

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. 08/10/05 Item: 3.e.

File Number  
PDC04-111

Application Type  
Planned Development Rezoning

Council District  
7

Planning Area  
South

Assessor's Parcel Number(s)  
477-73-039, 041 and 042

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lori Moniz

Location: East side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue

Gross Acreage: 3.86

Net Acreage: 3.86

Net Density: N/A

Existing Zoning: IP Industrial Park

Existing Use: Auto and industrial uses

Proposed Zoning: LI(PD) Planned Development

Proposed Use: Up to 58,555 square feet of industrial and commercial uses

### GENERAL PLAN

Completed by: LM

Land Use/Transportation Diagram Designation  
Combined Industrial/Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: LM

North: Light industrial uses

LI - Light Industrial

East: Light industrial uses

A(PD) Planned Development

South: Retail and Light industrial uses

A(PD) Planned Development

West: Retail (Costco)

A(PD) Planned Development

### ENVIRONMENTAL STATUS

Completed by: LM

Environmental Impact Report  
 Mitigated Negative Declaration (Adopted May 11, 2005)

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: LM

Annexation Title: McKinley No. 97

Date: February 17, 1982

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
 Action  
 Recommendation

### OWNER

The LoBue Living Trust  
Attn: Victor LoBue  
20100 Black Road  
Los Gatos, CA 95033

### DEVELOPER/APPLICANT

Green Valley Corporation  
Dbas Barry Swenson Builder  
Attn: Aaron Barger  
777 North First Street, 5<sup>th</sup> Floor  
San Jose, CA 95112

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: LM

**Department of Public Works**

See Attached Memoranda.

**Other Departments and Agencies**

N/A

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**GENERAL CORRESPONDENCE**

None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, Barry Swenson Builder, is requesting a Planned Development Rezoning from IP Industrial Park to LI(PD) Planned Development to allow up to 58,555 square feet of industrial and commercial uses. The project site is located on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue on a 3.86-gross-acre site. The subject site is currently occupied by an auto parts store, storage buildings and yard, a former residence that is currently used for offices, a fueling station, a tire shop and a portable office building. Surrounding the site are light industrial uses to the north, east and southeast and commercial uses to the south and west.

The City Council unanimously approved a change to the general plan designation on the subject site from Light Industrial to Combined Industrial/Commercial on June 21, 2005. The Combined Industrial/Commercial designation is intended to allow either commercial or industrial uses in areas which already exhibit such a mixed land use pattern, as is the case for the subject site.

**Project Description**

The proposed Planned Development Zoning to LI(PD) will allow the uses of the CP Commercial Pedestrian Zoning District with the exception of the residential uses of the CP. No conditional or special uses of the CP zoning district will be allowed. The existing industrial uses will be allowed to remain under the LI Light Industrial base district until a Planned Development permit is approved. Areas A and B will each require a separate PD permit to effectuate the Planned Development Zoning District.

**ENVIRONMENTAL REVIEW**

An Initial Study was prepared for the proposed Rezoning and previous General Plan amendment (GP04-07-03). A Mitigated Negative Declaration was circulated for public review by the Director of Planning,

Building and Code Enforcement on April 22, 2005 and adopted on May 11, 2005. The Mitigated Negative Declaration identified mitigation measures in the following categories: Air Quality, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise.

## **GENERAL PLAN CONFORMANCE**

The subject site was recently designated Combined Industrial/Commercial on the San José 2020 General Plan Land Use/Transportation Diagram. The Combined Industrial/Commercial land use designation is intended for commercial, office, or industrial development or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land uses are consistent with this use category. The proposed rezoning to LI(PD) Planned Development will allow compatible neighborhood-serving commercial uses and light industrial uses on the subject site.

## **ANALYSIS**

The Combined Industrial/Commercial designation on the site allows a flexibility of uses because either commercial or industrial uses would conform to the designation. The subject site is surrounded by light industrial uses to the north and light and heavy industrial uses to the east. Areas to the west and south already contain a mix of industrial and commercial uses, including neighborhood commercial and office uses to the south and a big box retail shopping center to the west. Allowing either industrial or commercial uses is consistent with the Combined Industrial/Commercial designation on the subject site and would provide a transition between the existing commercial uses to the south of the site and the existing industrial uses to the west and north of the site. However, allowing a mix of light industrial uses and commercial uses within the same building would not be desirable.

The proposed rezoning will allow a neighborhood shopping center or light industrial uses. The existing industrial uses can remain under the base district of LI Light Industrial. In order to avoid land use incompatibilities, the proposed Planned Development zoning is LI(PD) and is separated into Areas A & B. All future development will be required to conform to the uses of the LI Light Industrial Zoning District or, if a PD permit is obtained, the uses of the CP Commercial Pedestrian zoning district with some exceptions.

Currently, the applicant plans to develop Area A with commercial uses. Area B is occupied by a tenant (a tire shop) with a long term lease. Future development will be required to conform to the City's Industrial and Commercial Design Guidelines.

## **PUBLIC OUTREACH**

Staff presented the General Plan amendment and proposed rezoning for the subject site to the Tully-Senter Strong Neighborhood Coalition on November 4, 2004 and February 3, 2005. The attendees had no objection to the proposal. They expressed the need for additional commercial uses because there has been residential development approved within proximity of the subject site.

The property owners received a notice of the Mitigated Negative Declaration. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site.

as well as published in the San José Post Record and the San José Mercury News. The Planning Commission Agenda is posted on the City of San José web site with copies of the staff report. Staff has been available to discuss the proposal with members of the public.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The project furthers the goals and objectives of the City's commercial land use policies.
3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.