

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.: 05/12/04 Item: 3.f

File Number
 C 04-020

Application Type
 Director Initiated Conventional Rezoning

Council District
 3

Planning Area
 Central

Assessor's Parcel Number(s)
 264-19-001-007, 036-038, 067, 076, 078. 264-20-034-039, 041, 042, 044-053, 065-069, 086-108, 113, 114, 126, 127. 264-21-002, 003, 005 (portion of), 031-035, 068, 069, 073. 264-25-097-099, 120 (portion of). 264-26-014, 017-029, 088 (portion of).

STAFF REPORT

PROJECT DESCRIPTION: Conventional Rezoning of properties from LI Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to R-2 Two-Family Residence Zoning District and CP Pedestrian Commercial to allow residential uses and some commercial uses.

Completed by: Patrice Shaffer

Location: Generally bounded by Interstate 280, West San Carlos Street, Bird Avenue, and Highway 87.

Gross Acreage: 13.48

Net Acreage: 13.48

Net Density: N/A

Existing Zoning: LI Light Industrial and R-2 Two-Family Residence

Existing Use: Single family, duplex, multi-family, commercial and light industrial

Proposed Zoning: R-2 Two-Family Residence and CP Commercial Pedestrian

Proposed Use: No change

GENERAL PLAN

Completed by: PS

Land Use/Transportation Diagram Designation
 Medium Density Residential (8-16 DU/AC), Neighborhood /Community Commercial, Public/Quasi-Public and Floating Public Park/Open Space.

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: PS

North: Commercial, industrial, single-family residential and multi-family residential

A(PD) Planned Development, CP,CN, CG and LI

East: Highway 87, Guadalupe River Park and Children's Discovery Museum

CG, LI and R-2

South: Interstate 280, commercial, single-family and two-family residences, and an elementary school

R-2, R-M, CO and CP

West: Commercial, industrial and some single-family and two family residential

CN, CG, LI and R-2

ENVIRONMENTAL STATUS

Completed by: PS

Environmental Impact Report found complete(GP 2020 EIR certified 8-16-94)
 Negative Declaration circulated on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: Patrice Shaffer

Annexation Title: Original City, Gardiner # 1

Date: September 9, 1850 and March 16, 1911

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____

Action
 Recommendation

APPLICANT	OWNER	DEVELOPER
City of San Jose	Various	N/A

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: PS

Department of Public Works

None Received.

Other Departments and Agencies

Airport Department-The subject rezoning is located on the margin of the projected 65 dB CNEL noise impact area of San Jose International Airport as well as within the ALUC referral area. Therefore, pursuant to General Plan and ALUC policy, conditions of development approval should require dedication of an Avigation Easement to the City prior to issuance of building permits for development. Design of any future development should also ensure that sufficient noise attenuation features are included to meet State interior noise standards.

Fire Department-The subject rezoning shall comply with comments from the Building/Fire Department at the plan review stage. The site flow may be as high as 4,500 GPM.

GENERAL CORRESPONDENCE

Letter received from Delmas Park Neighborhood Advisory Committee dated April 28, 2004 (attached).

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a City-initiated, conventional rezoning from the LI Light Industrial Zoning District and a small portion of R-2 Two-Family Zoning District to R-2 Two-Family Residence and CP Commercial Pedestrian zoning districts on a 13.58 gross-acre site area. The project site is located within the Delmas Park Strong Neighborhoods Initiative (SNI) Planning Area. The rezoning area is located generally between West Santa Clara Street to the north, Bird Avenue to the west, Interstate 280 to the south, and State Route 87 to the east. (See Map 1). It should be noted that a separate zoning change (C04-03-019) has been initiated concurrently by the City to rezone portions of the Delmas Park area north of Park Avenue and south of San Fernando Street. (See Map 2).

The Planning Commission endorsed, and the City Council approved, the *Delmas Park Strong Neighborhoods Initiative Plan* in 2003. The *Plan* established as its "Top Ten" Priority Action Item # 3 that the City modify the General Plan land use and zoning designations for specific portions of the *Plan* area to represent the community's preferred land uses and vision for their area. While the *Plan* supports and encourages redevelopment of large portions of the *Plan* area to new high and very high density housing, neighborhood commercial, and mixed uses, a key community objective in the SNI *Plan* is the long term protection of the existing "single-family"



Bungalow in subject rezoning area

residential neighborhood pockets. The subject area is one of those single family pockets identified for protection in the *Plan*. Although the subject area is currently zoned for light industrial uses and a small duplex area, (see Map 3) the subject area consists primarily of single-family homes, but also contains a few duplexes and small scale commercial uses (see Map 2). The subject area also contains a number of auto related industrial uses which are incompatible with the existing residential neighborhood and which are encouraged for relocation by the *Delmas Park SNI Plan*.

To further the objectives and recommendation of the *Delmas Park SNI Plan*, and to encourage the preservation and enhancement of this residential enclave, the General Plan land use designation for the subject area was changed in August 2003, from Residential Support for the Core Area (25+ Dwelling Units per Acre (DU/AC)) to Medium Density Residential (8-16 DU/AC) on 15.58 acres, Neighborhood/Community Commercial on 1.16 acres, Public/Quasi Public on .4 acres and Floating Public Park, a designation not tied to a specific property but to the general area.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final Environmental Impact Report entitled "San Jose 2020 General Plan," and certified on August 16, 1994, by City Council Resolution No. 65459.

GENERAL PLAN CONFORMANCE

The *San Jose 2020 General Plan* Land Use/Transportation Diagram designations for the subject rezonings are Medium Density Residential (8-16 DU/AC), Neighborhood /Community Commercial, Public/Quasi-Public and Floating Public Park. (See Map 4). The proposed R-2 Two-Family Zoning District and the CP Commercial Pedestrian Zoning District are compatible with these designations. One particular parcel, Assessor Parcel Number (APN) 264-21-031, is proposed for rezoning to a CP Commercial Pedestrian Zoning District at the property owner's request. The General Plan designation of this property is currently Medium Density Residential (8-16 DU/AC), however the current use is office. Additionally, a commercial type of building exists at this site. Under the General Plan's Discretionary Alternate Use Policy, the "Two Acre Rule," the CP Commercial Pedestrian Zoning District may be found to conform to the General Plan designation of Medium Density Residential (8-16 DU/AC) because the office use is allowed in the CP Zoning District and the office use is an existing use.

ANALYSIS

The proposed rezoning will achieve two goals for the subject area: (1) improved consistency with the *San José 2020 General Plan*; and (2) Implementation of the *Delmas Park SNI Neighborhood Improvement Plan's* goals and objectives and its "Top Ten" Priority Action Item # 3.

The subject area's current General Plan Land Use Designations - Medium Density Residential (8 – 16 DU/Acre) and Neighborhood/Community Commercial - are intended to promote single and two family residential development and neighborhood serving commercial uses, respectively, and do not allow industrial uses. Typically the Medium Density Residential Land Use Designation is implemented through the R-2 Two-Family Residence Zoning District and the Neighborhood/Community Commercial Land Use Designation is implemented through the CP Commercial Pedestrian or CN Commercial Neighborhood Zoning District. With the exception of the relatively small number of properties in industrial use, the proposed zoning districts largely



Auto repair adjacent to residential

reflect the existing uses in the subject area. The portion of the subject area proposed for the R-2 Zoning District is predominantly developed with single-family residences and has the character of a single-family neighborhood. The properties that are proposed to be rezoned to CP Pedestrian Commercial primarily contain small scale commercial structures most of which contain neighborhood serving commercial uses permitted by the CP Commercial Pedestrian District.

All of the subject properties are currently zoned with the LI Light Industrial Zoning District and a small portion is R-2 Two-Family Zoning District, which is not considered to be consistent with the underlying residential and commercial General Plan designations. Inconsistency between General Plan and Zoning can send a mixed message to property owners and developers about the development potential for a given property and can act as a barrier to their development or improvement. The proposed rezoning will

facilitate the preservation and improvement of the subject area's existing single and two-family residential properties and neighborhood serving commercial uses, consistent with the General Plan, and will discourage the establishment of new uses that would be incompatible with this residential neighborhood. Specifically, the proposed rezoning will discourage new industrial uses and the significant expansion of existing industrial uses, and may encourage the redevelopment of these industrial properties into uses compatible with the neighborhood.

As a result of the proposed rezoning, any parcels legally developed as industrial or commercial uses would become legal nonconforming and would be allowed to remain. The expansion or change of any legal nonconforming uses would be subject to the provisions of Title 20 of the Municipal Code. New development proposed in the subject area would have to conform to the R-2 Two Family Residential and CP Commercial Pedestrian Zoning designations.

It should be noted that the *Delmas Park Neighborhood Improvement Plan* acknowledges opportunities for significant higher intensity development than currently exists along West San Carlos Street and Delmas Avenue, consistent with the General Plan. Most likely, higher-density mixed residential and commercial uses would be located adjacent to single-family residences along West San Carlos Street. Higher-density residential could also potentially develop adjacent to single-family houses along Delmas Avenue. Neighborhood design compatibility and interface issues would need to be addressed at the time of future redevelopment. Any future redevelopment would require sensitivity to surrounding properties to ensure the protection of the "single-family" residential blocks, which are intended for preservation through this proposed rezoning and its companion (C04-019).

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius received a notice of the public hearings to be held on the subject amendment before the Planning Commission on May 12 and City Council on June 1, 2004. In addition, the Department's web-site contains information regarding the zoning process, this zoning application on file, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of the rezonings. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and other members of the public.

SNI Outreach

The proposed rezoning was discussed with the Delmas Park Neighborhood Advisory Committee (NAC) and other community members at their regular monthly meetings on February 3, March 2, April 6 and May 4, 2004. The Delmas Park NAC is in full support of the proposed rezoning.

Property Owners Meeting

A meeting for property owners within the subject site was held on March 25, 2004. This property owners meeting addressed both this proposed rezoning as well as C04-019, the other proposed rezoning in Delmas Park. Nine property owners were in attendance, including both owner occupants and absentee landlords. While a number of the participants verbally expressed support for the proposed rezonings, two participants were vocally opposed because they were concerned that rezoning their properties from LI to R-2 districts would reduce the value and the flexibility of

using and/or redeveloping their properties. Both of these individuals owned property in this subject area. Planning staff addressed all of the questions and responded to all concerns brought up during the meeting.

As a follow up from this property owners meeting, staff met privately with private property owner Jack Wiens to address his concerns. To accommodate the needs of his business, staff is recommending, at his request, to rezone one of his properties (Assessor Parcel Number 264-21-031) to CP Commercial Pedestrian instead of R-2 Two-Family Residential, as originally proposed.

RECOMMENDATION

Planning staff recommends the City Council adopt an ordinance rezoning the site from Light Industrial Zoning District to R-2 Two Family Residential Zoning District and CP Commercial Pedestrian for the following reasons:

1. The proposed rezonings are consistent with the General Plan Land Use/Transportation Diagram designations of Medium Density Residential (8-16 DU/AC), Neighborhood /Community Commercial, Public/Quasi-Public and Floating Public Park/Open Space.
2. The proposed rezonings are consistent with the *Delmas Park Neighborhood Improvement Plan* and implements the *Plan's* "Top Ten" Priority Action Item #3.
3. The proposed rezonings will help to preserve and encourage the improvement of the existing residential homes and neighborhood serving commercial uses in the subject area and will encourage redevelopment of incompatible uses with development that is compatible with the surrounding neighborhood.

Attachments
Rezoning Map
Land Use Diagram
General Plan Diagram
Public Works Department Memorandum
Fire Department Memorandum
Santa Clara Valley Water District Memorandum
Delmas Park Q & A Sheet
Delmas Park NAC Memo
PS:II/207-02

Attachment
PS:II/207-02