

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
May 12, 2004 Item 3.a.

File Number
PDC03-090

Application Type
Planned Development Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
484-13-105

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Elena Lee

Location: North side of Alum Rock Avenue, approximately 200 feet southerly of 34th Street

Gross Acreage: 0.33

Net Acreage: 0.33

Net Density: n/a

Existing Zoning: CG Commercial General and R-2 Residential Zoning District

Existing Use: Office and radio station

Proposed Zoning: A(PD) Planned Development

Proposed Use: General Commercial, parking lot and radio station with broadcasting equipment.

GENERAL PLAN

Completed by: EL

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: EL

North: Single-family and Multi-family residential

R-2 Residential

East: Commercial

CG Commercial General

South: Commercial

CG Commercial General

West: Commercial

CG Commercial General

ENVIRONMENTAL STATUS

Completed by: EL

Environmental Impact Report found complete
 Negative Declaration circulated on February 26, 2003
 Negative Declaration adopted on April 14, 2004

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: EL

Annexation Title: East San Jose

Date: 12/01/11

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Batista Vieira
1426 Shortridge Avenue
San Jose, CA 95116

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: EL

Department of Public Works

Please see attached memorandum

Other Departments and Agencies

Please see attached memorandum from the Fire Department

GENERAL CORRESPONDENCE

Please see attached email from a nearby resident

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Batista Vieira, is requesting a Planned Development Rezoning from CG Commercial General and R-2 Residential Zoning District to CG(PD) Planned Development Zoning District for uses allowed by the CP Commercial Pedestrian Zoning District and a radio station with small antennas and dishes.

The subject site consists of a rectangular parcel approximately 0.33 gross acres in size and is occupied by a 2,209 commercial building and a portion of a larger parking lot. The front portion of the parcel, where the existing and proposed building will be located, has a zoning designation of CG Commercial General. The rear portion of the parcel, which contains parking spaces, is located in the R-2 Residential Zoning District. The existing uses surrounding the site include a residential neighborhood to the north and commercial uses and the Alum Rock Village area to the south, east and west.

The existing commercial building currently houses an insurance office and a radio station with small roof-mounted broadcasting equipment. The Planned Development Zoning is being requested because the CG Commercial General Zoning district does not allow radio stations with antennas or dishes. There is an existing radio station (KSQQ) on this site with small broadcasting equipment mounted on the roof. The remainder of the uses and buildings on the site conform to the CP Commercial Pedestrian Zoning District. On March 25, 1992, this parcel was part of a 2.37-acre site that was granted a Conditional Use Permit to allow parking as a primary use, providing spaces for the surrounding commercial and residential uses, in the CG Commercial General and R-2 Residential Zoning Districts. The site was used by the San Jose Redevelopment Agency as a 76-space public parking lot for the Alum Rock Neighborhood Business District. However, the Redevelopment Agency's lease of the property and the public parking lot was ceased several years ago. The Conditional Use Permit (CP92-010) also incorporated substantial improvements to the site. The improvements included paving of the parking lot, closing the existing driveway on the adjacent parcel to the west and improving the driveway on the subject site to provide access to the parking lot and the surrounding buildings.

The site is located within the Santa Clara Street/Alum Rock Transit-Oriented Development Corridor and is located in the Alum Rock Avenue Business District, which encompasses the Alum Rock Village area. The Alum Rock Village area is the original retail center for East San Jose. It was developed after 1890 as a typical commercial node served by a local streetcar line. Retail uses and new housing investments are occurring along the length of the Alum Rock Neighborhood Business District.

Project Description

The applicant proposes to legalize the existing broadcasting equipment of the 1,805 square foot radio station and to construct a 1,271 square foot expansion. The new buildings will be designed to be architecturally compatible with the existing structures and will conform to the development regulations of the CP Commercial Pedestrian Zoning District. The site will continue to provide parking spaces for the on-site uses as required by the Zoning Code. The existing driveway will continue to provide the main access to the parking lot and no other site changes have been proposed.

ENVIRONMENTAL REVIEW

The project was found to be exempt from environmental review under Section 15301(e)(2) of the CEQA Guidelines, which exempts the operation of existing private structures, involving negligible or no expansion of use, including minor expansion of up to 10,000 square feet for maximum development permissible in the General Plan.

GENERAL PLAN CONFORMANCE

The project conforms to the General Plan's Land Use and Transportation Diagram designation of General Commercial, which is a non-specialized commercial designation intended to permit a wide range of commercial uses.

ANALYSIS

The primary issues with this project are land use compatibility and driveway access.

Land Use Compatibility

The proposed radio station and expansion are compatible with the surrounding commercial area. The building has been designed to conform to the Commercial Pedestrian Zoning District development standards and the broadcasting equipment is not visible from the street (see attached Conceptual Line of Sight drawing).

The Zoning Ordinance currently requires all radio stations with antennas and dishes to be located in industrial zoning districts. The intent of this requirement is to ensure that all industrial type equipment, such as large radio towers that transmit signals to a wide variety of users, be placed in the appropriate industrial zoning districts. The subject site's radio towers are much smaller, are not visible from the street and are ancillary to the use of the station to record programs. The actual use is more similar to a radio studio and other associated office uses.

The roof-mounted broadcasting equipment is being used to transmit the programs recorded at this location to the main transmission towers that are in south San Jose. The applicant is also proposing to construct a second radio studio building to be located behind the existing building. The second building will also be used to record radio programs. Staff will work with the applicant at the Planned Development Permit stage to ensure that the proposed building will conform to the development standards of the CG Commercial General Zoning District and the Commercial Design Guidelines.

Driveway Access

The existing driveway for this parcel also serves the other four parcels that comprise the parking lot approved by CP92-010. A majority of the existing 20-foot driveway sits on the subject site. However, a 3-foot portion of the mouth of the driveway and some of the parking spaces are actually on the adjacent lot to the west. The San Jose Zoning Ordinance requires a minimum 20-foot driveway aisle for a two-way drive aisle in order to maintain a level of safety. The applicant shall be required to obtain an easement to reserve the 3-foot portion of the adjacent lot to guarantee 20-foot driveway access or shall be required to reconstruct a 20-foot wide driveway on his lot.

PUBLIC OUTREACH

Notices for the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

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

1. The proposed project is consistent with the anticipated San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed project conforms to the Commercial Design Guidelines and the development standards of the CP Commercial Pedestrian Zoning District.
3. The project furthers the goal and objectives of the City's infill housing strategy and will promote transit usage.
4. The proposed zoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments

cc: Jeff Guinta. Innovative Concepts. 2801 Moorpark Avenue. Suite 4. San Jose, CA 95128