



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** May 10, 2004

**COUNCIL DISTRICT:** 3  
**SNI AREA:** Spartan-Keyes

**SUBJECT:** GP 04-03-01: General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 0.12-acre site located on the west side of South Seventh Street approximately 150 feet northerly of Keyes Street (1083 South Seventh Street).

## RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioners Platten and Zamora absent) to recommend adoption of the General Plan amendment in accordance with the Director of Planning, Building and Code Enforcement's recommendation of Office for the property located on the west side of South Seventh Street approximately 150 feet northerly of Keyes Street (1083 South Seventh Street).

## BACKGROUND

On April 26, 2004, the Planning Commission held a public hearing to consider a privately-initiated General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on 0.12 acres located on the west side of South Seventh Street approximately 150 feet north of Keyes Street at 1083 South Seventh Street. The Director of Planning, Building and Code Enforcement recommended that the land use designation be changed to Office as an alternative to the applicant's request.

As explained in the attached staff report, the Office designation is consistent with the General Plan's Major Strategies, goals, and policies. The Office designation can be used adjacent to residential neighborhoods because it is not intrusive and can provide a more compatible transitional use between existing and future residential and light industrial/commercial uses.

The General Commercial designation allows for a variety of commercial uses including strip commercial centers, freestanding commercial buildings, and offices. The Office designation primarily allows business and professional office uses. Because the applicant intends to use the

property for an office, the applicant is in agreement with the Director of Planning's recommendation.

In addition to requiring conformance with the General Plan, other City policy guidelines and Zoning Ordinance requirements apply to the proposed use. The applicant will be required to adhere to City Council Policy No. 6-11, *Design Criteria For Conversion of Residential Structures To Non-Residential Uses* in order to use the subject site as a real estate and loan office. In conjunction with that policy, San Jose Zoning Ordinance, Chapter 20.80, Specific Use Regulations, Part 4, *Conversion Of Residential Dwellings* states that a Special Use Permit is required to convert a single-family dwelling to any other use only after the General Plan Land Use designation has been changed to allow the use.

### **ANALYSIS**

This item was considered as part of the consent calendar, with no discussion by the Planning Commission on the project. No one appeared in support of, or in opposition to, the proposed General Plan Amendment. The Planning Commission then reviewed and considered the Mitigated Negative Declaration and found it in conformance with CEQA. The Commission voted 5-0-2 (Commissioners Platten and Zamora absent) to recommend adoption of the General Plan Amendment to the City Council.

### **PUBLIC OUTREACH**

The property owners and occupants within a 1000-foot radius of the subject site were sent a newsletter regarding the two community meetings that were held on March 25 and 29, 2004. They also received a notice of the public hearings to be held on the subject amendment before the Planning Commission in April and the City Council in June. In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of the amendments. A member of the Spartan-Keyes Strong Neighborhoods Initiative (SNI) Neighborhood Advisory Committee (NAC) called planning staff with questions regarding this amendment proposal. Responses to the questions were e-mailed to the member and the amendment was discussed at the next Spartan-Keyes NAC meeting. No comments were received from this meeting.

### **CEQA**

A Mitigated Negative Declaration was adopted on April 14, 2004.

STEPHEN M. HAASE  
Secretary, Planning Commission