

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
P.C. 05-12-04
Item #: 3.o.

File Number
C04-036

Application Type
Conventional Rezoning

Council District
3

Planning Area
Spartan Keys SNI

Assessor's Parcel Number(s)
472-12-078, 088;
472-13-035, 038, 057, 081-087, 099, 105-
109; 472-14-023-024;
477-02-026, 045, 046, 052;
477-03-053, 077, 100, 101, 104, 118-120,
130, 132, 133;
477-04-032

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Juan F. Borrelli, AICP

Location: Most properties along both sides of Keyes Street, east of South 6th Street and west of South 12th Street.

Gross Acreage: 4.55

Net Acreage: 4.55

Net Density: N/A

Existing Zoning: LI Light Industrial, CN Neighborhood
Commercial, and R-2 Zoning Districts.

Existing Use: Commercial, Light Industrial, Auto-Related Uses, and
Residential Uses.

Proposed Zoning: CP Pedestrian Commercial Zoning
District.

Proposed Use: Commercial/Residential Mixed Uses.

GENERAL PLAN

Completed by: JFB

General Commercial.

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JFB

North: Residential Uses (predominantly) and a few
Commercial Uses.

R-1-8 and R-2 Residence Zoning Districts; CN Neighborhood
Commercial Zoning District.

East: Mix of Commercial and Single-Family and
Multi-Family Residential Uses.

CP Pedestrian Commercial Zoning District; R-1-8, R-2 and R-M
Residence Zoning Districts.

South: Residential Uses (predominantly) and a few
Commercial Uses.

R-2 Residence Zoning District and CP Pedestrian Commercial
District.

West: Mix of Commercial, Light Industrial/Auto-
Related, Single-Family, and Multi-Family
Residential Uses.

CN Commercial Zoning District; LI Light Industrial Zoning
District; R-2 and R-M Residence Zoning Districts.

ENVIRONMENTAL STATUS

Completed by: JFB

Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

Completed by: JFB

Annexation Title: Original City

Date: March 27, 1850

 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 Letter of Support from the Spartan Keyes Neighborhood Advisory Committee (NAC).

 ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a City-initiated conventional rezoning from the LI Light Industrial, CN Neighborhood Commercial, and CG General Commercial zoning districts to the CP Pedestrian Commercial Zoning District on a 4.55 gross-acre site located along both sides of Keyes Street between Sixth Street and 12th Street. The project site is located within the Spartan Keyes Strong Neighborhood Initiative (SNI) Planning Area. The adopted *Spartan Keyes SNI Neighborhood Improvement Plan* recommends changes to the current General Plan land use designations and zoning districts within the Spartan Keyes community, and is the impetus for this proposed rezoning.

The project site area consists of 37 already developed parcels. The majority of these properties are developed with retail uses and auto-related commercial uses. Other existing developments along the corridor include auto-related light industrial uses, office uses, parking uses, and residential uses such as single-family detached, single-family with detached 2nd unit, duplex, and mixed-use commercial/residential uses.

The project area is predominantly surrounded by residential uses including single-family detached, single-family attached, single-family with detached 2nd units, duplex and multi-family units. A very limited number of adjacent properties are vacant or developed with retail or light industrial uses.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, *San José 2020 General Plan EIR*, which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459.

GENERAL PLAN CONFORMANCE

The *San José 2020 General Plan* Land Use/Transportation Diagram designation for the project area is General Commercial (see attached General Plan Diagram). The proposed CP Pedestrian Commercial district is consistent with this designation.

ANALYSIS

The proposed rezoning will achieve two goals for the subject area: (1) improved consistency with the *San José 2020 General Plan*; and (2) Implementation of the *Spartan Keyes SNI Neighborhood Improvement Plan* goals and priorities.

San José 2020 General Plan

In November 2003, the City Council approved a staff initiated General Plan Amendment (GP03-03-05) for the project area vicinity to change the General Plan land use designation from Light Industrial with a Mixed Overlay to General Commercial. This General Plan Amendment implemented a recommendation contained within the *Spartan Keyes SNI Neighborhood Improvement Plan*. Because most of the properties within the Amendment area have a Light Industrial zoning, they are now out of conformance with the current General Plan designation. The proposed zoning also incorporates some adjacent Light Industrial zoned properties that already have a commercial General Plan designation. The proposed rezoning to the CP Pedestrian Commercial Zoning District will bring consistency between the zoning districts within the rezoning area and the land use policies per the *San José 2020 General Plan*.

Establishing consistency between General Plan and Zoning for the subject properties removes a barrier for property owners to the development or improvement of their properties. The proposed rezoning will facilitate the development and improvement of the Keyes Street commercial corridor, consistent with the General Plan.

Spartan Keyes SNI Neighborhood Improvement Plan

The *Spartan Keyes SNI Neighborhood Improvement Plan* includes the following objectives and “top-ten” priority items:

- Priority Action Item #3: Improve the Keyes Street Streetscape (p. 35);
- Priority Action Item #4: Revitalize and attract neighborhood friendly businesses along Keyes Street (p. 35);
- Neighborhood Circulation and Parking Goal #1: Calm traffic throughout the neighborhood and discourage cut-through traffic on local neighborhood streets as feasible (p. 9);
- Neighborhood Circulation and Parking Goal #1c: Explore possibilities for routing truck traffic around the neighborhood (p. 9);
- Neighborhood Circulation and Parking Goal #2: Improve pedestrian and bicycle circulation within the neighborhood and to adjacent districts and nearby destinations (p. 9);
- Neighborhood Condition and Maintenance Goal #1: Improve the appearance and physical condition of neighborhood streets (p. 11);

- Anti-Social Activity Goal # 1: Reduce anti-social activity within the neighborhood (p. 12); and
- The community envisions for Keyes Street a “pedestrian-friendly” destination filled with neighborhood-serving commercial uses that enhance the local business district.

The Spartan Keyes SNI Neighborhood Advisory Committee (NAC) has indicated that they believe these goals can be in part achieved through the gradual conversion of the remaining industrial and auto-related properties along Keyes Street to commercial or mixed-use commercial and residential use. The existing industrial uses are relatively small in scale and are isolated from other industrial areas within the City. The NAC has also indicated that truck traffic congestion, associated in part with these industrial uses, is an on-going problem for the neighborhood. Heavy truck traffic on Keyes Street and other residential neighborhood streets in Spartan Keyes detracts from the appeal of the neighborhood and increases noise, vibration, and air pollution levels. Spartan Keyes residents are frequently inconvenienced when truck drivers leave their trucks running and double-parked on residential streets, blocking parked cars and driveways, while they stop for lunch and other errands/deliveries. As a result of the rezoning, existing light-industrial and auto-related uses within the area will become legal nonconforming and while they will not be forced to discontinue operation, their long-term expansion will be limited per the provisions set forth in the Zoning Ordinance. Commercial and mixed-use land uses, as provided for within the CP Commercial Pedestrian Zoning District, will be more compatible with the adjacent residential land uses and the neighborhood’s vision for its future. Rezoning these properties will encourage their redevelopment.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 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 application. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and members of the public.

Property Owner and Community Stakeholder Public Meeting

Planning staff conducted a public meeting with property owners and community members on Monday March 15, 2004 at La Biblioteca Latinoamericana (The Latin American Library on South First Street) to discuss both the subject project along Keyes Street (Spartan Keyes SNI) and the South First Street (Washington and Spartan Keyes SNI) proposed rezoning projects. Information about the proposed rezoning (attached) was sent to the property owners in advance of the meeting along with a meeting notice. During the public meeting, the property owners and community members asked questions and expressed some concerns with the proposed rezoning. Planning staff addressed all of the questions and concerns during the public meeting. Upon concluding the meeting, there was a strong general consensus in support of the proposed rezoning from the property owners and community members that attended the public meeting.

SNI Outreach

Staff presented the proposed rezoning project and subsequent rezoning-related project updates at the regularly scheduled monthly Spartan Keyes SNI Neighborhood Advisory Committee (NAC) meetings during the months of March and April 2004. The Spartan Keyes NAC is in full support of the proposed rezoning (see attached Spartan Keyes NAC letter).

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 General Commercial.
2. The proposed rezoning is in conformance with the goals, objectives and “top-ten” priorities of the adopted *Spartan Keyes SNI Neighborhood Improvement Plan*.
3. The proposed rezoning will help to prevent new or expanded light industrial and auto-related uses that are inconsistent with the community objectives as reflected in the adopted *Spartan Keyes SNI Neighborhood Improvement Plan*.
4. The proposed rezoning will help to promote an improved residential environment for the existing residential neighborhoods that lie immediately adjacent to the north and south sides of this project area.
5. The proposed rezoning will help to address strong community concerns with existing truck traffic volume, congestion, and truck-related nuisance (air quality, noise, vibration) issues in the neighborhood.

Attachments:

Rezoning Map
General Plan Map
Fire Department Memorandum
Spartan Keyes NAC Letter
Information sent to Property Owners

JFB: