

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. 09/10/2003 Item: 4.a.2.

File Number
PDC 02-072

Application Type
Planned Development Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
434-13-015;016

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Anastazia Aziz

Location: Northwestern corner of Lick Avenue and West Alma Avenue

Gross Acreage: 3.18

Net Acreage: 3.18

Net Density: 76 DU/AC

Existing Zoning: LI Light Industrial

Existing Use: Vacated Commercial & Light Industrial

Proposed Zoning: A(PD) Planned
Development

Proposed Use: Single-family attached residential

GENERAL PLAN

Completed by: AA

Land Use/Transportation Diagram Designation
Tamien Station Area Planned Community Transit Corridor Residential
(25-150 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AA

North: VTA Park and Ride Lot, Daycare

LI Light Industrial

East: Multi-family Residential

RM (PD) Planned Development

South: Multi-family Residential

A (PD) Planned Development

West: Rail line, Guadalupe Expressway

LI Light Industrial

Completed by: AA

Environmental Impact Report
 Negative Declaration circulated on June 23, 2003
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: AA

Annexation Title: Willow Glen

Date: October 10, 1936

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT

/DEVELOPER

OWNER

Barry Swenson Builder Attn: Jessie Hall
777 North First St
San Jose, CA 95112

Duad Properties Attn: Pepper Snyder
1303 Lick Avenue
San Jose, CA 95125

Sal LoBue Trust
1275 Lincoln Ave. #10
San Jose, CA 95125

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AA

Department of Public Works

See Attached Memorandum.

Other Departments and Agencies

See attached memoranda from Fire Department, Police Department, Environmental Services Department, Parks, Recreation and Neighborhood Services, Valley Transportation Authority, County of Santa Clara, Santa Clara Valley Water District, and Historic Landmarks Commission.

GENERAL CORRESPONDENCE

See attached correspondence from Silicon Valley Manufacturing Group dated March 25, 2002; Santa Clara County Housing Action Coalition dated March 25, 2002; Susan Kusters dated April 23, 2003; Robert Skinner dated April 25, 2003; Diane Duffey dated May 19, 2003; April Whitney dated May 28, 2003; Paul Werner dated May 31, 2003; San Jose Silicon Valley Chamber of Commerce dated June 16, 2003; Tom Chard dated July 1, 2003; M. T. Moshref dated July 2, 2003; Terry Denevan dated July 2, 2003; Edward Foley II dated July 4, 2003; German Scipioni dated July 7, 2003; Steve Dulaney dated July 7, 2003; Robert Jakovina dated July 8, 2003; Cheryl Lester dated July 16, 2003; Jody Wilson dated July 17, 2003; Reverend Elane O'Rourke dated July 21, 2003; Mary Keely dated July 21, 2003; Susan Kusters dated July 22, 2003; William Kiley dated July 22, 2003; German Scipioni dated July 21, 2003; Kathy Arsenault dated July 21, 2003; Jody Wilson dated July 17, 2003; Anatole Wilson dated July 17, 2003; Juaneva Martin dated July 20, 2003; Marc Bauman dated July 23, 2003; Bird Avenue Residents petition dated July 22, 2003; Janie Polizzi dated July 31, 2003; Jim Bilchak dated August 5, 2003; Rick Henderson dated August 9, 2003; Betsy Arroyo dated August 8, 2003; Tri-County Apartment Association dated August 13, 2003; Community Technology Alliance dated August 11, 2003; Richard & Drina Egnor and Greg and Laurie Rettinger dated August 19, 2003; Martin Delson dated August 24, 2003; Greenbelt Alliance dated August 27, 2003; Amalgamated Transit Union Local 265 dated August 25, 2003; Ken Eklund dated August 26, 2003; Association of Realtors dated September 5, 2003.

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The applicant, Barry Swenson Builder, is requesting a Planned Development Rezoning from LI Light Industrial to A(PD) Planned Development to allow the development of up to 242 multi-family residential units (76 DU/AC). The rezoning proposes 228 condominium units in two 120 foot, 11-story towers, and 14 townhouse units that reach 45 feet in height for a total of 242 units. The Draft Negative Declaration and Initial Study evaluated a total of 260 units. The draft zoning development standards prepared by staff (see attached) allows a maximum of 260 units consistent with the environmental clearance for the project.

The project proposes the demolition of the existing Alma Bowl bowling alley structure and an adjoining industrial building and associated surface parking lots. The majority of the land area is currently occupied by the vacated bowling alley and paved parking lot with limited landscaping. The VTA park and ride lot and Tamien Station Day Care Center are located to the north of the site; Lick Avenue and multi-family residential units are to the east; West Alma and a condominium development are located to the south; and State Route 87 and an active rail line that supports Caltrain, freight trains, and light rail are to the west.

Tamien Station Area Specific Plan/Planned Community and Amendments

The subject property is located within the Tamien Station Area Specific Plan boundaries. Willow Street generally defines the Specific Plan area to the north; the abandoned Union Pacific Railroad line to the south; Lick Avenue, Palm Avenue and Little Orchard Street to the east; and the Guadalupe River to the west. The Specific Plan provides guidance for development of the area with transit-oriented residential and supportive commercial and recreational uses. The primary elements of the Specific Plan have been incorporated into the San Jose 2020 General Plan as the Tamien Station Area Planned Community. The site has been the subject of two General Plan amendments since the Specific Plan was adopted in 1995.

The subject site is located within the Specific Plan's *Transit Core Subarea* and was originally designated *Mixed Use* which allowed residential uses within the 25-55 DU/AC range and a minimum of 5,000 square feet and a maximum of 20,000 square feet of commercial area. A maximum height of 65 feet was originally specified by the Plan for the site.

In 2001, the City Council approved an amendment to the Planned Community, which increased the allowable density range to 25-150 DU/AC, and increased the height limit to allow buildings up to 120 feet along the western edge of the property. This amendment also reduced the allowed height along the eastern edge of the property, adjacent to Lick Avenue, to a maximum of 45 feet.

In April 2003, the City Council approved another amendment to the Tamien Station Area Planned Community for the subject site. The land use designation was changed from Mixed Use (25-150 DU/AC) to Transit Corridor Residential (25-150 DU/AC) that eliminated the requirement for commercial uses, and the minimum setback requirement for residential structures along Lick Avenue was reduced from 15 feet to a minimum of 10 feet, with a maximum of 25 feet.

The Specific Plan encourages the City and VTA to coordinate in the preparation of a master plan for the entire VTA site and the Alma Bowl/Sprig Electric site in order to facilitate high density residential development, public park, and parking areas which are properly combined and effectively located to support transit use. This conceptual master plan process started at the beginning of 2003 and is ongoing.

Strong Neighborhood Initiative (SNI) and Redevelopment Project Area

The subject site is located in the Washington SNI Area and the associated Redevelopment Project Area. The proposed development is subject to Redevelopment Agency development criteria, including provision of affordable housing. The Washington SNI area is generally bounded by Interstate 280 to the north, Bellevue Avenue to the south, Monterey Road/First Street to the east and State Route 87 to the west.

The Washington Plan was adopted by the City Council on January 22, 2002. The plan identifies the subject site as a *Building and Site Rehabilitation* site, which the community called out as needing significant building and/or site improvement. The Washington Plan indicates that the community was generally supportive of the Mixed Use designation originally assigned to the site in the Tamien Station Area Specific Plan, but was not fully supportive of the 2001 General Plan amendment increasing the allowable density range 25-50 to 25-150 dwelling units per acre and the increase in height to 120 feet at the western edge of the site. The Washington Plan further states that the community stressed the importance of including adequate open space, parking and other project amenities to avoid negatively impacting the existing community, and requested opportunities for review and input on future development proposals.

Project Description

The project proposes 228 condominium units in two 11-story towers located at the northern and southern edges of the site adjacent to the rail line, and 14 townhouse units adjacent to Lick Avenue. Residential amenities include an outdoor pool and landscaped areas on an expansive podium surface. Townhome buildings reach a maximum height of 45 feet along Lick Avenue and the towers reach a maximum height of 120 feet adjacent to the railway line. Pedestrian connections crisscross the property to allow the residents to easily gain access to the light rail station, Lick Avenue, and Alma Avenue.

Vehicular, motorcycle and bicycle parking spaces are proposed in conformance with the Residential Design Guidelines and the Zoning Code. A 10% reduction for parking is proposed because of the site's proximity to light rail. The project proposes 392 parking spaces distributed as follows: two covered parking spaces per townhome unit accessed via a driveway to the rear of the units, a 24-space surface parking lot located to the rear of the townhomes to accommodate some visitor parking and 340 spaces located beneath the podium which extends below the two 120-foot towers and the proposed townhomes.

Tamien Station is located immediately to the north within short walking distance of the project. Tamien Station is served by light rail, Caltrain, and VTA buses Nos. 25, 82, and 501. The pedestrian-oriented Willow Street Business District is located nearby to the northeast of the project site.

PUBLIC OUTREACH

Several community meetings for the General Plan Amendments and master plan process were held during the past year. Meetings related specifically to the rezoning, which were attended by staff, were held on June 24, 2003 at the Tamien Station Day Care Center and on July 17, 2003 at Galarza School. The second meeting was organized and hosted by local neighborhood associations and the project proponent made a presentation.

Attendees at both meetings expressed concern regarding traffic impacts associated with this and other multi-family residential projects planned for the area, shade and shadow impacts created by the proposed 120 foot structures, incompatibility of the 120 foot buildings with the existing neighborhood, and lack of on-site supporting commercial uses for the new residents and the existing community.

Neighborhood residents requested that the height of the buildings be reduced and that the opportunity for commercial uses be reintroduced to the project as originally envisioned in the Tamien Station Area Specific Plan. Members of the community indicated that the density range was not their chief concern, but that a reduction in the building height was paramount. Community members felt the 120-foot buildings would not integrate well with the existing one-, two- and three-story neighborhood and expressed that the same density could be achieved with lower buildings.

Residents of the Washington neighborhood, within which the subject project is located, expressed that the proposed development, as with any new development in the neighborhood, represented an opportunity to obtain public amenities that the Washington neighborhood lacks, such as public parks and traffic calming measures.

In addition to the community meetings specifically focused on the project attended by staff, the applicant and representatives of the Council District 3 office also met to discuss the project with individual neighborhood associations and other community groups.

The Initial Study and Mitigated Negative Declaration have provided opportunity for public comment. The circulation period for the draft Mitigated Negative Declaration was increased from the statutory requirement of 20 days, to 30 days to allow additional time for public review. Notices of availability of the Mitigated Negative Declaration were mailed to property owners within 1000 feet of the subject site and were available for review at the Biblioteca and Willow Glen branch libraries. Additionally, copies of the Mitigated Negative Declaration and Initial Study were posted on the City's web site.

Notices of the public hearings before the Planning Commission and City Council were published and distributed to the owners of all properties located within 1,000 feet of the project site and to the Willow Glen and North Willow Glen Neighborhood Associations. Staff has met members of the public to discuss the project. Correspondence from the community is attached.

ENVIRONMENTAL REVIEW

The potential environmental impacts of this project are addressed in the Tamien Place Residential Development Initial Study. Based on the Initial Study, the Director of Planning circulated a Draft Mitigated Negative Declaration (MND) for public review indicating that the project would not result in any significant, adverse environmental impacts. The Initial Study addresses the redevelopment of the subject site with up to 260 multi-family attached residential units.

The North Willow Glen and Willow Glen Neighborhood Associations filed a joint MND protest and the San Jose Preservation Action Council filed a separate MND protest letter. A full staff report was prepared addressing the environmental issues raised in the protest letters. Below is a summary of the environmental issues raised and addressed in the Initial Study. Please see the report dated August 29, 2003 for a response to public comments on environmental issues. The adequacy of the MND is scheduled to be heard by the Planning Commission on September 10, 2003.

An historic report prepared by Archaeological Resource Management on June 10, 2003 evaluates the historical significance of the Alma Bowl building and sign and concludes that neither structure is significant in that they are not of architectural significance and were not associated with any notable historic figures or events. The City's Historic Preservation Officer has reviewed the report and concurs with the conclusions. Staff will work with the applicant to ensure that the sign is reused on the site, relocated or offered for salvage prior to demolition.

Noise and vibration reports prepared by Charles M. Salter, dated April 26, 2001 and January 23, 2003, and, August 23, 2003, conclude that noise may be effectively mitigated through standard attenuation measures that have been included in the project and that vibration levels do not exceed Federal Transportation Authority thresholds of significance. See further discussion of noise attenuation in the Analysis section below.

A traffic report prepared by Fehr and Peers Associates in June 2003 concludes that the project would not result in significant Level of Service traffic impacts. At the request of the community, the report provides analysis for areas beyond the typical work scope and examines the intersections of Willow/Minnesota and Willow/Bird. Based on the traffic study, Public Works Department staff has concluded that the proposed project conforms to the City's Transportation Level of Service Policy.

A Sun/Shade analysis is also included in the Initial Study to determine whether the buildings would result in a shadow impact on the adjacent sensitive land uses, a childcare center to the north and multi-family residential buildings to the east. The shadow analysis includes three times of year: December 21 when shadows are at their maximum length, June 21 when shadows are at their minimum length and March and September 21, the equinoxes. The proposed project would intermittently shade nearby multi-family residences and the maximum off-site shading effect would occur on the adjacent child day care site during the mid-winter months. The study concludes that while the proposed project would contribute to the shading effect on the outdoor play area, it would not conflict with any relevant land use plan or policy and would not substantially impact the ongoing use of the adjacent property as a child day care center.

The Initial Study and Draft Mitigated Negative Declaration conclude that the proposed project will not result in any significant impacts.

GENERAL PLAN & TAMIEN STATION AREA SPECIFIC PLAN CONFORMANCE

The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of the Tamien Station Area Planned Community: Transit Corridor Residential (25-150 DU/AC) and with the relevant General Plan policies and Major Strategies. See analysis below.

ANALYSIS

The primary issues associated with this proposal include General Plan consistency, Specific Plan consistency, noise, conformance with the Residential Design Guidelines, and public parks.

General Plan Consistency

Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies

The proposed rezoning furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Areas where urban development can be accommodated and where urban services can be efficiently provided. In support of the Greenline Strategy, the Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing. This underutilized site within the existing urbanized area provides an ideal opportunity for infill development in support of these strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) serve as a catalyst for neighborhood revitalization, 3) maximize the efficient use of existing infrastructure and future transit facilities, and 4) reduce pressure for growth outside the UGB.

Sustainable City Major Strategy

The Sustainable City Major Strategy emphasizes the strategic location of land uses and appropriate development intensity to shorten trip lengths and to increase the availability and convenience of transit, biking and walking in order to conserve energy and improve water and air quality. The location of this proposed pedestrian-oriented, high-density project adjacent to a planned light rail station furthers the goals of the Sustainable City strategy.

Conformance with the General Plan Land Use/Transportation Area Diagram and the Tamien Station Area Specific Plan

Various parts of the City are subject to Specific Plans, which because of the area's size, location or urban service conditions require special consideration for purposes of future development. Specific Plans are intended to provide a more detailed level of land use policy analysis in order to provide the private development sector with a greater degree of guidance and direction while also incorporating special development, design and community objectives voiced by the neighborhood. The intent of the Tamien Station Area Specific Plan is to create a vital, high-density residential and mixed use community that is transit-oriented and compatible with the surrounding neighborhood.

Land Use Transportation Diagram and Specific Plan

The General Plan Land Use/Transportation diagram in the Tamien Station Area Specific Plan designates this site Tamien Station Area Planned Community; *Transit Corridor Residential (25-150 DU/AC)*. The Transit-Corridor Residential designation allows for medium-high and high-density residential uses within 2000 feet of passenger rail stations with required densities of 25 units or more per acre. The subject site is located within the Tamien Specific Plan's Transit Core Subarea. The subject site was identified in the Plan as a major opportunity for high-density residential development in this Subarea.

The purpose of the Transit Core Subarea is to channel development into areas where intensified uses and public transit will be mutually supportive and help to create vibrant pedestrian-oriented neighborhoods. The subject site is located approximately four blocks south of the Willow Street Neighborhood Business District, eight blocks west of the Monterey Road commercial corridor and is proximate to the retail plaza located at Bird Avenue and Minnesota Avenue. These commercial areas offer a variety of retail shopping for residents in the area and new residential development in the neighborhood will support the existing local commercial uses. The project will also be required to provide traffic operation improvements such as traffic calming measures on Lick Avenue, new traffic signals along Willow Street and safe pedestrian crossings along Lick Avenue.

The proposed rezoning provides multi-family residential development at a density of up to 76 DU/AC, which is consistent with the amended General Plan designation and will help to create a vibrant pedestrian-oriented neighborhood that will strengthen and revitalize existing proximate commercial areas.

Setbacks

The Specific Plan identifies setbacks of a minimum of 10 feet and a maximum of 25 feet from Lick Avenue, a minimum of 5 feet and a maximum of 20 feet from the top of slope from Alma Avenue, and a minimum of 100 feet from the centerline of the rail tracks; however, the setback from the rail line may be reduced if noise and vibration mitigation can be provided by means other than a building setback.

A vibration analysis prepared for the subject site concluded that the recommended 100-foot setback from the rail line could be reduced to 77 feet without creating a significant vibration impact. The two towers are set back 79 feet from the centerline of the railroad track. The noise report also identifies adequate noise mitigation for the project with the proposed reduced building setback. This mitigation has been incorporated into the project. Staff supports the proposed setback in that it allows a greater separation between the 45-foot townhomes and the proposed 120-foot towers, thereby lessening the abruptness of the height transition.

The proposed townhomes are set back 20 feet from the Alma Avenue property line, and the tower adjacent to Alma Avenue is set back 22 feet from the Alma Avenue property line which slightly exceeds the Specific Plan criteria. Given the bulk and height of the proposed building, which is 55 feet taller than the 65-foot maximum height limit originally envisioned by the Specific Plan, the increased setback is warranted at this location.

Height

The Specific Plan allows a maximum height of 45 feet within 100 feet of Lick Avenue and a maximum height of 120 feet on the remainder of the property. The proposal makes full use of the Plan's maximum allowable height with buildings of up to 45 feet proposed for the Lick Avenue frontage and twin towers of up to 120 feet proposed for the interior of the site.

The City's adopted General Plan identifies 50 feet as the allowed building height throughout the City, except where taller buildings are specifically allowed, such as the Downtown Core Area. Buildings taller than 50 feet are, however, allowed in a number of areas other than the Downtown Core Area. Examples include:

- ? Heights up to 120 feet are permitted in Transit Areas. Transit Areas are defined as properties within reasonable walking distance (approximately 2,000 feet) of any passenger rail station;
- ? Heights up to 120 feet are permitted in some areas of the Midtown Specific Plan Area
- ? The Rincon South Specific Plan allows buildings up to 85 feet in height;
- ? No height limits are placed on the "tall building sites" within the Communications Hill Specific Plan;
- ? Up to 120 feet in height is permitted at specific locations on the Santana Row property; and,
- ? Maximum building height at Oakridge Mall is 70 feet.

Buildings that exceed six stories already occur in the City, including an existing 12-story office building adjacent to Santana Row, a 13-story office building at the intersection of North First and Taylor Streets, across the street from an approved 14-story (maximum height 150 feet) residential building; and a 95-foot tall institutional/office building at the southeastern corner of Bascom Avenue and Moorpark.

The City's adopted General Plan establishes policies for the community as a whole, and lays the basic foundation for the policies that are relied upon in making day-to-day land use decisions. The Tamien Station Area Specific Plan/Planned Community identify development intensities and building forms that are considered compatible with the multi-modal transportation corridor and stations planned and built at this location and with the surrounding residential neighborhoods.

Building Orientation and Design

According to the Specific Plan, buildings should be oriented to the street, particularly toward Lick Avenue. Additionally, buildings should be oriented toward light rail stations and bus stops for convenient access by public transit passengers. The proposed rezoning orients the townhome buildings to parallel Lick Avenue, and the two towers parallel to the VTA parking lot and Alma Avenue. The buildings create a distinctive edge, define the site, and address the proximate transit facilities in conformance with the requirements of the Specific Plan.

Additionally, the Specific Plan stipulates that building design should promote a visually diverse and rich fabric, complement the existing neighborhood scale and reinforce the pedestrian orientation of the station area. The proposed townhomes make use of sloping roofs, ornamental elements, balconies, porches, and bay windows in a mock Tudor style, which lends variety and articulation to the Lick Avenue streetscape. The elevated porches and stair are proposed to come within 1 foot of the property line. Although staff encourages setback variation to increase depth and shadows on buildings, a 1-foot setback is minimal, not characteristic of the neighborhood and significantly limits landscaping at the project frontage. Staff

recommends increasing the setback for stairs and porches to a minimum of 5 feet. A minimum setback of 5 feet for stoops and porches has been included in the draft development standards for the zoning (see attached).

The 120-foot towers will create landmark gateway features to the Tamien Station Area. Given the prominent height and location of the buildings, the architecture should be of superior design and quality. As proposed, the towers' conceptual design does not create a "landmark quality" gateway entry. The prominence of these buildings necessitates a superior design. The skills of an outside architectural firm are warranted to assist at the Planned Development Permit stage to ensure nothing but the highest architectural quality is built on this site. Staff will continue to work with the applicant at the Planned Development Permit stage to significantly improve the architectural quality of the buildings.

Noise

Noise is a primary design issue for this project. The project's infill location and proximity to transit facilities and the freeway, the very factors that make it an excellent high-density housing site, also result in high ambient noise levels. The site is exposed to noise from the adjacent freeway and street traffic, from both heavy rail and light rail trains, and from buses and planes. Ambient levels on the area of the site closest to the freeway reach a maximum of 75 DNL. The General Plan identifies 76 DNL as the level at which noise becomes a health hazard.

Generally, the preferred and most effective approach to reduce noise levels in outdoor areas is to design and configure buildings so that the buildings themselves function as barriers to noise. At the initial project stages, staff recommended that the applicant explore the option of a u-shaped building configured along the northern, western and southern perimeters of the site to block the noise generated from the freeway and rail lines and provide a protected courtyard open space area. The applicant elected to retain the current tower structures in order to maximize the amount and visibility of open space on the site.

A DNL of 60 is the General Plan's goal for noise levels in outdoor open space areas; however, the General Plan recognizes that this goal cannot be achieved in areas close to the airport and along transportation corridors. The noise analysis prepared for the project indicates that in order to provide noise attenuated areas with noise levels that approach the General Plan goal (i.e., noise levels of between 62 and 64 DNL), two sound walls would be required, one 10-foot in height adjacent to the rail line and two eight-foot walls on the podium. These walls would provide noise attenuation for approximately 25% of the total podium area.

Staff is concerned that the proposed sound walls would result in visual barriers that could compromise the effectiveness of the open space as a visual amenity for the community. This is of particular concern since one of the primary purposes of the residential tower configuration is to ensure that the project provides significant open space that is visible to the surrounding community. In order to ensure that noise attenuation does not result in barricades around the proposed recreational amenities, staff has included a performance standard in the Draft Zoning Conditions that allows staff and the applicant to pursue noise attenuation alternatives to sound walls at the Planned Development Permit stage. The condition indicates that such alternatives may include minor modifications to the site plan, reorientation of the building footprints, partial enclosure of open space in a conservatory or greenhouse, or other design techniques that

would reduce the height of the sound walls or eliminate them altogether. Staff will work with the applicant at the Planned Development Permit stage to ensure that the podium provides open space that is protected from noise in a manner that does not compromise the important open space amenities of the proposed project.

Conformance with the Residential Design Guidelines (RDG)

The Residential Design Guidelines for high-density development focus on: 1) structured parking and 2) parking ratios. Also included are guidelines for pedestrian interfaces.

Structured Parking

The RDG specify that for buildings with podiums, the interface between parking levels and the street should be treated in a manner that avoids visual and noise impacts. The proposed rezoning includes below-grade parking levels with above-grade ventilation openings. The ventilation is proposed to be screened with decorative metal grates. The openings will be architecturally integrated and also screened with landscaping. One entrance on Lick Avenue will provide vehicle access to the garage and will be visible from the street.

As the design of the 120-foot buildings is refined, staff will continue to work with the applicant at the Planned Development Permit stage to ensure the garage ventilation remains architecturally integrated and screened by landscaping.

Parking Ratios

The Residential Design Guidelines recommend the following parking ratios for multi-family attached dwelling units which have been incorporated into the draft development standards for this Planned Development Zoning: 1.5 spaces per 1 bedroom unit, 1.8 spaces per 2-bedroom unit, and 2.0 spaces per 3 bedroom unit. A 10% parking reduction is permitted because the site is within 2,000 feet of the Tamien Light Rail Station. Ten percent of the available on-site parking is required to be reserved for guests. Tandem spaces are permitted as an alternative parking design.

Based on the above parking ratios, a total of 365 spaces are needed to meet the parking standards for the currently proposed 112 one-bedroom units, 114 two-bedroom units, and 16 three-bedroom units, (14 of which are town homes). The conceptual plans for this project show 392 spaces in conformance with the proposed parking ratios.

Based on the conceptual parking layout, approximately 194 spaces are tandem (97 spaces in pairs) and 167 are traditional parking spaces. The proposal as currently configured relies heavily on tandem spaces. While tandem spaces make very efficient use of garage space and are routinely used in housing projects with podium parking, they are not as flexible as standard spaces in that tandem pairs generally need to be assigned to a single unit. Staff will work with the applicant at the Planned Development Permit stage to determine if the number of tandem spaces can be reduced.

Pedestrian Connections and Landscaping

The Residential Design Guidelines (RDG) specify that projects should include direct and attractive pedestrian access to nearby transit stops and stations, and that sidewalks and walkways should be wide and bordered by attractive landscaping. Additionally, the RDG stipulate that podium landscaping should be naturalistic and include earth-berms, mature trees and shrubs and decorative paving materials.

The rezoning includes a Pedestrian Connection Plan that includes pedestrian access from Alma Avenue, Lick Avenue and the adjacent VTA property. Pedestrian-only connections are accommodated at the western edge of the property from both Alma Avenue and the VTA property, which will facilitate direct access to nearby Tamien Station and related bus and train public transit. Additionally, a series of walkways weaves around the podium and connects the interior common open space of both the tower buildings.

The tower design allows for an expansive podium; however, without significant landscaping and shade structures, a podium can be a hot, sterile environment that does not provide high quality open space. The proposed landscaping on the podium incorporates sod lawn, groundcover, shrubs, palm trees, and accent trees. Recreational amenities on the podium include a swimming pool, water feature, and turf blocks with seating areas. Staff will continue to work with the applicant at the Planned Development permit stage to enhance the landscaping, and to incorporate shade-casting canopy trees and shade structures into the landscape plan.

A number of street trees will be planted along both the Lick Avenue and Alma Avenue streetscape. Trees are also proposed around the perimeter of the property, outside the public right-of-way.

Public Parks

The community has raised concern regarding the lack of parks in the Tamien Specific Plan Area, the lack of construction of new parks to meet increased density and the use of park land fees. Following is a brief discussion of the provision for park facilities included in the Tamien Station Specific Plan, the Parkland Dedication and Impact Fee Ordinances that ensure that new residential developments contribute park land or in lieu fees, the parks requirements for projects previously approved in the Specific Plan area, and the anticipated requirements for the current project.

Tamien Specific Plan

The Tamien Specific Plan proposes a four-acre park and a river trail as part of the public facilities to serve the area. The plan identifies that additional park land needs to be identified in order to meet the General Plan's established goal of 3.5 acres of park per 1,000 new residents which would require a total of approximately 10 acres of parkland in the Tamien Station vicinity. The Plan shows a proposed 4-acre park located north of the current project site on the Valley Transportation Agency property.

Ordinances

The City's primary means of assuring that new park facilities are provided to serve new residential development are the Parkland Dedication and Impact Ordinances. The Parkland Dedication Ordinance (PDO), as approved by the City Council, sets out requirements for the dedication of land or payment of in lieu fees for park purposes for new residential projects that involve subdivision. Prior to approval of a final subdivision of land and construction of the project, the developer is required to enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance. The Park Impact Fee Ordinance (PIO) sets out requirements for the payment of park fees according to a set formula for projects that do not require subdivision. Both Ordinances include a formula to reduce fees if on-site recreation facilities for residents are provided. Funds collected through the PDO and PIO may be spent for community serving recreation facilities located within a 2-mile radius of the project. The City Council ultimately makes the decision regarding the allocation of these funds to either purchase property for parkland or improve existing or planned parks areas.

Tamien Parks and Fee Allocation Collected from Recently Approved Projects

The City collected in lieu fees for the recently constructed Italian Gardens Family Housing project located on the east side of Almaden Road, south of Alma Avenue. The fees collected from this project were allocated to the Tully Road Ballfield project which is within a 2-mile radius of the Italian Gardens site. The adjacent Senior Housing project was exempt from fees at the time in accordance with the PDO. Fees will be collected for the recently approved 16-unit townhome project at the northeastern corner of Lick Avenue and Floyd and distributed in accordance with the PDO requirements.

In conformance with the Specific Plan's identified need for park sites in addition to those designated in the Specific Plan, the City Council has conditioned the Almaden Family Apartments Phase I project (PD01-010), located on the west side of Almaden Road south of Alma Avenue to provide 1.62 acres of undeveloped parkland to meet the project's obligation for parkland dedication and fees. Phase II of the project (which has not yet obtained a Planned Development Permit) will provide another 0.76 acres of parkland for a total 2.38-acre park. Additionally, the City has acquired, and is constructing a nearby 0.44-acre neighborhood park at the southeast corner of Floyd Street and Locust Avenue.

PDO Requirements for the Current Rezoning

The proposed rezoning to allow 244 condominium units and 14 town homes translates into a park obligation of approximately 1.77-acres or \$2,709,000 (this figure does not account for any private recreational credits allowable under the PDO). Because the Specific Plan designates a park to the north of this site and does not anticipate park acreage at the subject location, fees are proposed for this project in lieu of the approximately 3.18 acres of land dedication that would otherwise be required. The fees will likely be used to purchase a portion of the 4-acre park on the VTA site.

Based on this analysis, staff concludes that the proposed project is consistent with the parks provisions of the Specific Plan and with the requirements of the Parkland Dedication Ordinance.

Conclusion

Based on the above analysis, staff concludes that the proposed project provides a significant opportunity to further important goals and strategies of the General Plan for transit-oriented, high-density, infill development within the Urban Service Area, and that the project is consistent with the Tamien Station Area Specific Plan and the Residential Design Guidelines.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Tamien Station Area Planned Community: Transit Corridor Residential: 25-150 Dwelling Units per Acre.
2. The proposed project is consistent with the policy criteria of Tamien Station Area Specific Plan.
3. The proposed project is consistent with the Residential Design Guidelines.
4. The project furthers the goals and objectives of the City's infill housing strategies and will promote transit usage.

Attachments:

Location Map
General Development Plan Notes
Correspondence
Mitigated Negative Declaration
Plans

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