



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 4, 2007

**COUNCIL DISTRICT:** 7

**SNI AREA:** Tully-Senter

**SUBJECT:** GP06-07-04. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL TO GENERAL COMMERCIAL ON AN APPROXIMATELY 3.6-ACRE SITE (2222 AND 2232 SENTER ROAD) ON THE EAST SIDE OF SENTER ROAD APPROXIMATELY 600 FEET SOUTH OF WOOL CREEK DRIVE.

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend approval of a General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Light Industrial to Combined Industrial/Commercial on the subject site.

The Director of Planning, Building and Code Enforcement recommended denial of the proposed General Plan amendment. However, Planning staff suggested that, should the City Council wish to allow commercial uses on the site, the City Council could consider changing the land use designation on the site from Light Industrial to Combined Industrial/Commercial, which potentially would allow the applicant to achieve their objectives for retail and office commercial development while retaining the option for future industrial development.

## OUTCOME

If the City Council approves a General Plan amendment to change the Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial on the subject site, as recommended by the Planning Commission, then commercial, office, or industrial uses, or a compatible mixture of these uses, would be allowed on the subject site.

If the City Council denies the General Plan amendment request, and recommends no change to the General Plan, then the existing Light Industrial land use designation will be maintained on the subject site. Examples of typical uses within this designation are warehousing, wholesaling, and light manufacturing. Office and higher-end industrial uses are discouraged in order to preserve the scarce, lower cost land resources that are available for start-up industries or lower cost industrial

operations. Light Industrial designated properties may also contain service establishments that serve only employees of businesses located in the immediate industrial area.

If the City Council approves the applicant's original proposal to change the land use designation to General Commercial on the subject site, commercial uses would be allowed on the site, and new proposed industrial uses on the site would be inconsistent with the General Commercial land use designation.

## **BACKGROUND**

On November 13, 2006, the Planning Commission held a public hearing to consider the applicant's proposed General Plan amendment change from Light Industrial to General Commercial. The Director of Planning, Building and Code Enforcement recommended denial of the proposed General Plan amendment. However, Planning staff suggested that should the City Council wish to allow commercial uses on the site, the City Council could consider changing the land use designation on the site from Light Industrial to Combined Industrial/Commercial, which potentially would allow the applicant to achieve his objectives for retail and office commercial development while retaining the option for future industrial development.

At the Planning Commission hearing on November 13, 2006, the applicant stated that he would support the Combined Industrial/Commercial land use designation as an alternative to his original General Plan amendment request for General Commercial on the subject site. No one else from the public spoke on the item.

The Planning Commission then voted 6-0-1 (Commissioner Pham absent) to recommend approval of a General Plan amendment to change the land use designation from Light Industrial to Combined Industrial/Commercial on the subject site. However, per consultation with the City Attorney after the Planning Commission hearing, Planning staff recommended deferral of the subject amendment to the next available General Plan hearing cycle to allow an update of the environmental clearance documentation in order to address a pending Planned Development Zoning application (File No. PDC 06-119) for the subject site that had been submitted during the circulation of the Mitigated Negative Declaration for the proposed General Plan amendment.

On March 28, 2007, the Planning Commission then held a second public hearing to reconsider the Planning Commission's previous recommendation for a General Plan amendment from Light Industrial to Combined Industrial/Commercial. This item was considered as part of the consent calendar, with no discussion by the Planning Commission. No one appeared in support of, or in opposition to, the proposed General Plan amendment.

## **POLICY ALTERNATIVES**

Not applicable.

## **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting held on September 7, 2006 at Shirakawa Elementary School to discuss the proposed General Plan amendment. They received a notice of the Mitigated Negative Declaration and a joint notice of public hearings to be held on the subject General Plan amendment. Staff participated in the Strong Neighborhood Coalition meeting on November 2, 2006 at the Santee Neighborhood Action Center to present the amendment to the community.

The property owners and tenants within a 1000-foot radius of the subject site received a notice of the new Mitigated Negative Declaration on the subject General Plan amendment and the recently filed Planned Development Rezoning application (File No. PDC 06-119) and also a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on March 28, 2007 and City Council on April 24, 2007. The attached staff report and the supplemental staff memo for the General Plan amendment contains a detailed summary of the discussion at the community meetings and copies of community correspondence. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Department of Transportation, Office of Economic Development, Environmental Services Department and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

Consistency with applicable General Plan policies is discussed in the attached staff report.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

April 4, 2007

**Subject:** GP06-07-04

Page 4

**CEQA**

A Mitigated Negative Declaration for the pending General Plan amendment and the concurrently pending rezoning application (File No. PDC06-119) was adopted on March 26, 2007.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Jenny Nusbaum, Department of Planning, Building and Code Enforcement, 535-7800.



# Memorandum

TO: PLANNING COMMISSION

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: March 21, 2007

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COUNCIL DISTRICT: 7  
SNI AREA: Tully-Senter

**SUBJECT: GP06-07-04. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM LIGHT INDUSTRIAL TO GENERAL COMMERCIAL ON AN APPROXIMATELY 3.6-ACRE SITE, ON THE EAST SIDE OF SENTER ROAD APPROXIMATELY 600 FEET SOUTH OF WOOL CREEK DRIVE (2222 AND 2232 SENTER ROAD).**

## SUPPLEMENTAL MEMO

The information contained in this memo on the proposed General Plan amendment's environmental review, public outreach, and staff recommendation sections supplements the staff report prepared for the amendment for the November 13, 2006 Planning Commission hearing. (See attached staff report prepared for the November 13, 2006 Planning Commission hearing.)

## BACKGROUND

During the Fall 2006 Planning Commission Hearing, the Planning Commission voted 6-0-1 (Commissioner Pham absent) to recommend approval of a General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Light Industrial to Combined Industrial/Commercial on the subject site. The applicant stated in the public hearing that he supported Combined Industrial/Commercial as an alternative to the applicant's original request for a General Commercial land use designation on the subject site.

A Planned Development Rezoning application (File No. PDC 06-119) was filed during the circulation of the Negative Declaration for the pending General Plan amendment. The proposed rezoning application is to change the zoning district on the site from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 54,200 square feet of commercial development.

Per consultation with the City Attorney after the Planning Commission hearing on November 13, 2006, Planning staff recommended deferral of the subject amendment to the next available General Plan Planning Commission Hearing to allow an update of the environmental review to

address the pending Planned Development Zoning application (File No. PDC 06-119). The proposed Planned Development Rezoning will be scheduled for separate public hearings by the Planning Commission and the City Council if the General Plan amendment is approved.

### **Previous Planning Commission Hearing**

On November 13, 2006, the Planning Commission held a public hearing to consider the applicant's proposed General Plan amendment change from Light Industrial to General Commercial. The Director of Planning, Building and Code Enforcement recommended denial of the proposed General Plan amendment.

However, Planning staff suggested that should the City Council wish to allow commercial uses on the site, the City Council could consider changing the land use designation on the site from Light Industrial to Combined Industrial/Commercial, which potentially would allow the applicant to achieve their objectives for retail and office commercial development while retaining the option for future industrial development.

Aaron Barger, representing the applicant, stated that he would consider the Combined Industrial/Commercial land use designation as an acceptable alternative. Staff clarified that the current environmental review would also provide clearance for the Combined Industrial/Commercial designation since it was less of a change to traffic and other impacts compared to General Commercial. In response to a question from Commissioner Zito, staff stated that under the Combined Industrial/Commercial Land Use designation, non-industrial uses such as a restaurant would need to be deemed compatible with industrial uses to be consistent with the General Plan. Office of Economic Development staff noted that Combined Industrial/Commercial was an appropriate compromise because it would allow small business type uses on the subject site. No one else from the public spoke on the item.

### **ENVIRONMENTAL REVIEW**

A new Draft Mitigated Negative Declaration for both the pending General Plan amendment and the recently submitted rezoning application was circulated on March 6, 2007 for public review and comments. The Mitigated Negative Declaration included mitigation to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with mitigation measures in the following categories: Aesthetics, Air Quality, Biological, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities and Service System.

### **PUBLIC OUTREACH**

A joint notice of public hearings was mailed out to the property owners and tenants within a 1000-foot radius of the subject site informing them about the Planning Commission on March 28, 2007 and City Council on April 24, 2007. In addition, the Planning Department website contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the amendments.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission consider the Negative Declaration in accordance with CEQA and recommend Combined Industrial/Commercial in accordance with the recommendation previously made by the Planning Commission on November 13, 2006.

  
for JOSEPH HORWEDEL, DIRECTOR,  
Planning, Building and Code Enforcement

Attachments: Previous staff report and Correspondence



March 14, 2007

City of San Jose  
Planning Division  
200 E. Santa Clara Street  
San Jose, CA 95113

Attention: Meera Nagaraj

Subject: City File No.: PDC06-119 / Senter-Wool Creek

Dear Ms. Nagaraj:

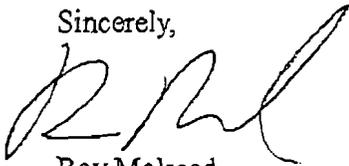
Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan change to General Commercial to allow up to 54,200 square feet of commercial uses on 3.62 acres on the east side of Senter Road, 680 feet south of Wool Creek Drive. We have the following comments.

Development Design

VTA's *Community Design & Transportation (CDT) Guidelines* should be used when designing this development. This document provides guidance on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements. The *CDT Guidelines* are available upon request to any agency staff. For more information on *CDT Guidelines*, please call Chris Augenstein of the CMP at 408-321-5725.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed  
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Public Works  
Samantha Swan, VTA

SJ0615



Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
San José, California 95113-1905

Hearing Date/Agenda Number:  
P.C. 11/13/06 Item: **7b**

File Number:  
GP06-07-04

Council District and SNI Area:  
District 7 / Tully-Senter

Major Thoroughfares Map Number:  
100

Assessor's Parcel Number(s):  
477-73-043

Project Manager:  
Meera Nagaraj

# GENERAL PLAN AMENDMENT STAFF REPORT FALL 2006 HEARING

**PROJECT DESCRIPTION:**

General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to General Commercial on an approximately 3.6-acre site.

**LOCATION:** East side of Senter Road, approximately 600 feet southerly of Wool Creek Drive (2222 and 2232 Senter Road).

**ACREAGE:** Approximately 3.6 acres

**APPLICANT/OWNER:**

Green Valley Corporation – Aaron Barger, Applicant/ E L S Properties Corporation, Owner.

**GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:**

Existing Designation: Light Industrial

Proposed Designation: General Commercial

**ZONING DISTRICT:**

Existing District: Light Industrial

**SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):**

North: Existing Professional offices; Light Industrial

South: Existing auto shop; Combined Industrial/Commercial

(Currently rezoned to LI(PD) to allow for industrial and commercial support.)

East: Crane and rigging company; Light Industrial

West: Big box retail – Costco; Heavy Industrial

**ENVIRONMENTAL REVIEW STATUS:**

Mitigated Negative Declaration circulated on October 18, 2006.

**PLANNING STAFF RECOMMENDATION:**

No change to the General Plan

Approved by:

*Stanley Kite*  
Date: **Nov. 8, 2006**

Date:

**PLANNING COMMISSION RECOMMENDATION:**

**CITY COUNCIL ACTION:**

**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Public Works: The Department of Public Works (DPW) stated on May 18, 2006 that the subject site is in a State Liquefaction Zone, a Near-Term Traffic Impact Analysis is required prior to environmental clearance or zoning. (See attached memo.)
- Department of Transportation: The Department of Transportation (DOT) stated on June 20, 2006 that the proposed land use change is exempt from a long-range computer model traffic impact analysis. (See attached memo.)
- San José Fire Department: San José Fire Department, Bureau of Fire Prevention stated on May 12, 2006 that comments will be provided with subsequent permit applications and that the site flow requirement may be as high as 4,500 gallons per minute. (See attached e-mail memo.)

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**GENERAL CORRESPONDENCE:**

Staff received one telephone call from a community member complaining about the current traffic congestion on Senter Road during weekends and expressing concerns that the proposed General Plan amendment would aggravate the situation.

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**RECOMMENDATION**

Planning staff recommends the Planning Commission forward to the City Council a recommendation to deny the applicant's proposal to change the General Plan Land Use/Transportation Diagram designation from Light Industrial to General Commercial land use designation on 3.6 acres located on the easterly side of Senter Road, approximately 600 feet southerly of Wool Creek Drive (2222 and 2232 Senter Road) (i.e., staff recommends no change to the General Plan).

**PROJECT DESCRIPTION**

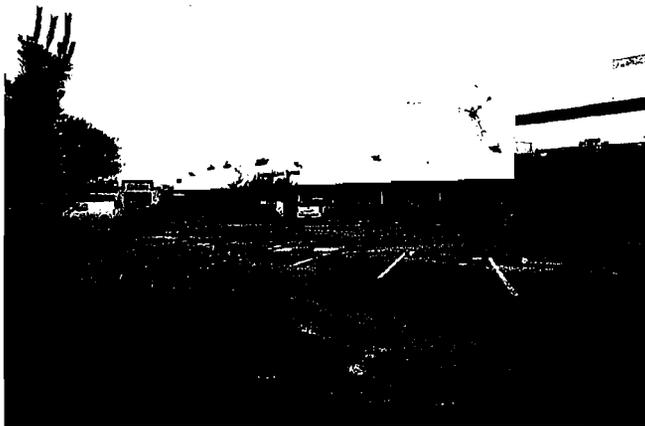
This is a privately-initiated General Plan amendment request to change the *San José 2020 General Plan* Land Use/Transportation Diagram designation from Light Industrial to General Commercial on an approximately 3.6-acre site on the easterly side of Senter Road, approximately 600 feet southerly of Wool Creek Drive.

Currently there is no rezoning application on file on the subject site. Nevertheless, the applicant has indicated on the application and also at the community meetings, that the subject site would be developed with a commercial center with a mix of office, retail, and service commercial uses. Such uses would be allowed if the proposed General Plan amendment to General Commercial is approved by the City Council.

**BACKGROUND****Site and Surrounding Uses**

The subject site is located on the east side of Senter Road, approximately 600 feet south of Wool Creek Drive. Senter Road is designated as a Major Arterial (115-130 foot ROW) in the General Plan, and is defined as a facility designed mainly for the movement of through traffic.

The site has an existing land use designation of Light Industrial, which is typified by warehousing, wholesaling and light manufacturing. Uses with unmitigated hazardous or nuisance effects are excluded. An industrial laundry business operates in an existing one story, 50,000-square foot building on the site, built in the 1980s. This business employs 100 employees on site. Exchange Linen Services of California, a family-run business, occupied the building for about 25 years. In May of this year the company was sold to *AlSCO American Linen*, a company from Salt Lake City.



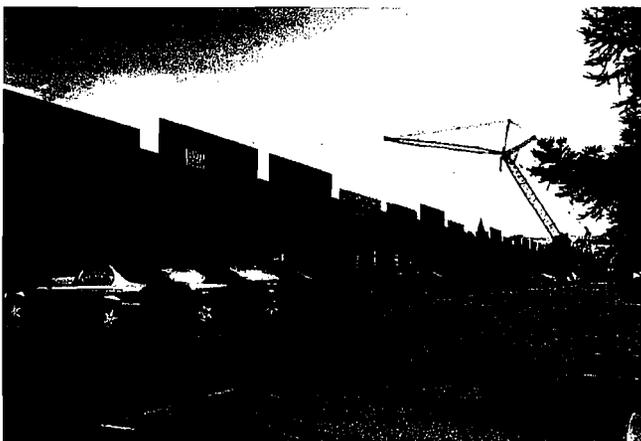
Existing linen services building on the subject site



Commercial fueling station to the south

The subject site is a part of a larger rectangular industrial block defined by Senter Road to the west, Wool Creek Drive to the north, Will Wool Drive to the east, and Quinn Avenue to the south. (See aerial exhibit on page 4.) Heavy and Light Industrial uses predominate on this block of about fifteen parcels.

Existing General Plan land use designations on the surrounding properties are as follows: Light Industrial to the north and east; Combined Industrial/Commercial to the south; and Heavy Industrial to the west across the Senter Road. The subject site is surrounded by existing industrial uses to the east (Cortec Precision Sheet metal and Cintas Clean Room Resources), south (Kenko Utility Supply and Caldo Oil Olympian Commercial Fueling Systems and Senter Auto Parts), and north (industrial condos); and a big box retailer (Costco) across Senter Road to the west. A tile company is located to the far north at the corner of Senter Road and Wool Creek Drive. Peninsula Crane and Rigging Company is situated adjacent to the northeast corner of the site.



Industrial condos to the north of the site



Industrial building to the south of the site



A construction company to the southeast of the site



ACE located to the far South of the site on Quinn Avenue

### Surrounding Industrial Uses



## **General Plan Amendment History**

In 1995, the City Council approved a staff-initiated General Plan amendment on a larger area that included the subject site, File No. GP95-07-05e, that added a Non-Industrial Overlay (now called a Mixed Industrial Overlay) to a larger Industrial Park area consisting of 9.2 acres. Again in 2002, the City Council approved a staff-initiated General Plan amendment, File No. GP02-07-02a, on a larger 75.4-acre site that included the subject parcel. This amendment in 2002 designated this 75.4-acre area Light Industrial and removed the Non-Industrial Overlay to reflect existing uses and further increase the amount of land designated for industrial uses. Since then, this parcel has been a part of a larger area designated for Light Industrial uses.

On June 21, 2005 the City Council approved a General Plan amendment, File No. GP04-07-03, on the adjoining site to the south of the subject site, that changed the land use designation from Light Industrial to Combined Industrial/ Commercial (see aerial exhibit on page 4). That site has since received approval of a LI (PD) Planned Development Zoning District (File No. PDC04-111) to allow up to approximately 58,500 square feet of Industrial and commercial support uses on a 3.86 gross-acre site. The applicant for the subject pending General Plan amendment applicant was also the applicant for File No. GP04-07-03.

## **ANALYSIS**

The key issues in analyzing the proposed General Plan amendment are: 1) Consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies; and 2) Consistency with Industrial Conversion *Framework* criteria.

### **Consistency with the *San José 2020 General Plan* Major Strategies, Goals, and Policies:**

The conversion of industrial land in this location is inconsistent with several General Plan Economic Development and Industrial goals and policies.

#### Economic Development Major Strategy

The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José's residents. The Strategy calls for identifying opportunities for expanding the community's economic base, promoting a balance between "driving" industries and the service/supplier firms that support them, and actively marketing San José as a location for a wide range of businesses.

The proposed General Plan amendment is inconsistent with the *San José 2020 General Plan* Economic Development Major Strategy because it would result in a potential loss of industrial jobs and economic development opportunities for Light Industrial businesses. Retention of the Light Industrial land use designation would preserve opportunities on the site to benefit the City with relatively well-paying jobs.

The proposed General Commercial land use designation would allow for miscellaneous retail commercial uses, as well as business offices. However, commercial uses on the site could impact retention and discourage the siting of other Light and Heavy Industrial uses in the area.

## General Plan Goals and Policies

The General Plan Economic Development goals and policies encourage the development of industrial land to provide sufficient opportunities for job growth and for expansion of the City's industrial tax base. The proposed change to General Commercial and the resulting non-industrial uses weaken the City's employment land resources in the vicinity. Approval of the proposed General Plan amendment would contribute to the continued incremental erosion of the City's already extremely scarce Light Industrial land and potentially discourage existing and new industries from locating in the Heavy and Light Industrial areas surrounding the subject site, due to the potential for incompatible activities, as described later in this report.

*Economic Development Policy No. 1* seeks to obtain and maintain an improved balance between jobs and workers residing in San José. The site has a business in operation with 100 employees. Approval of the proposed General Plan amendment would result in the elimination of the current and future industrial employment opportunities on the subject site. Retail commercial and office uses allowed in the General Commercial land use designation would likely provide fewer, lower paying jobs on the site in the future. It could also constrain the continued operation or expansion of industrial uses in the vicinity due to the proximity of the non-industrial uses.

Such uses, while compatible with adjacent industrial uses, may constrain the typical industrial activities, including outdoor storage in close proximity to retail commercial and office uses. Losing industrial jobs for lower paid retail jobs would be inconsistent with this policy. Therefore, the proposed amendment is generally not consistent with this policy.

*Economic Development Policy No. 2* states, to enhance its economic development goals and increase employment opportunities for San José citizens, the City should:

- *Seek to attract businesses and industries which are particularly suited to the area.*
- *Protect the industrial lands designated exclusively for industrial uses.*
- *Attract a diverse mixture of businesses and industries that can provide jobs suitable for the City's unemployed and under-employed labor force.*

The proposed General Plan amendment is inconsistent with this policy. It would discourage existing industrial businesses from continuing operations or expanding existing operations that are particularly suited to a Light/ Heavy Industrial area, such as the existing industrial laundry business or the adjoining crane and rigging company. The proposal would facilitate the elimination of 3.6 acres of Light Industrial uses within the larger surrounding industrial area instead of protecting the City's scarce Light Industrial land resources.

*Industrial Land Use Policy No. 11* states that *because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City, and, in particular, sensitive receptors should not be located near primary industrial areas.*

Industrial activities can require outdoor storage, generate heavy vehicular traffic, odors and noise, or require the use of chemicals. In addition to the incompatibility of activities with typical retail commercial, some uses permitted with a conditional or special use permit in commercial zoning districts, such as day care, live/work units, assembly, and school uses can involve sensitive receptors

on the site. Such uses could potentially compromise the future viability of industrial businesses. The proposed General Plan amendment could result in future limitations being imposed on the industrial uses in the immediate vicinity. For these reasons, the current proposal is inconsistent with this industrial policy.

*Industrial Land Use Policy No. 3 states, the City should monitor the absorption and availability of industrial land to ensure a balanced supply of available land for all sectors.* The proposed amendment would facilitate conversion of an industrial land use to a non-industrial one, it would add to the cumulative loss of industrial land, and increase the potential for the adjoining, industrial designated sites to seek conversion. (See *Framework* discussion, below.) Therefore the proposed amendment is not consistent with this Policy.

*Industrial Land Use Policy No.15 states, exclusively industrial areas should be reserved for industrial uses to the extent possible.* The proposed amendment, if approved, would be somewhat inconsistent with this policy by allowing non-industrial uses in an exclusively industrial area because the existing General Plan land use designations around the site are predominantly industrial, although there is an existing office building use to the north and big-box retail to the west across the Senter Road.

*Commercial Land Use Policy 1 states, Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure bike storage, etc. Employee intensive uses should be encouraged to locate along multi-modal transit corridors.*

The proposed General Commercial General Plan land use amendment would allow new commercial retail and services close to existing employment in the surrounding industrial area along Senter Road. The proposal is consistent with this policy.

*Commercial Land Use Policy 2 states, new commercial uses should be located in existing or new shopping centers or in established strip commercial areas. Isolated spot commercial developments and the creation of new strip commercial areas should be discouraged.*

The proposed use would fill in between an existing Planned Development of industrial condos on a site designated Light Industrial to the north and an approved future commercial retail use on a Combined Industrial/Commercial designated site to the south. Additionally, it would create a new commercial use on an existing industrial site. This would likely result in the creation of a new strip commercial area, which would be inconsistent with the policy.

### **Industrial Conversion Framework**

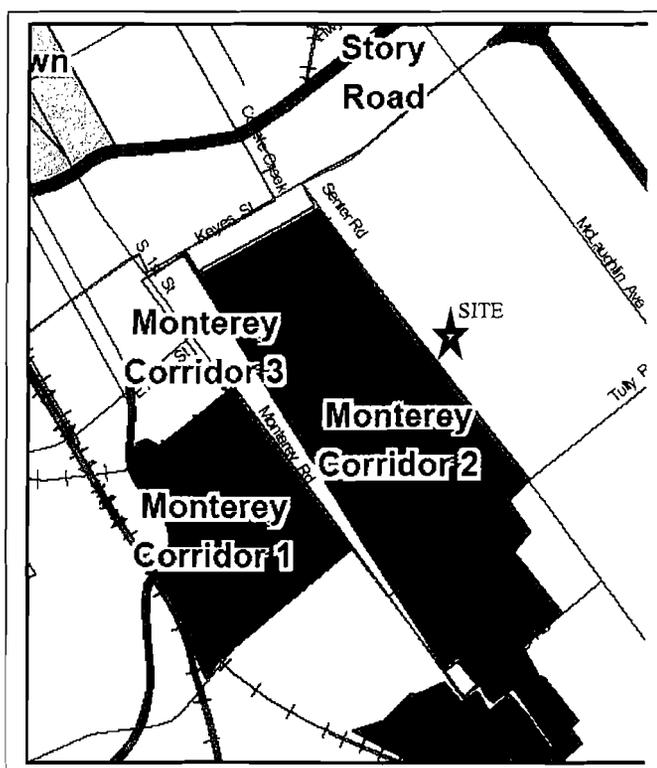
The City's *Framework, as a Guideline, for Evaluating Proposed Conversions of Employment Lands to Other Uses (Framework)*, was adopted by the City Council in April 2004, and revised in November 2005, for the purpose of evaluating proposed conversions of employment lands to other uses. The proposed amendment does not meet many of the criteria for conversion.

The October 27, 2006 staff presentation to the City Council on the status of City's Industrial Lands showed that a total of approximately 752 acres have been converted to non-industrial uses since adoption of the *Framework*; approximately 565 more acres are pending conversion. The November 2005 Status Report stated that, of the approximately 11,000 acres of planned industrial land within the Urban Service Area, there were approximately 1,100 acres of Light Industrial and 1,400 acres of Heavy Industrial land remaining. Given the limited inventory of industrial lands, San José needs to protect this employment land base to provide for the expansion and recruitment of companies of all sizes and industries, thereby supporting employers to provide future jobs at all income levels.

Based on the mapping of the employment subareas incorporated in the *Framework*, the industrial area on the east side of Senter Road is considered a part of the Monterey Corridor 2 subarea. The *Framework* indicates that this subarea should be preserved for Driving and Business Support Industries. Approximately 92% of the jobs in the Monterey Corridor 2 subarea belong to Business Support industries. The largest employers in this subarea are Transportation/Distribution (25% of employment), Building/Construction/Real Estate (14% of employment), Retail/Consumer services (14%), Business Service (12%), and Industrial Supplies and Services (11%). The project site has 100 employees currently employed by an operating industrial service business on the site.

While nearly all of these uses tend to be lower density and pay lower rents than the Driving Industries, they are all critical to the efficient functioning of both the Driving Industries and the Household-Serving Industries. If uses like these were to be displaced from San José, operating costs for Driving Industries and Household-Serving Industries could increase, and the City would lose critical suppliers of mid-wage jobs.

The conversion of the amendment site to the General Commercial land use designation could result in a shift of jobs from Business Support Industries to Household-Serving businesses. Although the subject site is a relatively small area, this General Plan amendment could potentially further compromise an existing industrial area and add to the cumulative impact of the loss of industrial land.



## **Consistency with the Tully-Senter Neighborhood Improvement Plan**

Staff has reviewed this application for conformance with the goals of the Tully-Senter Strong Neighborhoods Initiative (SNI) Neighborhood Improvement Plan. The Neighborhood Improvement Plan contains and supports the philosophy of conserving and sustaining the viable neighborhoods and businesses within the Tully-Senter area. This southwest quadrant of the Tully-Senter SNI Planning Area generally bounded by Senter Road, Tully Road, Coyote Creek and Wool Creek Drive has historically been an industrial area and is identified in the SNI plan to be preserved.

## **ENVIRONMENTAL REVIEW**

A Draft Mitigated Negative Declaration was circulated on October 19, 2006 for public review and comments. The Mitigated Negative Declaration included mitigation to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with mitigation measures in the following categories: Aesthetics, Air Quality, Biological, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities and Service System.

## **PUBLIC OUTREACH**

### Community Meeting

The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting on September 7, 2006 at Shirakawa Elementary School on Wool Creek Drive to discuss the proposed General Plan amendment. They also received a notice of the Mitigated Negative Declaration and a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 13, 2006 and City Council on December 12, 2006. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

The amendment was also presented to the community at the Strong Neighborhood Coalition (SNC) on November 2, 2006 at the Santee Neighborhood Action Center, 1535 Santee Drive. Approximately fifteen community members including the Coalition's office bearers attended this meeting.

The first community meeting at Shirakawa Elementary School was attended by approximately ten people representing the adjacent industrial business and residential neighborhoods in the vicinity. Aaron Barger, the developer representing the applicant, made a presentation about a potential future project for commercial development that could be proposed if the City Council were to approve the pending General Plan amendment application.

Karen Alger, owner of “Peninsula Crane and Rigging” located to the northeast of the subject site on Wool Creek Drive spoke at the meeting. She stated that this business has operated on the site for the past twenty years, seven days a week, and 24 hours a day. She said she had to move her business southwards twice in the past because of similar land use incompatibility situations due to newly relocated land uses in close proximity to her past industrial business locations. She was concerned that her business may have to again move out of the current location if the project gets approved.

According to this business owner, diesel smoke, noise, and round-the-clock working at the company could be potential issues affecting future new commercial uses on the subject site. Her concerns included potential future liability for the industrial businesses of the adjoining industrial uses, including her business.

Issues expressed at these two meetings include:

1. Concerns regarding ease of egress/ingress along the Senter Road.
2. Concerns about the potential for increased traffic and safety on Senter Road that would aggravate the existing poor traffic condition. The existing condition has been due to office and commercial developments in the area, especially Costco.
3. The questionable need for the proposed commercial retail, especially with the existing retail developments situated at the intersection of Monterey Road and Curtner Avenue, and Costco across the street on the opposite side of Senter Road.
4. Disappearing open space and parks, and lack of community facilities for the residents.
5. Potential to use the current parking area located to the north of the subject site for access in exchange for an identified number of parking spaces on the subject site. This could avoid the direct flow of traffic on to Senter Road from the project.
6. Concerns that the people living in the area have to contend with increased development activities, impacting the quality of life in the neighborhoods over a period of time.
7. Opposition to development with a residential component on the site.

The developer pointed out the proposal was a “filler” type of retail with 1,200 to 1,500 square-foot shops and it would not be a retail anchor. Staff pointed out that details related to near term traffic would be addressed during review of future rezoning and development proposals.

### Tribal Consultation

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been received by staff.

## **CONCLUSION**

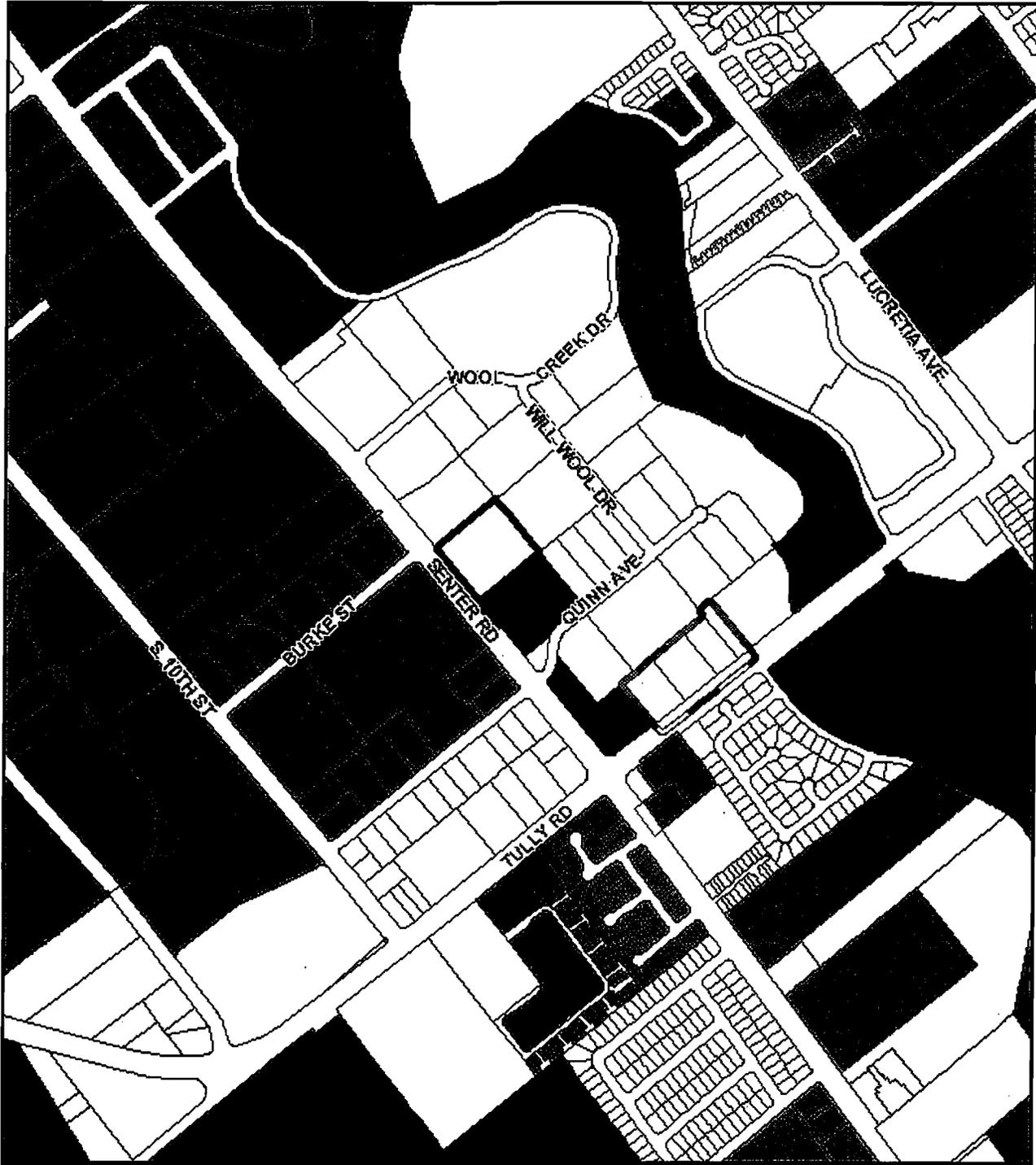
As described above, staff has concluded that the proposed General Commercial land use designation is not consistent with many of the key Economic Development and Industrial Land

Use goals and policies and the *Framework*, and therefore staff does not recommend any change to the existing land use designation of Light Industrial on the subject site.

However, should the City Council wish to allow commercial uses on the site, staff suggests the City Council consider changing the land use designation on the site from Light Industrial to Combined Industrial/Commercial. The uses of the Industrial Park, Light Industrial, General Commercial and Neighborhood/Community Commercial land use categories are all consistent with the Combined Industrial/Commercial land use designation provided that any proposed commercial uses are compatible with industrial uses.

The Combined Industrial/Commercial land use designation potentially would allow the applicant to achieve their objectives for retail and office commercial development while retaining the option for future industrial development. A compatible mix of industrial and commercial uses on the site would provide a transition between the existing/proposed commercial uses to the south and north of the site and the existing industrial uses to the east of the site.

GP06-07-04



  
**CITY OF SAN JOSE**  
ESTABLISHED 1850  
[www.usg.gov](http://www.usg.gov)  
**Department of Planning, Building  
and Code Enforcement**  
**Planning Services Division**

 **SITE**

  
**NORTH**  
Scale 1" = 750'  
Quad: 100



# Memorandum

**TO:** Meera Nagaraj  
Planning and Building

**FROM:** Michael Liw  
Public Works

**SUBJECT: RESPONSE TO GENERAL PLAN  
AMENDMENT APPLICATION**

**DATE:** 05/18/06

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**PLANNING NO.:** GP06-07-04  
**DESCRIPTION:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Light Industrial to General Commercial on a 3.62-acre site. (Exchange Linen Services of CA, Owner / Green Valley Corp, Applicant)  
**LOCATION:** East side of Senter Rd, approximately 680 ft south of Wool Creek Dr  
**P.W. NUMBER:** 3-11474

Public Works received the subject project on 05/08/06 and submits the following comments:

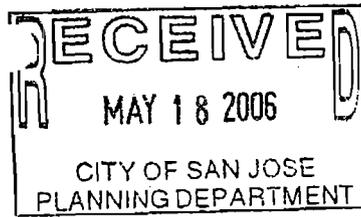
[D] Flood Zone  
[NO] Geological Hazard Zone  
[NO] State Landslide Zone  
[YES] State Liquefaction Zone  
[NO] Inadequate Sanitary capacity  
[NO] Inadequate Storm capacity  
[NO] Major Access Constraints  
[YES] Near-Term Traffic Impact Analysis prior to environmental clearance or zoning

**Comments:** None

Please contact the Project Engineer, Mirabel Aguilar at 535-6822 if you have any questions.

Michael Liw  
Senior Civil Engineer  
Transportation and Development Services Division

ML:MA:md



# Memorandum

**DATE:** 05/12/06

**TO:** Meera Nagaraj  
**FROM:** Nadia Naum-Stoian

Re: Plan Review Comments

**PLANNING NO:** GP06-07-04  
**DESCRIPTION:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Light Industrial to General Commercial on a 3.62-acre site. (Exchange Linen Services of CA, Owner / Green Valley Corp, Applicant)  
**LOCATION:** east side of Senter Rd, approximately 680 ft south of Wool Creek Dr  
**ADDRESS:** east side of Senter Rd, approximately 680 ft south of Wool Creek Dr (2222 SENTER RD)  
**FOLDER #:** 06 013642 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns, and Fire Administrative Officer Geoff Cady for response impact.

Site flow requirement may be as high as 4,500 GPM.

Nadia Naum-Stoian  
Fire Protection Engineer  
Bureau of Fire Prevention  
Fire Department  
(408) 535-7699

# Memorandum

**TO:** Jenny Nusbaum  
Planning, Building  
and Code Enforcement

**FROM:** P. Paul Ma

**SUBJECT: TRAFFIC IMPACT ANALYSIS  
FOR GP06-07-04**

**DATE:** 06-20-06

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Approved

Date

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File Number: GP06-07-04  
Location: E/o Senter Rd., approx. 680 ft. S/o Wool Creek Dr.  
Acreage: 3.62 ac.  
Description: Light Industrial to General Commercial  
(Delete 18 J)  
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model traffic impact analysis.

If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

Please contact Paul Ma at 975-3272 if you have any questions.



P. PAUL MA  
Transportation Systems Planning Manager  
Department of Transportation

PM  
cc: Meera Nagaraj

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** 2222 and 2232 Senter Road Rezoning and General Plan Amendment

**PROJECT FILE NUMBER:** PDC06-119 and GP06-07-04

**PROJECT DESCRIPTION:** General Plan amendment request to change the land use designation from Light Industrial to Combined Industrial/Commercial and Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow construction of approximately 54,200 square feet in several one and two-story buildings for office and retail commercial uses on an approximately 3.6-acre site, and subsequent permits.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** East side of Senter Road, approximately 200 feet southerly of Burke Street; 477-73-043

**COUNCIL DISTRICT:** 7

**APPLICANT CONTACT INFORMATION:** Barry Swenson Builder  
Attn. Aaron Barger  
777 N 1<sup>st</sup> Street  
San Jose, CA 95112

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

**I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**III. AIR QUALITY** –

- Implement the measures recommended by the BAAQMD during construction, as listed below.
  1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
  2. Cover all hauling trucks or maintain at least two feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during demolition.
  3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
  4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
  5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
  6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
  7. Limit traffic speeds on any unpaved roads to 15 mph.
  8. Replant vegetation in disturbed areas as quickly as possible.
  9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
  10. During renovation and demolition activities, removal or disturbance of any materials contains asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- Implement the following measures during construction to reduce diesel particulate matter exhaust from construction equipment.
  1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.
  2. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
  3. Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
  4. Properly tune and maintain equipment for low emissions.

- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** –
- The project shall retain a qualified archaeologist during construction/demolition/excavation on the site to spot-check monitor for potential resources. If any cultural materials are exposed or discovered during either site preparation or subsurface construction activities, operations shall be halted within 25 feet of the find and a qualified archaeologist retained for evaluation and further recommendations. Potential recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval. Copies of appropriate reports should also be forwarded to the CHRIS/NWIC.
  - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission to attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource,

therefore no mitigation is required.

**XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **March 26, 2007**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND;

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 3/6/07

Attn: Andersen  
Deputy

Adopted on: \_\_\_\_\_

\_\_\_\_\_  
Deputy