lick Avenue will be four-stories tall. The market-rate project will provide 432 resident parking spaces, 147 spaces for VTA transit users, and 20 visitor spaces. Residents will have outdoor courtyards, amenity spaces, as well as a paseo that connects both buildings.

On May 13, 2020, the Planning Commission held a public hearing to consider the proposed Rezoning, which was included on the Public Hearing Calendar of the Agenda. Staff presented a summary of the proposed Planned Development Zoning, including input received during the community outreach process. The applicant, Urban Co. Tamien, LLC, represented by Kyle Zaylor, provided a presentation.

Public Testimony

Ten members of the public spoke on the item. The majority of the comments were in favor of the project and highlighted the importance of providing affordable housing, specifically in a community that is experiencing gentrification and a loss of affordable housing opportunities. One member of the public requested that the staff and the applicant consider using Crime Prevention Through Environmental Design (CPTED) features to design a safe connection between the project site and the adjacent bicycle trail and park, conduct an analysis of the potential impact to the neighborhood by commuters that may park in the neighborhood, and implement crosswalks and other pedestrian safety measures along Lick Avenue.

Planning Commission Discussion

Commissioner Allen asked the applicant to explain why the affordable and market rate developments were designed as two separate buildings. The applicant responded that separating the two is a financial consideration as it makes it easier to finance the affordable project and apply for grants and other financing. Commissioner Ballard inquired why the project was not designed with more height. The applicant stated that construction costs and the Specific Plan determined the maximum height feasible for the project. Commissioner Yesney thanked the applicant for the attractive roof lines incorporated in the project.

Commissioner Ballard encouraged staff to consider improvements to the current bike trail from Willow Street and better connectivity to the station. She also inquired as to whether the project is providing too much parking. A staff member from the Valley Transportation Authority (VTA), Jessie O-Malley-Solis, responded that VTA staff had infrastructure improvements planned and that VTA is supportive of alternative modes of transportation and shared-use parking agreements. Commissioner Allen also inquired whether the project would be required to pay parks fees and whether those fees would go towards the expansion of Tamien Park. Department of Public Works staff responded that the Tamien Park expansion is out to bid, and the project would have to pay parks fees, although it is unknown whether the fees will be used for the Tamien Park expansion.

Planning staff stated they would work with the applicant at the planned development permit stage to ensure the connections to the bike trail and park employ CPTED strategies. Department of Public Works staff advised the Commission that the City is working with VTA on an agreement to conduct a study on parking intrusion in the neighborhood by commuters. The project, should it proceed, will also be required to evaluate several traffic-calming measures such as bulb-outs and enhanced crosswalks along Lick Avenue.

The Planning Commission voted (5-0-1, Commissioner Bonilla absent) to recommend that the City Council approve the Rezoning.

ANALYSIS

A complete analysis of the Rezoning is contained in the attached Planning Commission Staff Report.

CONCLUSION

The Planning Commission's motion to recommend the City Council approve the Rezoning was approved (5-0-1; Commissioner Bonilla absent).

EVALUATION AND FOLLOW UP

If the rezoning is approved, the project applicant may continue the planned development permit process with the City.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. Approval of this project would allow transit-oriented development adjacent to a light and heavy rail station that will facilitate transit use, lower Vehicle Miles Traveled, and lower Green House Gas (GHG) emissions, therefore furthering the achievement of Climate Smart goals.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed project. A sign describing the proposed rezoning has been posted since November 19, 2018. 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. Staff received one email since the Planning Commission hearing, inquiring about the approval of the project and expected start date for construction.

COORDINATION

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

CEQA

A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program was prepared by the Director of Planning, Building and Code Enforcement for the Tamien Station Transit-Oriented Development Project (PDC18-025) in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

/s/
Rosalynn Hughey, Secretary
Planning Commission

For questions, please contact Michael Brilliot, Deputy Director, at michael.brilliot@sanjoseca.gov.

Attachment: [Planning Commission Memorandum](#)