

CITY OF SAN JOSE, 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. 6-9-04 Item 4.h.

File Number
HA 76-044-01

Application Type
Appeal of Director's Decision to Deny a
Site Development Permit Amendment

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-02-033

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: Northeasterly corner of The Alameda and West Julian Street

Gross Acreage: 1.2

Net Acreage: 1.2

Net Density: n/a

Existing Zoning: CO Commercial Office and
CG Commercial General

Existing Use: Commercial

Proposed Zoning: n/a

Proposed Use: Commercial

GENERAL PLAN

Completed by: ELM

Land Use/Transportation Diagram Designation

General Commercial with Neighborhood Business District
Overlay

Project Conformance:

Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: ELM

North: Commercial and residential

A(PD) Planned Development and CO Commercial Office

East: Commercial

CG Commercial General and CO Commercial Office

South: Commercial

CG Commercial General and A(PD) Planned Development

West: Commercial

CG Commercial General and A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: ELM

Environmental Impact Report found complete
 Negative Declaration circulated on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: ELM

Annexation Title: College Park/ Burbank Sunol

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: June 2, 2004

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Bertram Berns
1332 Lincoln Avenue
San Jose, CA 95125

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: ELM

Department of Public Works

None received.

Other Departments and Agencies

See attached memo from Fire Department

GENERAL CORRESPONDENCE

See Notice of Permit Appeal filed by Bertram Berns on April 15, 2004. See attached correspondence from Jim Fox dated April 1, 2004; Jay Ross dated March 16, 2004; Lisa Sinizer dated March 15, 2004; Cynthia Mertens dated March 15, 2004; Stephanie Reitz dated March 11, 2004; Jessica Greene dated March 11, 2004; Dave Bridgen dated March 10, 2004; Jim Fox dated March 9, 2004; Rose Sellards dated March 9, 2004; Jay Ross dated March 5, 2004.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This is an appeal of the Director of Planning's decision to deny a Site Development Permit Amendment to allow installation of a property-line fence within an existing parking area located behind commercial businesses that front onto The Alameda. The site is zoned CO Commercial Office and CG Commercial General. The six-foot tubular steel fence is proposed to extend from an existing commercial building on the subject property to a fence bordering the single-family property located to the north to "close off" the eastern edge of the property.

The Site Development Permit Amendment was denied by the Director of Planning on April 9, 2004, following a public hearing (see attached Permit Denial).

The subject site and surrounding properties are located within The Alameda Neighborhood Business District. The area is characterized by commercial buildings on individual parcels set close to The Alameda with parking located behind the structures. The area behind the businesses on this block of The Alameda consists of a large open parking field. The Neighborhood Business District is made up of individual retail and other commercial businesses that offer goods and services to the public. Fences do not currently separate the parking on individual lots within this parking area. The proposed fence includes an emergency crash gate on the property line shared with an adjoining parcel.

The applicant owns the subject property and adjoining properties to the north and west. The applicant is co-owner of a triangular shaped property to the east, and does not own the two other properties to the east (Assessor's Parcel Numbers 261-02-030 and 261-02-032).

On April 15, 2004, the applicant filed a Notice of Appeal of the Director's decision to deny the Site Development Permit Amendment (see attached). Along with the Appeal, the applicant provided revised plans with modifications to the parking lot design and revision to the width of the proposed emergency crash gate from 16 feet to 20 feet in width.

The applicant has stated that the purpose of the fence is to prevent members of the public, both in vehicles and on foot, from trespassing across his property to access the businesses located at 1077 and 1081 The Alameda. The applicant has indicated that the adjacent property owners have signed releases agreeing not to object to the installation of a barrier on the subject property.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15303(e) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt pursuant to the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. This section pertains to the construction of small new accessory structures such as the proposed fence. The Director of Planning has determined that the proposed project will not have a significant adverse effect on the environment.

PUBLIC OUTREACH

Hearing notices were mailed to property owners within 500 feet of the subject property for both the Director's and Planning Commission Hearings in conformance with the Public Outreach Policy. Staff has been available to discuss the project with members of the public, and has received numerous telephone calls and correspondence from members of the public (see attached).

The Planning Division has received correspondence from members the public regarding the proposed fence. Many of the correspondents stated their opposition to the proposed fence due to concern about accessibility related to the Americans with Disabilities Act, detrimental impacts to the neighborhood business district, access to the businesses located at 1077 and 1081 The Alameda, and concern about the effect of parking lot fencing on emergency vehicle response time.

GENERAL PLAN CONFORMANCE

This site has a designation of *General Commercial with Neighborhood Business District Overlay* on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The existing commercial use of the site is consistent with this designation; however, the proposed fence is inconsistent with several goals and policies of the General Plan pertaining to the removal of urban barriers, the enhancement of neighborhood identity and the encouragement of high quality, interconnected, accessible, and efficient pedestrian environments. The proposed fence does not support the pedestrian character of the "main street" Neighborhood Business District where the subject site is located. See the *Analysis* section below for further discussion.

ANALYSIS

Following is a response to the issues raised in the attached Notice of Appeal.

Purpose of the Site Development Process

The Director's decision to deny the subject Site Development Permit was based on Title 20 of the San Jose Municipal Code and on the San Jose 2020 General Plan. Section 20.100.600 of the Zoning Code states that the purpose of the Site Development Permit process is to promote orderly development, to enhance the character, stability, integrity, and appearance of neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of the Zoning Ordinance and the General Plan.

Required Findings

Section 20.100.630 specifies that the Director, or the Planning Commission on appeal, shall grant a Site Development Permit only if all of the following findings are made:

1. *The interrelationship between the orientation, location and elevations of the proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.*
2. *The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.*
3. *The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.*
4. *Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior hearing, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.*
5. *Traffic access, pedestrian access and parking are adequate.*
6. *The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency.*

Analysis of Findings

Staff believes that it is not possible to make required findings No. 2, 5 and 6. Following is an analysis of each of these findings as they pertain to the proposed Site Development Permit Amendment:

General Plan Conformance - Finding No. 6. The proposed fence is not consistent with the pedestrian orientation of the General Plan Neighborhood Business District designation or with General Plan goals and policies concerning commercial development, pedestrian accessibility and

urban barriers. The importance of pedestrian environments and accessibility is underscored widely in the General Plan:

Commercial Land Use Goal. *“Provide a pattern of commercial development which best serves community needs through maximum efficiency and accessibility”.*

Pedestrian Facilities Policy No. 17. *“Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly in the Downtown Core and Frame areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, accessible to people with disabilities, and convenient”.*

Transportation Goal. *“Develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promotes walking as a desirable mode of transportation.”*

Neighborhood Identity Policy No. 3. *“Public and private development should be designed to improved the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed.”*

The proposed fence bisects a parking area made up of several individual parcels (including the subject parcel), which have been designed to function as an integrated parking lot and have functioned as such for many years. Aerial photographs from as early as 1974 reveal that the parking layout has existed in its present configuration since that time. In 1977, the Director of Planning approved a Site Development Permit (City File No. HD76-044) for the subject property, based on a plan submitted by the property owner that reflects the current striping of the site. This plan necessitates that drivers use the adjacent property for vehicle back-up space and circulation. Consistent with this design, the greater parking area has functioned as an integrated parking lot and the public has used it in this manner for at least 30 years. The property owner is now proposing to redesign the parking lay-out and install a fence to isolate parking on the subject property from the greater parking area and to restrict vehicular and pedestrian access where the parking design previously provided access.

This proposal does not provide a pattern of development which “best serves the community through maximum efficiency and accessibility.” To the contrary, it establishes urban barriers to and inhibits vehicular and pedestrian movements in a commercial shopping district, the goal of which is to attract the public to businesses that provide goods and services. The proposed fence limits pedestrian movements between residential and commercial areas and between commercial businesses and is contrary to the goal of revitalizing The Alameda Business District. Staff does not believe that there are counterbalancing considerations associated with this proposal that would warrant its approval despite its lack of conformance with the General Plan.

While staff understands from information provided by the applicant that the applicant and adjacent property owners have reached a contractual mutual understanding and arrangement amongst themselves as to the usage of the parking area through litigation, the City was not a party to that litigation and is not aware of any court orders mandating that the City facilitate one party or another to that litigation in the implementation of any particular settlement arrangement (or one party’s idea of how to enforce their private arrangements) reached by the private parties through their private litigation. Staff’s analysis of the applicant’s proposal is based upon an analysis of the proposal’s consistency with existing City laws and policies applicable to that particular proposal.

Compatibility - Finding No 2. The proposed fence is not compatible with adjacent development or the character of the neighborhood business district in which it is located. Fences do not currently separate the parking on individual lots within this parking area. The installation of property-line fencing is not consistent with the existing development pattern of this area, nor is it desirable in light of the goals of the Neighborhood Business District to create vital commercial shopping districts with high quality, interconnected, accessible, and efficient pedestrian environments.

Access – Finding No. 5. The plans on file for this project at the time the Site Development Permit was denied reflected the existing parking layout (see attached site plan entitled “Original Submittal”). This layout requires that vehicles circulate onto the adjoining property (APN 261-02-032) in order to access and exit the northerly-most parking spaces. The proposed property-line fence rendered this design unworkable. The plans submitted with the Notice of Appeal include a revised parking layout that isolates the parking on this site from that of the adjacent property and increases the width of the proposed emergency access gate from 16 to 20 feet (see attached plan set). The current proposal eliminates drive aisle connections with the adjacent properties and closes off the property line with a fence.

The existing integrated parking design is one the property owner proposed and accepted as part of Site Development Permit File No. HD76-044. The proposal to change the design of the parking lot and to install a physical barrier is contrary to the General Plan goals of fostering an accessible, efficient, interconnected, high quality pedestrian environment in this area of The Alameda Business District. To the extent that access easements do not exist across this property, the applicant may take legal measures to preclude public access; however, the Planning Director, or the Planning Commission on appeal, may not approve any Site Development Permit to assist the applicant in implementing one possible method of enforcing his private property rights unless the findings required by the Zoning Code can be made. Staff believes that the proposal to construct a barrier through the middle of an existing parking area does not foster an accessible, efficient, interconnected, high quality pedestrian environment (as set forth in the City’s pedestrian policies and the transportation and land use goals of the General Plan) and that the required findings for a Site Development Permit of providing adequate access cannot be made in connection with this proposal.

Compatibility with Adjacent Development – Finding No. 2. As previously mentioned, the existing development pattern of this block of The Alameda is characterized by commercial businesses which front onto The Alameda, flanked by a large open parking field unobstructed by fences. The current proposal to install a fence down the middle of the existing parking field is not aesthetically harmonious with the character of the neighborhood. The subject parcel is part of a parking field that includes five parcels. At present, the parking field is designed such that the lot is functionally and visually integrated. For this reason, staff has determined that another required finding for a site development permit (that the orientation and location of the proposed fence be compatible with and be aesthetically harmonious with adjacent development or the character of the neighborhood) cannot be made to support this particular idea of the applicant’s in that, as indicated previously, fences do not currently separate the parking on individual parcels within the parking area.

Enforcement of Private Property Rights

The Zoning Code's articulated purpose for the Site Development Permit process focuses on broad public objectives, such as promoting orderly development and securing the general purposes of the Zoning Ordinance and General Plan. While private property owners may have innumerable reasons why they might desire to construct certain structures or perform certain uses on their private properties, the City's Zoning Code and General Plan do not concern themselves with evaluating the merit of those private motivations or desires. The goal of the site development permit process is to ensure that whatever or however a private property proposes to achieve those private desires will also comport with overall public health, safety and welfare as articulated through the City's General Plan goals and policies and the Zoning Code regulations. That process may in some instances act as a limitation on the particular manner in which a private property owner wants to enforce or exercise his rights where, as here, a proposal conflicts with the purposes of the Zoning Code and General Plan.

The applicant asserts that the adjacent property owner must have an easement to access and use the parking on his site. While that may be true, the lack of an existing easement (if, indeed, no easement exists) does not necessitate that the City approve a physical barrier that is not consistent with the purposes, goals, and policies of the Zoning Code and General Plan.

Inaccurate Facts, Information and Assumptions

The appeal asserts that facts, information and assumptions included in the Director's decision to deny the Site Development Permit Amendment are inaccurate; however the appeal fails to identify these inaccuracies. This comment is too vague to allow for a direct a response.

CONCLUSION

Based on the above analysis of the findings required for approval of a Site Development Permit, staff concludes that the denial of the subject Permit was necessary because the required findings cannot be made and that a denial is consistent with the requirements of the Zoning Code.

RECOMMENDATION

Planning Staff recommends the Planning Commission uphold the Director's decision to deny the Site Development Permit Amendment and include the following facts and findings in its resolution.

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The proposed site is located in the CO Commercial Office and CG Commercial General Zoning District.
2. This site has a designation of General Commercial with Neighborhood Business District Overlay (The Alameda Neighborhood Business District) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.

3. The subject site and surrounding sites are located within The Alameda Neighborhood Business District. The Neighborhood Business District is made up of individual retail and other commercial businesses that offer goods and services to the public.
4. The subject site and surrounding area is characterized by commercial buildings on individual parcels set close to The Alameda with parking located behind. The area behind the businesses on this block of The Alameda consists of a large open parking field.
5. In 1977, the Director of Planning approved a Site Development Permit (City File No. HD76-044) for the subject property, based on a plan submitted by the property owner that reflects the current striping of the site. This plan necessitates that drivers use the adjacent property for vehicle back-up space and circulation. Consistent with this design, the greater parking area has functioned as an integrated parking lot and the public has used it in this manner for at least 30 years.
6. The project proposes to install a fence along the easterly property line as shown on the proposed plans. The proposed fence would connect with the existing commercial buildings on the subject property and the existing fence around the single-family property located north of the subject site to “close off” the eastern edge of the subject property. The proposed fence includes an emergency crash gate (20 feet in width) on the property line shared with an adjoining parcel.
7. Section 20.100.630 specifies that the Director, or the Planning Commission on appeal, shall grant a Site Development Permit only if all of the following findings are made:
 - a. The interrelationship between the orientation, location and elevations of the proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
 - c. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
 - d. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior hearing, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.
 - e. Traffic access, pedestrian access and parking are adequate.
 - f. The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency.
8. The Site Development Permit Amendment was denied by the Director of Planning on April 9, 2004, following a public hearing.
9. The Director’s decision to deny the subject Site Development Permit was based on Title 20 of the San Jose Municipal Code and on the San Jose 2020 General Plan.

10. On April 15, 2004, the applicant filed a Notice of Appeal of the Director's decision to deny the Site Development Permit Amendment (see attached). Along with the Appeal, the applicant provided revised plans with modifications to the parking lot design and revision to the width of the proposed emergency crash gate from 16 feet to 20 feet in width.
11. The applicant owns the subject property and adjoining properties to the north and west. The applicant is co-owner of a triangular shaped property to the east, and does not own the two other properties to the east (Assessor's Parcel Numbers 261-02-030 and 261-02-032).
12. The applicant has stated that the purpose of the fence is to prevent members of the public, both in vehicles and on foot, from trespassing across his property to access the businesses located at 1077 and 1081 The Alameda.
13. The applicant has indicated that the adjacent property owners have signed releases agreeing not to object to the installation of a barrier on the subject property.
14. The applicant would need no land use permit approvals from the City to erect signage at the rear of the property or to hire security guards.
15. Fences do not currently separate the parking on individual lots within the surface parking area.
16. The Planning Division has received correspondence from members the public regarding the proposed fence. Many of the correspondents stated their opposition to the proposed fence due to concern about accessibility related to the Americans with Disabilities Act, detrimental impacts to the neighborhood business district, access to the businesses located at 1077 and 1081 The Alameda, and concern about the effect of parking lot fencing on emergency vehicle response time.
17. Section 20.100.600 of the Zoning Code states that the purpose of the Site Development Permit process is to promote orderly development, to enhance the character, stability, integrity, and appearance of neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of the Zoning Ordinance and the General Plan.
18. The proposed fence bisects a parking area made up of several individual parcels (including the subject parcel) which have been designed to function as an integrated parking lot for many years. Aerial photographs from as early as 1974 reveal that the parking layout has existed in its present configuration since that time.
19. The proposed fence limits pedestrian movements between residential and commercial areas and between commercial businesses and is contrary to the goal of revitalizing The Alameda Business District.
20. The applicant originally proposed only a property-line fence; the current proposal also includes the isolation of an existing parking lot that has been integrated with the adjacent property for many decades.
21. The existing integrated parking lot design is one the property owner proposed and accepted as part of Site Development Permit File No. HD76-044.

22. To the extent that access easements do not exist across this property, the applicant may take legal measures to preclude public access; however, the Planning Director, or the Planning Commission on appeal, may not approve any Site Development Permit to assist the applicant in enforcing private property rights unless the findings required by the Zoning Code can be made.
23. The General Plan Neighborhood Identity Goal states that the City should: “Enhance the sense of neighborhood identity in San Jose.”
24. Policy No. 3 of the Neighborhood Identity Goal states that: “Public and private development should be designed to improve the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed.”
25. The General Plan Commercial Land Use Goal states that the City should: “Provide a pattern of commercial development which best serves community needs through maximum efficiency and accessibility.”
26. Policy No. 4 of the Commercial Land Use Goal states that the City should: “Encourage the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers.”
27. The General Plan Transportation Goal states that the City should: “Develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promote walking as a desirable mode of transportation.”
28. Pedestrian Facilities Policy No. 17 states that: “Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the city and in activity areas such as schools, parks, transit stations, and in urban areas, particularly in the Downtown Core and Frame areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, accessible to people with disabilities, and convenient.”
29. The Zoning Code’s articulated purpose for the Site Development Permit process focuses on broad public objectives, such as promoting orderly development and securing the general purposes of the Zoning Ordinance and General Plan.
30. The process is not set up to enforce private property rights, but rather, serves as a control on these rights where they conflict with the purposes of the Zoning Code and General Plan. The lack of an easement (if, indeed, no easement exists) does not necessitate the City’s approval of a physical barrier that is not consistent with the purposes of the Zoning Code and General Plan.

The Planning Commission, based on the facts above, finds the following:

1. The proposed fence is not consistent with the development pattern of the surrounding area.
2. The proposed fence is not consistent with the pedestrian orientation of the General Plan Neighborhood Business District designation or with General Plan goals and policies concerning commercial development, pedestrian accessibility and urban barriers.
3. The proposed fence is not consistent with the General Plan Neighborhood Identity Goal which states that the City should: "Enhance the sense of neighborhood identity in San Jose."
4. The proposed fence is not consistent with Policy No. 3 of the Neighborhood Identity Goal which states that, "Public and private development should be designed to improve the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed."
5. The proposed fence is not consistent with the General Plan Commercial Land Use Goal, which states that the City should, "Provide a pattern of commercial development which best serves community needs through maximum efficiency and accessibility."
6. The proposed fence is not consistent with Policy No. 4 of the Commercial Land Use Goal which states that the City should, "Encourage the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers."
7. The proposed fence is not consistent with the General Plan Transportation Goal which states that the City should: "Develop a continuous, safe, accessible, interconnected high quality pedestrian environment that promote walking as a desirable mode of transportation."
8. The proposed fence is not consistent with the Pedestrian Facilities Policy No. 17 which states that: "Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the city and in activity areas such as schools, parks, transit stations, and in urban areas, particularly in the Downtown Core and Frame areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, accessible to people with disabilities, and convenient."
9. While the City recognizes that the applicant is not required, and the City is not requiring the applicant, to provide access to adjoining properties over the subject site, the current lack of an easement for access across the applicant's property constitutes an existing barrier to and does not foster an accessible, efficient, interconnected high quality pedestrian environment. The installation of a fence would create an additional physical barrier to achieving General Plan Goals for an accessible, efficient, interconnected, high quality pedestrian environment in the area of The Alameda Neighborhood Business District.
10. The current lack of an easement for access across the applicant's property constitutes an existing barrier to an accessible, efficient, interconnected high quality pedestrian environment.
11. The proposed installation of a 6-foot fence bisecting an open parking area is visually incongruous with surrounding development.

Based upon the above-stated findings, the Planning Commission concludes and finds that:

1. The interrelationship between the orientation, location and elevations of the proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are not compatible with and are not aesthetically harmonious with adjacent development or the character of the neighborhood.
3. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
 - a. Under the provisions of Section 15303(e) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. This section pertains to the construction of small new structures such as the proposed fence. The project will not have a significant adverse effect on the environment.
4. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior hearing, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.
5. Traffic access, pedestrian access and parking are not adequate.
6. This site has a designation of General Commercial with Neighborhood Business District Overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram. The existing commercial use of the site is consistent with this designation; however, the proposed fence is inconsistent with several goals and policies of the General Plan pertaining to the removal of urban barriers, the enhancement of neighborhood identity and the encouragement of high quality, interconnected, accessible, and efficient pedestrian environments. The proposed fence also does not encourage pedestrian travel in the neighborhood business district where the subject site is located.

Finally, based upon the above-stated findings, the Planning Commission upholds the Director's decision to deny the proposed application.

Attachments

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