



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 13, 2004

COUNCIL DISTRICT: 4

SUBJECT: PDC04-037. PLANNED DEVELOPMENT REZONING OF THE WESTERN PORTION OF THE HISTORIC ALVISO VILLAGE AREA BOUNDED BY EL DORADO STREET TO THE EAST, UP TO THE AND INCLUDING THE GUADALUPE RIVER/ALVISO SLOUGH AND A SMALL PART OF THE CARGILL SALT PONDS TO THE SOUTH AND WEST, AND THE ALVISO MARINA COUNTY PARK AND WETLANDS/BAYLANDS BEYOND THE COUNTY PARK TO THE NORTH.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed rezoning.

BACKGROUND

On May 12, 2004, the Planning Commission held a public hearing to consider a Planned Development rezoning from LI Light Industrial, CN Neighborhood Commercial and A Agriculture to CP(PD) Planned Development and OS Open Space to allow commercial, residential and open space uses.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

One member of the public, Dale Warner, spoke in opposition to the project. He expressed concern that the proposed rezoning is part of a City effort to take away the unique character of the Alviso area. He also stated that he believed rezoning privately-owned property to the Open Space district would result in a taking of the property.

One Alviso resident, Bob Gross, spoke in favor of the project. He stated that Planning staff had worked closely with the community to develop a zoning proposal consistent with the Alviso Master Plan and the community's goals. He also indicated that community concerns regarding use of the Open Space district had been addressed satisfactorily.

HONORABLE MAYOR AND CITY COUNCIL

May 13, 2004

Subject: PDC04-037

Page 2

The City Attorney responded to the property owner rights issues raised by Mr. Warner, indicating that because the Open Space district does allow for appropriate private use of the lands in question, the rezoning would not result in a taking of the property.

The Planning Commission acknowledged the work of Planning staff in working closely with the Alviso community to develop a proposed zoning consistent with their goals. Commissioner Zito suggested that the proposed Open Space area along the edge of the Guadalupe River could provide an opportunity for development of a public trail or park.

The Planning Commission then closed the public hearing.

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. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and members of the public.

Three community meetings were held for this project on March 22, 2004, on April 19, 2004 and on May 3, 2004. Approximately a dozen community members took part in the community meetings. At the conclusion of the third meeting, all community members in attendance expressed support for the proposed rezoning.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

STEPHEN M. HAASE
Secretary, Planning Commission

Attachment: Revised rezoning map

