
 PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____

- Action
 Recommendation

APPLICANT: City of San Jose

OWNER: Various

ENGINEER: N/A

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JFB

Department of Public Works

None received.

Other Departments and Agencies

See attached Memorandum from the Fire Department.

GENERAL CORRESPONDENCE

See attached correspondence from Robert W. Gross, Ph.D. - Letter and Attachments of March 4, 2004; April 8, 2004; April 14, 2004, April 22, 2004, and April 30, 2004.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a City-initiated rezoning of a 93.12 gross-acre area located within the western portion of the historic Alviso Village. The proposed rezoning would change the zoning from LI Light Industrial or CN Neighborhood Commercial to CP(PD) Planned Development on parcels with a Mixed Use (Alviso Master Plan) General Plan designation and would change the zoning from LI Light Industrial or A Agriculture to OS Open Space on properties with a Private Open Space or Public Parks and Open Space General Plan designation. The subject area is located within the Alviso Master Plan "Village Area". The Alviso Master Plan recommends a city initiated rezoning program as a Plan Implementation item.

The subject project area, which is made up of 40 individual parcels, is bounded by El Dorado Street to the east and the Alviso Marina County Park and wetlands/baylands beyond the County Park to the north (see attached Map). The rezoning area extends down to and includes the Guadalupe River/Alviso Slough and a small part of the Cargill Salt ponds to the south. The rezoning area extends to the west out into the baylands to include any parcel in the vicinity with a Light Industrial zoning. The developed portion of the rezoning area is currently occupied by industrial, residential and commercial uses. The rezoning area also includes vacant parcels and parcels with no development potential.

A similar pattern of commercial, industrial and residential development continues on the Alviso Village properties to the east of the subject site. The areas to the north and west of the rezoning area are part of the baylands and are generally undeveloped. A large, vacant Industrial Park site is located to the south of the rezoning area on the opposite side of the Guadalupe River.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, “*Alviso Master Plan: A Specific Plan for the Alviso Community*,” which was certified on December 7, 1998, by the City of San José City Council Resolution Number: 68577. The proposed rezoning conforms to the General Plan designation.

GENERAL PLAN CONFORMANCE

The *San José 2020 General Plan Land Use/Transportation Diagram* designations for the subject project area are Mixed Use, Public Parks and Open Space, and Private Open Space (see attached map). The proposed CP(PD) Planned Development and OS Open Space Zoning Districts are consistent with this designation.

ANALYSIS

The goal of this proposed City-initiated proposed rezoning is to bring the zoning of the properties into conformance with the current General Plan land use designations to facilitate their continued use, or redevelopment where appropriate, consistent with the Alviso Master Plan. This rezoning is also intended to facilitate the preservation and reuse of historic buildings and structures within the Alviso National Register Historic District (see attached Historic Resources Map from the adopted Alviso Master Plan).

The primary goal of the Alviso Master Plan is to protect and enhance the small town quality of Alviso by guiding appropriate new development, community facilities, infrastructure, and beautification. The Master Plan establishes an Implementation Plan for improving the quality of life in this community by providing guidance on future public improvements and services as well as private development. When the City adopted the Alviso Master Plan in 1998, the General Plan was changed to include the Alviso Master Plan policies. The existing zoning designations for Alviso were not changed at that time although the Alviso Master Plan identifies such rezonings as a future implementation item, which is the impetus for this project.

At this time, staff is proposing to rezone the portion of the Alviso Master Plan area west of El Dorado Street, that currently has a Light Industrial zoning designation. Rezoning of this area was chosen as a first priority because discouragement of industrial uses is specifically identified as a priority within the Plan and such industrial uses may, in particular, have a negative effect upon both natural and historic resources in the rezoning area.

Many of Alviso’s important historic structures are also located within the proposed rezoning area, and the rezoning would aid in their preservation. The western portion of the Alviso Village is listed as a Historic District on the National Register of Historic Places and is a California Point of Historical Interest. The Alviso Marina County Park, Guadalupe River/Alviso Slough, Moffat Street, and El Dorado Street generally bound the 60-acre Historic District. The Historic District contains 19 known contributing structures and /or sites (see attached). Ten of these historic buildings, structures and/or sites are within the rezoning project area, including: (1) Bay Side Cannery Office (907 Elizabeth Street); (2) Union Warehouse and Docks (1200 Hope Street); (3) Bay Side Cannery (1290 Hope

Street); (4) Bay Side cannery ‘China Camp’ (906 Elizabeth Street); (5) Bay Side Cannery Cabins Site (Mill between Hope and El Dorado Streets); (6) Tilden/Laine Grocery Residence (970 Elizabeth Street); (7) Tilden/Laine Grocery Store (996 Elizabeth Street); (8) J.J. Pipe’s Alviso Hotel (995 Elizabeth Street); (9) Former Chinese Casino (northwest corner of El Dorado and Taylor Streets); and (10) South Bay Yacht Club (1491 Hope Street).

The proposed CP(PD) Planned Development Zoning District (General Development Plan attached) includes land use and development standards specifically written to be consistent with the Alviso Master Plan for the Alviso Village area. Because the Alviso Master Plan includes unique direction for both land use and development standards, application of one of the City’s standard zoning districts would not be suitable. Both stand-alone residential and commercial uses, as well as residential/commercial mixed-use development, would be allowed under the proposed PD zoning. Specific development standards (e.g. setbacks, maximum building height) were provided within the Alviso Master Plan and have been directly incorporated into the proposed PD Zoning. The City’s CP Commercial Pedestrian zoning district would be in effect until the issuance of the first Planned Development permit implements the Planned Development Zoning. Per the Zoning Ordinance requirements for a Planned Development Zoning district, any new construction, including single-family residences, would require a Planned Development Permit except that minor building additions may be possible through a Permit Adjustment process if a PD Permit has already been issued.

The proposed rezoning would promote the following Alviso Master Plan goals:

- Improve the quality of life for Alviso residents while preserving the “small town flavor” of the area;
- Retain the small town character, strong community identity, and neighborliness;
- Maintain the existing pattern of residential development;
- Allow for new development at, or at least compatible with, the scale and intensity of existing development within specific subareas;
- Provide adequate infrastructure and services;
- Provide economic development opportunities;
- Celebrate Alviso’s history;
- Beautify Alviso; and
- Preserve and protect Alviso’s strong natural amenities, including the Guadalupe River/Alviso Slough, Coyote Creek, and baylands.

Because the Alviso Master Plan provides only general direction on allowed land uses, the proposed list of specific permitted or conditionally permitted land uses were selected through a public outreach process to implement the Alviso Master Plan’s unique “Mixed Use” land use designation. The affected property owners, who participated in this process, generally reached a consensus on which uses they considered appropriate for their community. One property owner specifically requested that most entertainment uses, and the sale of alcohol for off-site consumption be permitted by right throughout the District. These uses are either prohibited or regulated under a Conditional Use Permit in all other districts of the City. After consultation with the City Attorney’s Office and the Police Department, Planning staff concluded that we could not support the property owner’s request to allow these uses by right. They are included in the proposed zoning as conditional uses, and may be permitted subject to a Planned Development Permit.

The proposed rezoning would also include some properties outside of the City’s urban service area that are designated as Public Parks and Open Space or Private Open Space on the City’s General Plan. Staff is proposing that these areas be rezoned from Light Industrial to the OS Open Space district, which would conform with the General Plan and Alviso Master Plan. The proposed Open Space area

includes one large property under private ownership, owned by the Leslie Salt Company. Although the Salt Company operations are fairly limited at this time, the OS District does allow for the “extraction of chemicals from water by natural evaporation” through a Conditional Use Permit. A small portion at the rear of two of the private properties that front on to Elizabeth Street (APN015-01-003 and APN015-01-004) also falls outside of the Urban Service Area and is within the area proposed for OS Open Space Zoning District. Because this portion of these two properties is normally covered by water and has a Public Parks and Open Space General Plan designation, it would not be appropriate or consistent with the General Plan to zone them for commercial or residential use. Applying the Open Space Zoning District to this area would not impact the development capability of the remainder of the property and would have a minimal effect overall. The Open Space zoning district does allow for appropriate private use of the property, including marinas and other uses and facilities incidental to water recreation, through a Conditional Use Permit. The affected property owners have indicated that they understand the implications of the Open Space rezoning and are willing to support it as part of the larger rezoning project.

The proposed rezoning would promote the gradual conversion of the remaining industrial properties within the Alviso Village area to residential, commercial or mixed-use commercial and residential development. The existing industrial uses are relatively small in scale and are isolated from other industrial areas within the City. As a result of the rezoning, the existing light-industrial uses within the area would become legal nonconforming and while they would not be forced to discontinue operation, their long-term expansion would be limited per the provisions set forth in the Zoning Ordinance. Residential, commercial and mixed-use development, as provided for within the proposed CP (PD) Planned Development Zoning district, would be more compatible with the adjacent residential land uses and the neighborhood’s vision for its future.

Similar to the purpose of the Alviso Master Plan, this rezoning project is intended to help avoid piece-meal development and to better respond to potential development pressure within the western Alviso Village area; to help facilitate the preservation and reuse of historic buildings and structures within the Alviso National Register Historic District; to help preserve the small town character of Alviso while promoting an improved mixed use environment with a wide range of retail, office, civic/public, and residential uses; to help prevent new or expanded industrial uses that are inconsistent with the community objectives for this area as reflected in the adopted Alviso Master Plan; and to help achieve the plan’s goals and objectives.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 feet of the project site. In addition, the Planning Division’s website contains information regarding the zoning process, the legal nonconforming use process, the Zoning Ordinance, and the *San José 2020 General Plan*. In addition, information on this proposed rezoning application, including staff reports and public hearing schedule, is also available. This website is used by the community to keep informed of the status of development applications. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and members of the public.

Alviso Master Plan Outreach

The Alviso Master Plan planning process began in June 1993. A 24-member Task Force committee was appointed to assist in the preparation of the Master Plan. The Task Force guided the development and content of the Master Plan. The Task Force was composed of representative community members that reflected resident, property owner, renter, business and institutional

interests. After a 5-year public planning process, the Master Plan was approved by the City Council in December 1998. Every effort was made to include as many community members as possible in the planning process. Property owners, renters, residents and neighborhood stakeholders were invited to the community workshops through postcard mailers, flyers, City department contacts, and door-to-door contact.

Property Owner and Community Stakeholder Public Meetings

Property owners, residents, and community stakeholders were invited, through letters with attached maps and informational brochures mailed via the U.S. Postal Service and by e-mail, to attend three public meetings held in the Community Room of the Alviso Branch Public Library. Planning staff conducted these public meetings on Monday, March 22, 2004, on Monday, April 19, 2004 and on May 3, 2004 to discuss the rezoning project.

During the first public meeting, staff presented a proposed rezoning from a LI Light Industrial Zoning District to CP Pedestrian Commercial and OS Open Space Zoning District. Alviso property owners, residents, and community members expressed objection to the proposed CP Pedestrian Commercial Zoning District on the basis that it would not be fully consistent with the Alviso Master Plan. As a result, staff agreed to draft a Planned Development Zoning district to be fully consistent with the Alviso Master Plan "Mixed-Use" land use designation.

Planning staff then presented the proposed CP(PD) Planned Development and an expanded OS Open Space Zoning area at the second community meeting. Staff explained that the proposed CP(PD) Planned Development Zoning district would directly incorporate the land use policies, development standards, and design guidelines contained in the Alviso Master Plan, but that more detail would be required for the Zoning document. Staff facilitated an exercise with the property owners, residents, and community stakeholders to identify the permitted uses and conditional uses to be specifically included proposed zoning. Upon concluding the second public meeting, there was a general consensus for support of the proposed rezoning from the property owners, residents, and community stakeholders that attended the public meeting.

Based upon consultation with the City Attorney's Office and the Police Department it was necessary to revise the specific proposal for permitted and conditional land uses contained in the proposed PD Zoning. Staff held a third community meeting to review the revised PD Zoning. For the most part, the property owners expressed support for zoning proposal at this meeting. One property owner would prefer that entertainment uses and the off-sale of alcohol be permitted by right, but indicated that he understood the City's position that these uses must be treated consistently throughout the City. Several property owners also indicated that while they understand that the proposed rezoning of adjacent public properties to Open Space would not directly result in an impact upon the development capability for their properties, they remain concerned that other public agencies or advocacy groups may try to use proximity to an Open Space district as an argument to further restrict development in the Mixed-Use area.

Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and members of the public. Staff met with property owners Mr. and Mrs. Robert W. Gross, Ph.D. on Monday, April 19, 2004 and again on April 26, 2004 to resolve specific concerns outlined in their correspondence. At the conclusion of the second meeting, they indicated that they were prepared to support the zoning as proposed by staff.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the *San José 2020 General Plan Land Use/Transportation Diagram* designation of Mixed Use.
2. The proposed rezoning is in conformance with the adopted *Alviso Master Plan: A Specific Plan for the Alviso Community*.
3. The proposed rezoning will help to avoid piece-meal development and to better respond to potential development pressures while facilitating the preservation and reuse of historic buildings and structures within the Alviso National Register Historic District.
4. The proposed rezoning will help to improve the quality of life for Alviso residents while preserving the small town character, strong community identity, and neighborliness of the area;
5. The proposed rezoning will help to prevent new or expanded uses that are inconsistent with the community objectives as reflected in the adopted *Alviso Master Plan: A Specific Plan for the Alviso Community*.

Attachments:

Rezoning Map

General Plan Map

Historic Resources Map

Alviso Planned Development Zoning Plan

Fire Department Memorandum

Correspondence from Robert W. Gross, Ph.D.

Planning Staff Letter to Robert W. Gross, Ph.D.

Question & Answer Sheet for the Proposed Rezoning Program

JFB: