

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 2/12/03 Item #4.a.

File Number
PDC 02-083

Application Type
Planned Development Rezoning

Council District
3

Planning Area
Central

SNI Area
University Neighborhoods

Assessor's Parcel Number(s)
467-47-100, 467-47-101

STAFF REPORT

PROJECT DESCRIPTION

Completed by: John Davidson

Location: Northeast corner of E. William and S. Third Streets

Gross Acreage: 0.44

Net Acreage: 0.41

Net Density: 31 DU/AC (see analysis)

Existing Zoning: R-M Multiple Residence

Existing Use: Vacant lot, four-unit apartment building

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Ten-bed emergency shelter, ten bed plus two staff residential service facility, 4,000 sq. ft. social services agency, 850 sq. ft. of classroom/ community center space, and five multi-family attached residential units

GENERAL PLAN

Completed by: JED

Land Use/Transportation Diagram Designation
Residential Support for the Core (25+ DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JED

North: Apartments

R-M Multiple Residence

East: Apartments

CG General Commercial

South: Duplex and Apartments

R-M Multiple Residence

West: Apartments

R-M Multiple Residence

ENVIRONMENTAL STATUS

Completed by: JED

Environmental Impact Report certified 4/27/99
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: JED

Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER

The Redevelopment Agency of the City of San Jose
50 West San Fernando Street, Ste. 1100
San Jose, CA 95113

DEVELOPER

Emergency Housing Consortium
attn: Cristy Hamley
2011 Little Orchard Street
San Jose, CA 95125

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JED

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached memoranda from Fire Department, Police Department, Environmental Services Department, and Historic Landmarks Commission (HLC).

GENERAL CORRESPONDENCE

See attached letters from the West of Fourth Street Neighborhood Group, Emergency Housing Consortium, San Jose First United Methodist Church, and Adam Escoto, Principal of Horace Mann School.

Approximately 140 letters were received by the Planning Department from nearby businesses and residents, both in opposition and in support of the project, and are available for review.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, in a joint project with the City of San Jose Redevelopment Agency, the Santa Clara County Housing Authority, and the nonprofit organization City Year is proposing a mixed-use project, located at the northeast corner of S. Third and E. William Streets on a 0.44 gross acre site, within the Downtown Core Area. The proposed building will vary between two and three stories in height and contain approximately 16,000 square feet of floor area. The primary reason for the project is the displacement of the Emergency Housing Consortium Youth Shelter, by construction associated with San Jose's new City Hall. The shelter was originally located on the east side of S. Fifth Street, between E. Santa Clara and E. San Fernando Streets, approximately one-half mile from the project site.

The City of San Jose Redevelopment Agency has been assisting the applicant in finding a suitable site for relocation of the homeless youth shelter. Under state relocation law, the City is required to find a viable relocation site for the displaced use. The City is required to rely on the people being displaced to assist in defining viable relocation sites. The Emergency Housing Consortium has indicated that it is crucial to remain in the Downtown Core to provide services to the largest possible number of homeless youth and has determined that the proposed site will meet its needs.

Surrounding uses are residential on all four sides, and are generally multi-family in nature, with the occasional duplex. Notre Dame High School is located at the southeast corner of S. Third and William Streets, diagonally opposite from the project site. Ground floor retail uses are immediately east of the site, along East William Street.

Project Description

The two major elements of the proposed project are the proposed uses and the construction of the physical structures and improvements.

Proposed Uses

The Emergency Homeless Shelter and Social Service Agency Uses being proposed are identical in intensity of use to the original shelter located at S. Fifth Street. The Residential Service Facility and City Year apartments are new uses to this site. The project as proposed includes the following uses:

- ? a ten-bed emergency shelter for homeless youth, ages 11 to 17;
- ? a residential service facility for up to ten clients, ages 16-21, and two staff;
- ? a 4,000 square foot social service agency anticipated to provide services for up to fifty clients per day (Clients include residents of the shelter, service facility, and other drop-ins);
- ? a combined community room and classroom space;
- ? five residential apartments for the workers in the City Year program;
- ? required parking and open space for all of the uses.

The *ten-bed emergency shelter* is intended for temporary stays of up to two weeks. The shelter operates between the hours of 8:00 p.m. and 9:00 a.m. daily.

The *residential service facility*, called the Transitional Living Program, is intended to prepare participants to gain adequate education, employment, and life skills training to be self-sufficient. The space for this use will be provided in the form of four apartment units.

The *social service agency*, also known as the multi-service center, will provide a variety of services to both residents and drop-in clients. These services include counseling, case management, aftercare, drug and alcohol counseling, psychological counseling, legal assistance, health care, education, and employment services. Food, clothing, showers, laundry facilities, mail services, and storage space are provided to clients. The social service agency function will alternate using a central common area with the emergency shelter. The social services agency operates between 9:00 a.m. and 8:00 p.m. daily. Clients of the social service agency are subject to the operation's own good neighbor policies, which are meant to insure compatibility with neighboring uses. Clients violating good neighbor policies will lose access to agency services.

The *community room* is open for use by the community at large for community meetings and the like. This room will also be used as classrooms for education and training for homeless youth.

The five additional *residential apartments* will be used by up to twenty City Year workers. City Year is a non-profit organization that offers a community service program for young people ages 17-24. The typical length of stay in the City Year program is ten months. These workers are volunteers, and are offered a small stipend during their community service.

The following table summarizes the different primary uses on site, their intensities, and the amount of square footage dedicated to each.

Primary Uses	Location	Intensity	Square Footage
Emergency Shelter	First floor	10 beds	1,289
Social Services Agency, including administrative space	First floor	50 clients per day	1,701
Multi-purpose space, alternating between Emergency Shelter and Social Service Agency Use	First floor	--	2,079
Community Room/Teaching Space	First floor	--	823
Residential Service Facility	Second and third floors	10 beds plus 2 staff	4,826 (4 units)
Multi-Family Attached Dwellings	Second and third floors	Up to 20 residents	5,069 (5 units)
Total Square footage			15,787

Parking is being provided in an alternating use arrangement, which recognizes that the project's different uses generate different parking demands at different times of the day.

Ancillary Uses	Location	Intensity	Square Footage
Parking	Basement and at grade	22 spaces	10,977
Open Space	At grade, balconies	--	3,007

Physical Improvements

Two parcels comprise the subject site. One of the parcels is currently vacant, while a historically non-significant, one-story, four-unit apartment building is located on the other parcel. The apartment building will be demolished. The Greeninger House, a candidate City Landmark, currently located at 494 S. Almaden Avenue, would be relocated to the site as part of the project.

The Greeninger House is being relocated by the Redevelopment Agency in order to clear the block bounded by Almaden Avenue, Balbach Street, S. Market Street, and Viola Street for Convention Center purposes. The Greeninger House is proposed to be located on the corner of S. Third and E. William Streets and be attached at its southwest corner to the new construction. A courtyard will be created between the Greeninger House and the new construction, and will incorporate an existing mature oak tree. Three ordinance-size palm trees will be removed from the site as part of the proposal.

The majority of project parking occurs below grade in a basement garage, with a single parking space at grade level. The new building is finished in stucco at the ground level, and horizontal wood siding at the second and third floor levels. Other materials include composition shingle roofing, and wood-framed windows. The parking garage is accessed from William Street, and pedestrian entrances are located along both frontages.

The City Council, through the proposed rezoning, would establish allowable uses, project density, and development standards and regulations, including height limits, setbacks, parking requirements, operational conditions, and environmental mitigations. The site is within the permitting jurisdiction of the the City of San Jose Redevelopment Agency. The Planned Development (PD) permit would fulfill the requirements for a site development permit (final architectural design) and conditional use permit (conditions for performance and operations) based upon the approved rezoning. If the Council approves the proposed rezoning, the PD permit to implement this rezoning would be processed by Agency staff.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final SEIR entitled, "Downtown Strategy Plan," and certified on April 27, 1999, by the City of San Jose City Council. Additional site-specific environmental analysis has been completed for the project, including preparation of a review of the Secretary of the Interior's Standards for additions to historic properties, a noise report, tree survey, and soils report. Mitigation measures identified in these reports have been incorporated into the project, so that the project will not have an unacceptable environmental impact.

The applicant has completed a noise report that addresses impacts to the proposed project from noise from traffic along S. Third Street and to a lesser extent noise from airplanes landing at and taking off from San Jose International Airport. The City of San Jose Noise Element in the General Plan utilizes the Day-Night Level (DNL) 24-hour noise descriptor to define community noise impacts. Interior noise exposures are not to exceed 45 dB DNL. The noise report found the existing noise environment is due primarily to vehicular traffic along S. Third Street, a three-lane one-way, northbound arterial street. The analysis found noise exposure levels of up to 71 dB DNL occur at the site and mitigation measures will be required.

Mitigation measures identified in that report have been incorporated into the project. The project proposes sound-rated windows, noise attenuating building materials, and mechanical ventilation to provide the required 45 dB DNL interior living environment. By incorporating the mitigation measures suggested in the noise report, the project will be able to achieve the required interior noise levels of 45 dB DNL.

Three palm trees will be removed from the site as part of the proposal. The trees are ordinance-size, meaning that they all are larger than 56 inches in circumference, when measured two feet above grade. These tree removals will be considered as a part of the Planned Development Permit approved by the Executive Director of the City of San Jose Redevelopment Agency. These trees are not on the Heritage Tree list, and have not been identified as having historic significance.

GENERAL PLAN CONFORMANCE

The proposal is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Residential Support for the Core (25+ DU/AC). This designation allows high density residential uses to create a balanced community for the urban core of San Jose. The project density has been calculated at 31 DU/AC. The density was calculated by figuring the

density for the nine apartment units and combining that with the population-dwelling equivalent density for the eleven-bed emergency shelter. The population-dwelling unit equivalent density was figured by dividing the number of beds proposed for the emergency shelter by the average household size in the City of San Jose (3.08 residents/unit) to convert the number of beds to an equivalent number of units.

ANALYSIS

The analysis discussion of the proposed project focuses on the issues of use compatibility with the neighborhood, and historic preservation and design of the Greeninger house.

Neighborhood Compatibility

The primary use issues associated with the proposed project are the compatibility of the proposed emergency homeless shelter with the surrounding neighborhood. In October 1995, the City Council adopted the Emergency Homeless Shelter Criteria Council Policy (attached). The purpose of that Council Policy is stated in the following way:

The Emergency Homeless Shelter Criteria are designed to provide sufficient opportunities for emergency shelters in broad areas of the City consistent with three main goals: 1) to provide temporary emergency shelter for those who need and desire such shelter, 2) to provide counseling training, and other assistance and services to those who wish to end their homelessness, and 3) to ensure that residents and businesses near emergency homeless shelters are not adversely affected by the size, location, or operation of emergency homeless shelters in San Jose.

The shelter proposed to be allowed under this rezoning already existed at a nearby location, and has been displaced by a City project. The shelter is being moved approximately one half-mile from its original location on S. Fifth Street, between Santa Clara and San Fernando Streets to the proposed site. In terms of the overall number of shelters in this area, this displacement does not create a new shelter, but rather relocates an existing one that provides necessary services for runaway youths.

The applicant has noted that the proposed location of the shelter is important because it is located near services and transit, which makes it possible to serve youth clientele as effectively as possible. The following analysis addresses the size, location, and site design criteria contained in the adopted City Council Policy.

Size Criteria:

“Emergency Homeless shelters should be limited to a maximum size of 125 year-round beds.”

The proposed shelter will have eleven beds, less than one-tenth of the maximum size allowed under the Council Policy.

Location and Site Design Criteria:

1. *“The Council Policy notes that the vast majority of homeless shelters are located within a four square mile area at the center of the City, within Council Districts 3, 4, and 5. The Policy encourages homeless shelters to locate outside of this area, in locations consistent with the policy.”*

The applicant is being displaced by the Civic Center project, and therefore the proposed project does not create a new shelter, but rather relocates an existing one. The applicant has indicated that they need to stay in the Downtown area, in order to serve the homeless youth population present in that area.

2. *“Emergency homeless shelter sites should be located within a reasonable distance or travel time from services and facilities used by the homeless.”*

The applicant has noted that relocating the shelter within the Downtown Core maximize their ability to offer the widest variety of services and facilities for the homeless. The closest light rail station is located within 2,000 feet of the project site. Numerous social service agencies and faith-related charities are located within the Downtown Core.

3. *“Shelter sites should be in areas that are generally safe and that can be characterized as having relatively low crime rates as indicated by Police Department beat statistics including emergency calls for service.”*

The Downtown Core cannot be characterized as having low crime rates by Police Department statistics. However, given the small size of the shelter, the level of on-site supervision proposed, and the fact that a new shelter is not being created, the relocated shelter is not likely to have an adverse impact on crime in the immediate area.

4. *“The size of a shelter site or building should be commensurate with the size of the proposed shelter and adequate to support a variety of space needs for the services to be provided to ensure that the shelter operation will be fully contained on site.”*

The site is adequate in size for the emergency shelter, for a variety of rooms for counseling and services, and an outdoor courtyard. All activities related to the homeless shelter will be contained on site. In terms of floor area and project amenities, the proposed facility is a significant upgrade from the previous facility.

5. *“Sites should have or be able to accommodate adequate parking for shelter vehicles, the personal vehicles of shelter staff, visitors, and the homeless people that have vehicles.”*

The proposal includes 22 on-site parking spaces, which is consistent with the requirements of the Zoning Ordinance. The parking is provided under an alternating use parking arrangement, which recognizes that different uses within the project create demand for parking at different times of the day and evening.

In a situation where there are two or more different uses on a given site, the Zoning Ordinance requires the applicant to provide the required parking for each use. However, Zoning Ordinance Section 20.90.200 allows for, "...alternating use of common parking facilities where certain uses generate parking demands during hours when the remaining uses are not in operation. For example, if one use operates during the day time or on weekends, and the other use operates at night or on weekdays."

The applicant has provided a table showing parking demand at three different periods during the day, which is shown on the title page of the plan set. The tables show that the morning hours are anticipated to be the time of highest demand, when the social service agency is in operation, along with the community center space, the residential service facility, and the apartments. Parking has been provided to accommodate all of these uses at the same time. Because the use of the emergency shelter is complementary in time frame to the administrative uses, some of the parking provided will be alternately used by the administrative offices, and by the emergency shelter. All but one of the proposed parking spaces is below grade, which allows for a dense, urban style of development, consistent with development within the Downtown Core.

6. *"Emergency homeless shelters should not be located within residential areas. The minimum separation between shelter sites and residential areas should generally be 150 feet."*

The proposed project is located directly adjacent to residential uses. The original EHC shelter location at 26-28 S. Fifth Street was similar in that it was within 150 feet of residential uses yet conflicts between the shelter and residential uses were not reported. In addition, the ten-bed shelter is relatively small, and is contained within a larger project that contains transitional housing, housing for City Year volunteers, counseling services, and administrative offices. On-site supervision and a required shelter management plan will insure compatibility between the proposed use and surrounding residences.

7. *"Emergency homeless shelters should not be located on lands designated Core Area, Research/Development, Administrative Office / Research & Development, or Campus Industrial."*

The subject site, with a General Plan Land Use designation of Residential Support for the Core (25+ DU/AC), is not located within any of the above designations.

8. *"Emergency homeless shelters should be located away from schools and parks. The minimum separation between shelter sites and schools or parks should be 500 feet."*

The proposed location is diagonally opposite from Notre Dame High School, less than 100 feet away. The small size of the proposed shelter and the fact that both the high school and the shelter are inwardly focused will minimize interaction between the two uses. In addition, the original location of this use also was located within 500 feet of Horace Mann Elementary School, and to staff's knowledge, no problems were reported. See the attached letter from Adam Escoto, principal of Horace Mann School.

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9. *“Emergency Homeless shelters should be located so as to minimize the travel routes through residential neighborhoods that may be necessary to get to transit facilities or to other services needed by the homeless.”*

The proposed site is located within the Downtown Core and is located close to a variety of transit options, including light rail. The maximum distance that the homeless clientele would have to walk through residential neighborhoods is one block.

10. *“The separation between emergency homeless shelters should be adequate to avoid the undue concentration of emergency shelters in any particular area.” The Council Policy goes on to indicate that shelters with less than 25 beds should be separated by at least a quarter-mile.*

The proposed shelter is located approximately 0.4 miles from the nearest homeless housing listed on the City of San Jose map entitled, “Homeless Shelters/Service Providers by Council District”, dated August, 2000. The closest homeless housing provider to the project site is Casa Feliz, located at 525 S. Ninth Street.

The Council Policy also indicates that the shelters should establish shelter management plans in conjunction with the required planning permit. If this rezoning is approved, a shelter management plan, as well as other operational details, will be a requirement of the Planned Development Permit, processed by Redevelopment Agency staff, and approved by the Executive Director of the Redevelopment Agency.

Conclusion

Staff finds the proposed project is in substantial conformance with City Council Policy, Emergency Homeless Shelter Criteria, given the small size of the youth homeless shelter; the fact that project does not create a new shelter but is the relocation of an existing shelter; and the fact that a downtown location provides the most efficient delivery of services for homeless teens.

Historic Preservation

The primary historic project issue is the relationship between the relocated Greeninger House and the new construction proposed for the site, and to a lesser extent, the removal of the three ordinance-size palm trees from the site.

The project was reviewed at the November 18, 2002 Historic Landmarks Commission Design Review Subcommittee meeting. The synopsis of the meeting is as follows:

“Committee members agreed with the Secretary of the Interior’s Standards Review report conducted by the Dill Design Group (attached) that observed that the massing of the E. William Street elevation of the new building is too large and too close to the historic building. The Committee recommended:

- 1) Setting the third story back in the same manner as the third story on S. Third Street will be set back, and/or
- 2) Reducing the width of the bay of the new building on E. William Street, and/or
- 3) Removing or setting back the 1910 side porch on E. William Street to differentiate the new building from the historic house.”

In November 2002, the Dill Design Group prepared a Secretary of the Interior’s Standards Review (attached) for the proposed relocation and addition to the Greeninger House. Dill found the project consistent with the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties with one exception. The major inconsistency that the report finds with the Secretary of the Interiors Standard’s is the relationship between the Greeninger House and the new construction along E. William Street (Secretary of the Interior’s Standard #9). The historic report states:

“The one portion of the project that is not compatible with the massing and the scale of the historic residence is along E. William Street. The three-story massing of the new addition, even with slightly recessed gable, is too large and too close in relation to the historic two-story house. It is recommended either that the third story be set further back from William Street, leaving a two-story wing adjacent to the historic house, or that the street elevation and gabled end of this wing be narrowed, lengthening the hyphen. The visual separation of the new project from the historic house would make the addition more compatible in massing and scale with the historic resource.”

The applicant resubmitted plans on December 11, 2002 that attempt to address this issue. Pages 1.1-1.3 of the revised plans show floor plans and elevations of the proposed new construction. The revised third floor is now set back an additional five feet from William Street, and the large shed dormer facing the Greeninger House has been removed from the project and replaced with an open balcony.

The revised project does not set the third story as far back as proposed in the Dill review, but the removal of the shed dormer results in an improved separation between the new construction and the Greeninger House. This change significantly reduces the overall bulk of the new construction, and allows the project applicant to achieve the majority of their program objectives.

The project was reviewed as a referral at the January 8, 2003 Historic Landmarks Committee meeting (see attached Synopsis). The HLC concurred with staff that the proposed changes bring the new construction along William Street into conformance with the Secretary of the Interior’s Standards, and in particular Standard #9, in that the proposed addition is compatible in size, materials, and massing with the Greeninger House.

As a part of the project, three large palm trees will be removed from the site and relocated to other properties. At the January 8, 2003 Historic Landmarks Commission meeting, three members of the public spoke in favor of retaining the three large palm trees on site. As stated previously, these trees are ordinance sized, and will require a permit for removal. The palm trees are not listed on the Heritage Tree Inventory. The applicant has indicated that they favor relocation of the palm trees from the site, and as a less preferable option would consider relocating the palm trees to the courtyard area of the proposed project.

RECOMMENDATION

Planning staff recommends the Planning Commission has read and considered the Environmental Impact Report and found it complete and in compliance with CEQA, and forward to the City Council a recommendation of approval for the planned development rezoning with the following conditions:

Direct the applicant to comply with the following direction from the Historic Landmarks Commission at the Planned Development Permit stage:

- ? The historic location of the corner should be marked and the new addition should be clearly differentiated with materials, colors and construction joints.
- ? Existing windows on historic structure should be restored, replacement windows should be simple wooden double-hung with no divided lights in order to differentiate from new design.
- ? The new porch addition should be differentiated from the historic structure by color and construction joint/connection.

With the above-stated condition, staff recommends the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed project, at a density of 31 DU/AC, is consistent with the General Plan Land Use Designation of Residential Support for the Core (25+ DU/AC).
2. The project allows an existing youth homeless shelter to relocate approximately one-half mile from its original location.
3. The project is in substantial conformance with the Emergency Homeless Shelter Criteria.
4. The project has been designed to be compatible with adjacent properties, and includes the re-use of the historic Greeninger House.

c: Don Lusty, Santa Clara County Housing Authority, 505 W. Julian Street, San Jose, CA 95110
Brad Cox, Anderson-Brulé Architects, 325 S. First Street, Fourth Floor, San Jose, CA 95113