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. 08/11/04 Item: 7.c
C.C. 9/07/04 Item:

File Number
GP04-05-02 and PDC04-022

Application Type
General Plan Amendment and Planned Development Prezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
484-32-133

GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT ZONING STAFF REPORT

PROJECT DESCRIPTION — Completed by: Deanna Chow

Location: Northwest corner of Story Road and Lyndale Avenue

Gross Acreage: 0.12 | Net Acreage: 0.12 | Net Density: N/A

Existing Zoning: County | Existing Use: Office

Proposed Zoning: A(PD) Planned Development | Proposed Use: Office

GENERAL PLAN — Completed by: DMC

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8.0 DU/AC)

Project Conformance:
[X] Yes [ ] No
[☐] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING/GENERAL PLAN DESIGNATION — Completed by: DMC

North:	Single-family detached residence	County/Medium Low Density Residential (8.0 DU/AC)
East:	Single-family detached residence	County/Medium Low Density Residential (8.0 DU/AC)
South:	Story Road/Multi-family residential	CO Commercial Office/General Commercial
West:	Commercial	CN Commercial Neighborhood/General Commercial

ENVIRONMENTAL STATUS — Completed by: DMC

[☐] Environmental Impact Report
[☐] Negative Declaration circulated on
[☒] Negative Declaration adopted on August 11, 2004

[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY — Completed by: DMC

Annexation Title: pending Hillview 72

Date:

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☐] Approval
[☒] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date:

Approved by: _____
[☐] Action
[☒] Recommendation

APPLICANT/DEVELOPER	OWNER
Joseph Sunzeri 1997 Limited Partnership P.O. Box 3238 San Jose, CA 95156	Joseph Sunzeri 1997 Limited Partnership P.O. Box 3238 San Jose, CA 95156

PUBLIC AGENCY COMMENTS RECEIVED **Completed by: DMC**

Department of Public Works

Please see attached memorandum

Other Departments and Agencies

Please see attached memorandum from the Fire Department and Environmental Services Department

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This staff report covers two pending applications with the City of San Jose, including a General Plan amendment and Planned Development prezoning. The approximate 0.12-acre unincorporated site is located on the northwest corner of Story Road and Lyndale Avenue. The subject property currently has a General Plan land use designation of Medium Low Density Residential (8.0 DU/AC). The proposed amendment (GP04-05-02) requests to change the Land/Use Transportation Diagram from Medium Low Density Residential (8.0 DU/AC) to Office. The proposed Planned Development prezoning would allow for office uses on the site.

Project Description

The applicant, Joseph Sunzeri 1997 Limited Partnership, is requesting a General Plan amendment and Planned Development prezoning to allow for office uses on the site. Currently, the existing single-family residence contains offices for a travel agent, income tax service, notary, and real estate services.

The property owner is requesting the General Plan amendment because the existing General Plan designation of Medium Low Density Residential (8.0 DU/AC) and County zoning do not allow for solely office uses on the site. As a result of the intended use, a subsequent Planned Development prezoning rather than a conventional prezoning to CO Commercial Office is necessary because the property does not meet the Zoning Code minimum parcel size of 6,000 square feet. The site does not qualify for the Lot Area – Exception, Section 20.40.240 of Title 20, because the final subdivision map which created the parcel was not approved in the City, but rather the County.

Given that the site is within 300 feet of the incorporated boundaries of the City of San Jose, the City and County have agreed that any project not considered minor would be required to annex to the City. In this case, the proposed conversion of a single-family residence to an office is not a minor project as defined by the City/County agreement, therefore annexation is required. The proposed PD zoning identifies development standards to maintain the existing structure and provides flexibility for future redevelopment of the site in that a future building has the ability to redevelop differently than what exists today. Uses proposed are in accordance with the CO Commercial Office zoning district. Four off-street parking spaces are proposed to be required or one (1) parking space per 250 square feet of floor area. This amount is consistent with the parking standards for office uses per Title 20, the Zoning Ordinance, of the Municipal Code. The maximum height limit allowed for structures on the site is proposed to be 35 feet.

Site and Surrounding Uses

The rectangular site is approximately 5,200 square feet with frontages along Story Road and Lyndale Avenue. The site is developed with a 1,100 square foot, single-story, single-family detached residence that is currently being used for various office uses. The residential unit has driveway access from Lyndale Avenue, which primarily serves the adjacent residential neighborhood. The site is situated within a large County pocket of single-family residences.

The surrounding land uses include single-family residences to the north and east, commercial and multi-family uses to the south, across Story Road, and commercial uses to the west. The site is located within walking distance to the Story Road Neighborhood Business District, which extends along Story Road from Highway 101 to Silver Creek, just south of the site. Several of the residences to the east of the site, along Story Road, also contain partial conversions to commercial uses.

Aerial photo of site and surrounding uses

Looking northwest at the site from Story Road

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on July 23, 2004 for review and comment. The Mitigated Negative Declaration included mitigation measures, both policies and project level measures, to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA) guidelines. The Draft Negative Declaration included mitigation measures for Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, and Noise. With the inclusion of the required mitigation measures, the Director of Planning, Building and Code Enforcement has determined that the project will have a less than a significant impact on the environment.

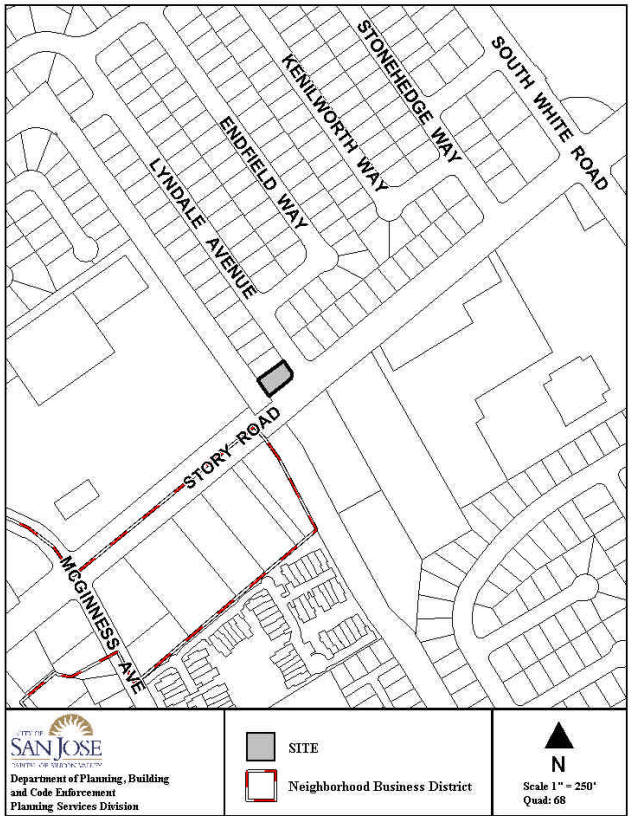
GENERAL PLAN CONFORMANCE

The existing General Plan land use designation is Medium Low Density Residential (8.0 DU/AC). However, the proposed Planned Development zoning has been filed in conjunction with a General Plan amendment to change the Land/Use Transportation designation to Office. Because office development is typically low intensity and can be designed to be compatible with surrounding uses, the application of this designation on the margins of residential neighborhoods can be appropriate and overall consistent with General Plan strategies and policies. The primary allowed uses in the Office category are business and professional offices.

The proposed change from Medium Low Density Residential (8.0 DU/AC) to Office provides an opportunity to facilitate neighborhood businesses, consistent with the General Plan Economic Development Major Strategy. This Major Strategy supports a balanced community by encouraging commercial growth to balance existing residential development, provide employment opportunity, and provide a strong economic base for the City of San Jose. The proposed land use designation is appropriate at this location given the site's close proximity to existing commercial uses, the Story Road Neighborhood Business District, and its location and visibility along Story Road.

The site is located on the fringe of an established residential neighborhood and along a Major Arterial Street. Many of the homes along Story Road, just east of the site, have also converted parts of their residences for office uses. This may be an indication that small commercial businesses are a needed, viable use in the area, and that the area is appropriate for commercial uses. Staff would consider future redesignation of the broader area from Medium Low Density Residential (8.0 DU/AC) to Office or Neighborhood/ Community Commercial for the remaining parcels along Story Road, east of the site to White Road. This would help facilitate potential lot combining and redevelopment of sites from residences to commercial uses, fostering additional commercial uses that currently exist along Story Road. Encroachment of commercial uses any further into the residential neighborhood would be

GP04-05-02



inappropriate and would be inconsistent with policies identified in the *San Jose 2020 General Plan*.

The proposed General Plan amendment from Medium Low Density Residential (8.0 DU/AC) to Office will provide additional services to the community. The change is consistent with the San Jose 2020 General Plan's Balanced Community Goal which states that communities should be balanced and complete in terms of housing types, economic development and job opportunities and social activities.

Should the General Plan amendment be approved, the proposed PD zoning would be consistent with the Office land use designation.

ANALYSIS

Neighborhood Compatibility

The site is a corner lot located adjacent to an existing shopping center and a single-family residential neighborhood. Changes of use on parcels within an existing neighborhood can raise design and compatibility questions. However, the proposed Office land use designation typically allows low intensity uses such as medical or business offices that can be compatible with residential uses in that these uses do not generate excessive traffic, noise or odors that would disturb residents or unduly compromise the residential character of a residential area. Appropriate design measures and development standards, such as adequate setbacks, sufficient off-street parking, orientation of the building, and landscaping can help integrate office uses with the existing neighborhood.

The applicant proposes to utilize the existing structure, which reflects the existing development pattern of the area. The project development standards have been developed so that office use can operate in a compatible manner with the adjacent residential area while allowing for limited setbacks along Story Road to further foster the development of the Story Road Neighborhood Business District and to create an active pedestrian environment. In addition, landscaping in the front and side setback areas will act as a buffer to adjacent residences and provide a visually pleasing façade.

The proposed conceptual site plan for parking does not meet staff's recommended General Development Plan as parking is shown in the front setback area. This is further discussed in the Parking/Circulation section in this report. Staff will work with the applicant at the Planned Development Permit stage to create a project that meets the standards and design guidelines.

Conformance with the Commercial Design Guidelines

The development standards for the proposed PD Zoning substantially conform with the applicable Commercial Design Guidelines for the reasons described below and allow for the existing building to remain while providing for compatible redevelopment in the future. The development standards address setbacks for both buildings and parking.

Setbacks and Height

The Development Standards for the proposed PD Zoning are substantially consistent with the Commercial Design Guidelines setbacks for office buildings less than 3 stories. The proposed front building setback, which would be along Lyndale Avenue, is 25-feet to match existing front setback requirements of typical

single-family residences. By maintaining the same front setback, the building will not appear to intrude or be out of scale with the nearby residential uses. The 25-foot setback is consistent with the Commercial Design Guidelines that state buildings should be setback 25 feet from the street with a residential interface. The proposed side, corner setback is zero (0) feet, allowing for a building to be redeveloped near Story Road and provide an active street elevation. The site is located diagonally across from the Story Road NBD and the setback is consistent with the Commercial Design Guidelines for NBD Streets that provides for a zero (0)-foot setback. The rear setback is also zero (0) feet, which is slightly less than the five (5)-foot setback identified in the Design Guidelines. A reduced setback is appropriate in this instance because the site does not abut sensitive receptors such as residential uses, and allows for some flexibility on this small, infill site. The side, interior setback, which is adjacent to single-family residences, is 10 feet. Although less than the 1 ½ foot setback for each foot of building height, the minimum 10-foot setback provides a greater side setback than a typical single-family residence. This should provide an adequate buffer between the uses on the site because development would occur in a similar scale as a single-family residence. Staff believes that the proposed perimeter setbacks are adequate to ensure compatibility with adjacent uses and are appropriate for this small, infill site. The proposed maximum height is 35 feet (2 stories), consistent with heights allowed in the surrounding area.

Parking/Circulation

The Development Standards for this project require a minimum of 1 space per 250 square feet of floor area (85% of the total gross floor area) consistent with the Zoning Ordinance for office uses. Each of the parking stalls must be independently accessible from the adjacent public street and all the parking requirements must be met through off-street parking. Parking cannot be located within the front or side, corner setback areas. The placement of parking within the front setback area reduces the amount of area available for landscaping and increases the likelihood of vehicles backing into the street, very close to the Story Road intersection. As an office will typically have more vehicular traffic than a single-family residence, vehicles should be able to turn around on-site before exiting the site to avoid backing into the street. The Development Standards provides a 12.5-foot side, corner setback area for parking to reduce the visual presence of parking along Story Road. A minimum 5-foot setback on the side, interior is required for parking. Although this is less than the 10-foot setback for parking adjacent to residential uses as indicated in the Design Guidelines, staff believes that this would not negatively impact the adjacent residence because there would be limited parking spaces separated by a landscaped area. This setback area should be adequately landscaped to provide an additional buffer and appropriate visual interface for the adjacent residents.

The applicant's conceptual site plan proposes parking within the front setback area as well as tandem stalls. The proposed tandem parking will have limited accessibility, resulting in the potential need to park in the adjoining neighborhood, which would be a disturbance to neighboring residents. Additionally, the proposed location of parking within the front setback area reduces the amount of landscaping and visual aesthetics adjacent to the residential neighborhood. For these reasons, staff does not support the applicant's proposed parking plan.

PUBLIC OUTREACH

The property owners and tenants within a 1000-foot radius of the amendment site were sent a newsletter regarding the two community meetings that were held on June 24 and 30, 2004 to discuss the proposed General Plan amendment. They also received a public hearing notice regarding the public hearings and Mitigated Negative Declaration to be held on the subject amendment and Planned Development Zoning before the Planning Commission in August and City Council in September. The proposed General Plan amendment was presented to the East Valley/680 Communities SNI NAC meeting in March 2004 and the Lyndale Neighborhood Association was also contacted regarding the proposed project. At the June 2004 NAC meeting, staff asked for input regarding a potential land use change to Neighborhood/Community Commercial from Lyndale Avenue to White Road due to interest from the public. Members of the NAC generally agreed to the concept, but expressed concern about extension into the residential neighborhood north of Story Road, eminent domain, parking spillover, and existing homeowners being pushed out by big developers. In addition, the community can be kept informed about the status of amendments on the Department's web-site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8.0 DU/AC) to Office.

Furthermore, Planning staff recommends that the Planning Commission forward a recommendation to the City Council, that should the General Plan be amended, to approve the proposed Planned Development Zoning with the Development Standards as recommended by staff.

GENERAL DEVELOPMENT PLAN NOTES
PLANNED DEVELOPMENT PREZONING PDC04-022

Staff proposes that the following notes shall be incorporated on the final General Development Plan if the City Council approves the proposed amendment.

LAND USE

Permitted Uses:

Uses of the CO Commercial Office Zoning District. Uses requiring a Conditional Use Permit in the CO Zoning District shall be subject of a Planned Development Permit.

DEVELOPMENT STANDARDS

Minimum Building Setbacks:

Front (Lyndale Avenue): 25 feet
Side, Corner (Story Road): 0 feet
Side, Interior: 10 feet
Rear: 0 feet

Minor Architectural Projects:

Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area, but in no event, shall project into the public right of way.

Minimum Parking Setbacks:

Front (Lyndale Avenue): 25 feet
Side, Corner (Story Road): 12.5 feet
Side, Interior: 5 feet
Rear: 0 feet

Maximum Building Height:
35 feet (2 stories)

Parking:
1 parking space per 250 square feet of floor area (85% of total gross floor area).
No tandem parking is permitted and all parking must be accommodated on site.

Perimeter Landscaping

The developer shall install substantial landscaping along the perimeter of the site. Landscaping details shall be developed at the Planned Development Permit stage.

ENVIRONMENTAL MITIGATION REQUIREMENTS

Biological Resources

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

Cultural Resources

There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.

2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and

mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

PERFORMANCE STANDARDS

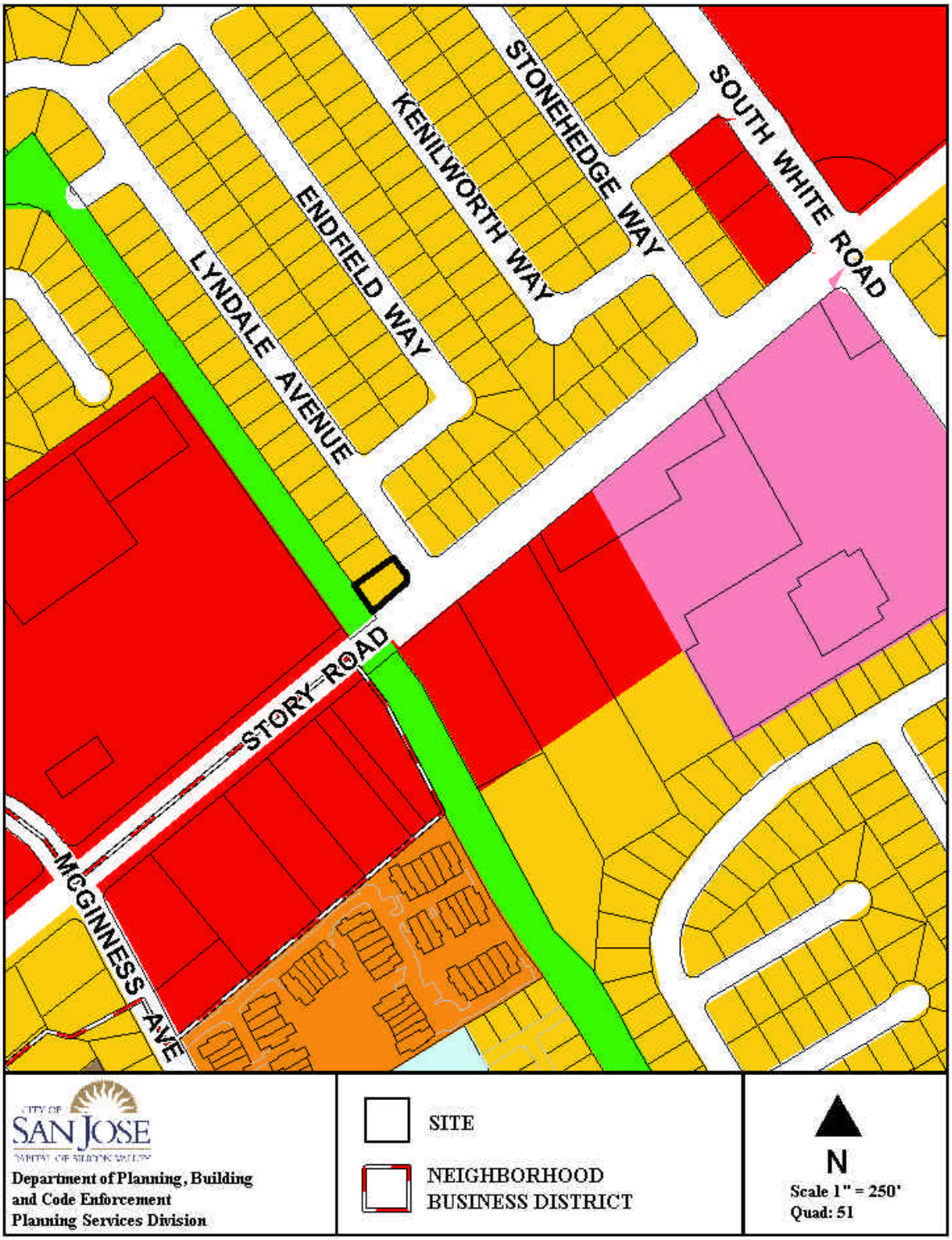
The performance standards of the CO Commercial Office Zoning District shall apply to this Planned Development Zoning.

PUBLIC IMPROVEMENTS

The developer shall provide the following to the satisfaction of the Director of Public Works.

1. **Sanitary:** Submit a sanitary sewer plan if construction of new laterals is proposed.
2. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
3. **Undergrounding**: The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Story Rd. prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is $224 per linear foot of frontage.)
4. **Street Improvements**: Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
5. **SNI:** This project is located within the East Valley/680 Communities SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
6. **Electrical**: Installation of electrolier(s) may be required along project frontage.

WATER POLLUTION CONTROL PLANT CAPACITY

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

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