



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SEE BELOW

FROM: Planning Commission

DATE: July 29, 2020

COUNCIL DISTRICT: 1

SUBJECT: FILE NO. PDC17-035: A PLANNED DEVELOPMENT REZONING FROM THE A AGRICULTURAL (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE (PD) PLANNED DEVELOPMENT ZONING DISTRICT ON AN APPROXIMATELY 0.91-GROSS ACRE SITE APPROXIMATELY 150 FEET WEST OF WEYBURN LANE (7201 BARK LANE).

RECOMMENDATION

The Planning Commission unanimously voted 6-0 to recommend that the City Council take all of the following actions.

1. Adopt a resolution approving the Bark Lane Planned Development Rezoning Project Mitigated Negative Declaration and associated mitigation monitoring and reporting plan (MMRP); and
2. Approve an ordinance rezoning certain real property located on the north side of Bark Lane approximately 150 feet west of Weyburn Lane (7201 Bark Lane) from the A Agricultural (PD) Planned Development Zoning District to the R-M Multiple Residence (PD) Planned Development Zoning District for up to 85 units on an approximately 0.91-gross acres.

OUTCOME

Should the City Council approve the Planning Commission's recommendation as outlined above, the R-M (PD) Planned Development Zoning and development standards would apply to the site.

Should the City Council deny the proposed project as outlined above, the existing A (PD) Planned Development Zoning and development standards would apply to the site.

EXECUTIVE SUMMARY

On June 24, 2020, the Planning Commission voted unanimously (6-0) to recommend that the City Council adopt a resolution approving the Bark Lane Planned Development Rezoning Project Mitigated Negative Declaration and associated mitigation monitoring and reporting plan, all in accordance with CEQA. Additionally, Planning Commission recommended that the City Council approve the rezoning from the A Agricultural (PD) Planned Development Zoning District to the R-M Multiple Residence (PD) Planned Development Zoning District for up to 85 units on an approximately 0.91-gross acres.

BACKGROUND

On June 24, 2020, the Planning Commission held a Public Hearing to consider the adequacy of the proposed Mitigated Negative Declaration and Planned Development Rezoning.

Staff Presentation

Staff provided an overview of the proposed project and its conformance to the General Plan land use designation, City Council policies, and the San José Municipal Code. Staff provided a summary of project details, community outreach, and provided response information to multiple public comments.

Applicant Presentation

The applicant gave a brief presentation of the project, indicating that the project would allow up to 85 units, 170 underground parking spaces on two levels with a ratio of approximately 2.2 spaces per unit.

Public Hearing

In summary, a member of the public, stated the project changes the character of the neighborhood, that the project would worsen the parking situation, and that apartments would be larger and more expensive causing an increase in rent to the surrounding area.

The applicant responded that they worked with staff and the City Council office on the project zoning and conceptual design. They also indicated that the conceptually designed project is for market rate for sale units and not rental units.

Planning Commission Discussion and Staff Response

Commissioner Yesney made a motion (Chair Ballard seconded) to recommend approval of the project to the City Council. Commissioner Yesney indicated that the conceptual design had a flat top and asked if there was a possibility of the building roof not having a flat top when the actual project is submitted. Staff responded that design elements, such as the roofline, would be considered when the applicant submits a development permit application. Commissioner Yesney

also indicated that the conceptual design of the project could provide the type of housing that would be favored by young families on the west side, and that it would be beneficial if affordable housing was included.

Motion and Closing Comments

Chair Ballard called on the Planning Commission for a vote; the Planning Commission voted unanimously to recommend that the City Council approve staff's recommendation.

The video recording of the Planning Commission hearing is available on the City's website at the following link: https://sanjose.granicus.com/ViewPublisher.php?view_id=51.

ANALYSIS

Analysis of the proposed CEQA clearance and Rezoning, including conformance with the General Plan, City Council policies, and City Zoning Code are contained in the attached Planning Commission staff report.

CONCLUSION

The Planning Commission's motion to recommend that the City Council adopt the CEQA resolution and adopt the Rezoning ordinance was unanimously approved (6-0).

EVALUATION AND FOLLOW-UP

Should the City Council approve the Planning Commission's recommendation as outlined above, the R-M (PD) Planned Development Zoning and development standards would apply to the site, and the appropriate entitlement application (Planned Development Permit) could be submitted to implement the proposed conceptual site plan with uses as consistent with the zoning.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy and water goals. The site is immediately adjacent to the South De Anza Boulevard Urban Village boundary, and the project could increase the density of the site.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the 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. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A community meeting was held to discuss the project on August 6, 2018. Comments received during the community meeting and project review are further discussed in the attached Planning Commission Staff Report. The community meeting was coordinated with Council District Office 1 and Council District staff attended the community meeting.

Staff contact information has also been available on the community meeting notices. The 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.

CEQA

An Initial Study (IS) and Mitigated Negative Declaration (MND) (IS/MND) was prepared for the subject rezoning. The environmental review evaluated the proposed Rezoning and conceptually considered a type of project that could occur on the project site, along with the maximum allowable development for the site under the proposed rezoning. The conceptual 85 units represents a realistic carrying capacity and therefore impacts from the project. The document was circulated for public comments from March 13, 2020 to April 2, 2020.

The proposed rezoning would not result in physical changes to the site and would not result in any new or substantially increased significant impacts beyond those previously identified in the Envision San José 2040 General Plan EIR, as supplemented.

The IS/MND identifies the potential impacts from the conceptual physical development of the site. The primary issues are: air quality, biological resources, and noise. The IS/MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. These mitigation measures are included in the MMRP and the project would be subject to these requirements. In addition to the mitigation measures, other permit conditions are included as conditions of approval to ensure all potential impacts have been addressed. The entire IS/MND and other related environmental documents are available on the PBCE Planning Division website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning->

[building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/bark-lane-residential-project](#)

The City of Cupertino submitted comments on the IS/MND during the public comment period. In the letter, the City of Cupertino requested that staff include the standard permit conditions identified in the IS/MND in the project conditions of approval. Additionally, the letter noted that public circulation of the IS/MND did not include the Mitigation Monitoring and Reporting Program. Staff notes that consistent with Section 15074(d) of the CEQA Guidelines, the project's MMRP will be presented to the City's decision-makers for review and consideration at a public hearing. The mitigation measures, which were summarized in the MND and circulated with the Initial Study, specify the responsible party and timing of compliance. Further comments were raised concerning the timing of construction improvements as it relates to air quality impact analysis and when systems would be implemented for noise control. Staff notes that a later construction start date would not alter the outputs or result in more adverse impacts to air quality than what was identified in the IS/MND. Regarding noise control, the applicant is required to submit a noise logistics plan with performance stands, prior to issuance of any grading permits or demolition activities and to provide a method for complaint resolution. These comments have been addressed in the response to the comments document, and do not indicate any new or more severe impacts than were previously identified and mitigated by the IS/MND. The final IS/MND states that the project will not result in a significant effect on the environment with the adoption of the mitigation monitoring and reporting program.

/s/

Rosalynn Hughey, Secretary
Planning Commission

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

Attachments: [Planning Commission Staff Report and associated attachments.](#)