

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 10/27/04 Item No.: **3.e.**

File Number
C04-074

Application Type
Conventional Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
264-20-079, -110 and, -128

STAFF REPORT

PROJECT DESCRIPTION

Completed by: **Meera Nagaraj**

Location: Southeast corner of West San Carlos and Josefa Streets

Gross Acreage: 0.53

Net Acreage: 0.53

Net Density: n/a

Existing Zoning: LI Light Industrial District

Existing Use: Office, parking and vacant parcel

Proposed Zoning: CP Commercial Pedestrian District

Proposed Use: Commercial

GENERAL PLAN

Completed by: **MN**

Land Use/Transportation Diagram Designation
General Commercial and Residential Support for the Core Area 25+ DU/AC

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: **MN**

North: Auto Service

LI Light Industrial

East: Office

CN Commercial Neighborhood

South: Single-Family Residential

R-2 Two-Family Residence

West: Used Car Service/Rental

CP Commercial Pedestrian

ENVIRONMENTAL STATUS

Completed by: **MN**

Environmental Impact Report findings adopted on August 16, 1994
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete
 Addendum to Downtown Strategy Plan

FILE HISTORY

Completed by: **MN**

Annexation Title: Gardner 1

Date: March 16, 1911

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 10-21-04

Approved by:


 Action
 Recommendation

CONTACT / APPLICANT / OWNER	ADDITIONAL OWNER	
Lester Meu 555 Howard St. San Francisco, CA 94105	Fred Wilhelm, Leonard and Company, Inc. 2001 Tareb Court Milpitas, CA 95035	
PUBLIC AGENCY COMMENTS RECEIVED		Completed by: MN
Department of Public Works <ul style="list-style-type: none"> ▪ No comments. 		
Other Departments and Agencies <ul style="list-style-type: none"> ▪ Strong Neighborhood Initiative Team , Planning, Building and Code Enforcement (Attached) 		
GENERAL CORRESPONDENCE		
<ul style="list-style-type: none"> ▪ None. 		
ANALYSIS AND RECOMMENDATIONS		

BACKGROUND

The applicant, Lester Meu, is requesting a conventional rezoning from the LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District of a 0.53 gross-acre site located at the southeast corner of West San Carlos Street and Josefa Street (see attached "Location" Map 2). The project site is located within the Delmas Park Strong Neighborhoods Initiative (SNI) Planning Area. The proposed rezoning furthers the Delmas Park Neighborhood Improvement Plan for West San Carlos Street which envisions a pedestrian oriented, neighborhood destination.

The subject site consists of two developed parcels and one undeveloped parcel. The corner parcel at West San Carlos and Josefa Streets is used as Parking for the office building located on the adjoining parcel to the east, which is also a part of the subject site. The interior parcel to the east of the corner parcel, facing West San Carlos Street has a two story office building fronting the street and a light industrial use (sign shop) at the rear portion of the property. Surrounding land uses include auto service to the north; office to the east; single-family residential to the south; and used car service rental to the west.

ENVIRONMENTAL REVIEW

The environmental impacts of the proposed project were addressed by a Final EIR entitled, San Jose 2020 General Plan EIR. The City Council adopted a resolution of findings (Resolution No. 65459) for each impact, mitigation measure, and alternative contained in the EIR on August 16, 1994. The San Jose 2020 EIR provides environmental clearance for conventional rezonings that conform to the General Plan based on the rationale that a conventional zoning district which implements the General Plan designation will not result in new or more severe environmental impacts than those analyzed in the EIR.

ANALYSIS

The primary issues analyzed are conformance with the San Jose 2020 General Plan and the Delmas Park Neighborhood Improvement Plan.

Conformance with the San Jose 2020 General Plan

The subject site is designated General Commercial and Residential Support for the Core Area 25+ DU/AC on the San Jose 2020 General Plan Land Use/Transportation Diagram (see Map 1 attached). General Commercial is a non-specialized designation intended to permit miscellaneous commercial uses. It includes both strip commercial areas along major thoroughfares as well as freestanding commercial establishments. Residential Support for the Core Area 25+ DU/AC is intended for high-density residential use in and near the Downtown Core Area. This designation permits development with commercial uses on the first two floors, with residential use on upper floors, as well as wholly residential projects.

CP Commercial Pedestrian zoning district allows commercial uses in buildings built at the front property lines. Mixed use with commercial uses on the first two floors and residential use on upper floors may be allowed in the CP zoning district only upon issuance of, and in compliance with, a Conditional Use Permit. Wholly residential projects on the subject site would require a subsequent rezoning. The proposed rezoning conforms to the General Plan in that the uses envisioned in the General Commercial and Residential Support for the Core Area (25+ DU/AC) land use categories for the subject site may be implemented by the CP Commercial Pedestrian zoning district as permitted and conditional uses.

Conformance with the Delmas Park Neighborhood Improvement Plan

The proposed rezoning furthers the implementation of one of the *Delmas Park Neighborhood Improvement Plan* Top Ten Priorities to improve West San Carlos Street streetscape. The proposed rezoning to CP Commercial Pedestrian zoning district would help transition West San Carlos Street from light industrial uses to a pedestrian-oriented, neighborhood commercial street. The Neighborhood Improvement Plan defines two action steps to further this goal:

- Rezone selected properties consistent with community objectives. The plan states the City should rezone any properties that would be more attractive for community preferred uses. Rezoning the select properties consistent could help to prevent new or expanded uses that are inconsistent with community objectives.
- West San Carlos Street Neighborhood Business District. The *Delmas Park Neighborhood Improvement Plan* has proposed the City should designate the West San Carlos Street corridor as a Redevelopment Agency "Neighborhood Business District (NBD)," eligible for focused redevelopment efforts such as streetscape improvements and mixed-use. The residents of Delmas Park have expressed strong desire to have a neighborhood-oriented commercial district along West San Carlos Street. It is the intention of the Plan to phase out the auto-related services and light industrial businesses within the neighborhood.

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. 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 presented the proposed rezoning at the monthly Delmas Park SNI Neighborhood Advisory Committee (NAC) meeting in September 2004. The subject site is located in an area desired by the Delmas Park community for in its *Delmas Park Neighborhood Improvement Plan* top ten priorities. The Delmas Park NAC fully supports the proposed rezoning.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to approve the proposed zoning for the following reasons:

1. The proposed rezoning conforms to the San José 2020 General Plan Land Use/Transportation Diagram designations of General Commercial and Residential Support for the Core Area 25+ DU/AC.
2. The proposed rezoning implements the *Delmas Park Neighborhood Improvement Plan* that envisions pedestrian-oriented neighborhood commercial along West San Carlos Street.
3. The proposed rezoning will enable future development on the subject site to be compatible with the neighborhood and to prevent new or expanded light industrial uses that are inconsistent with the community objectives.

JMH:mn

Attachments



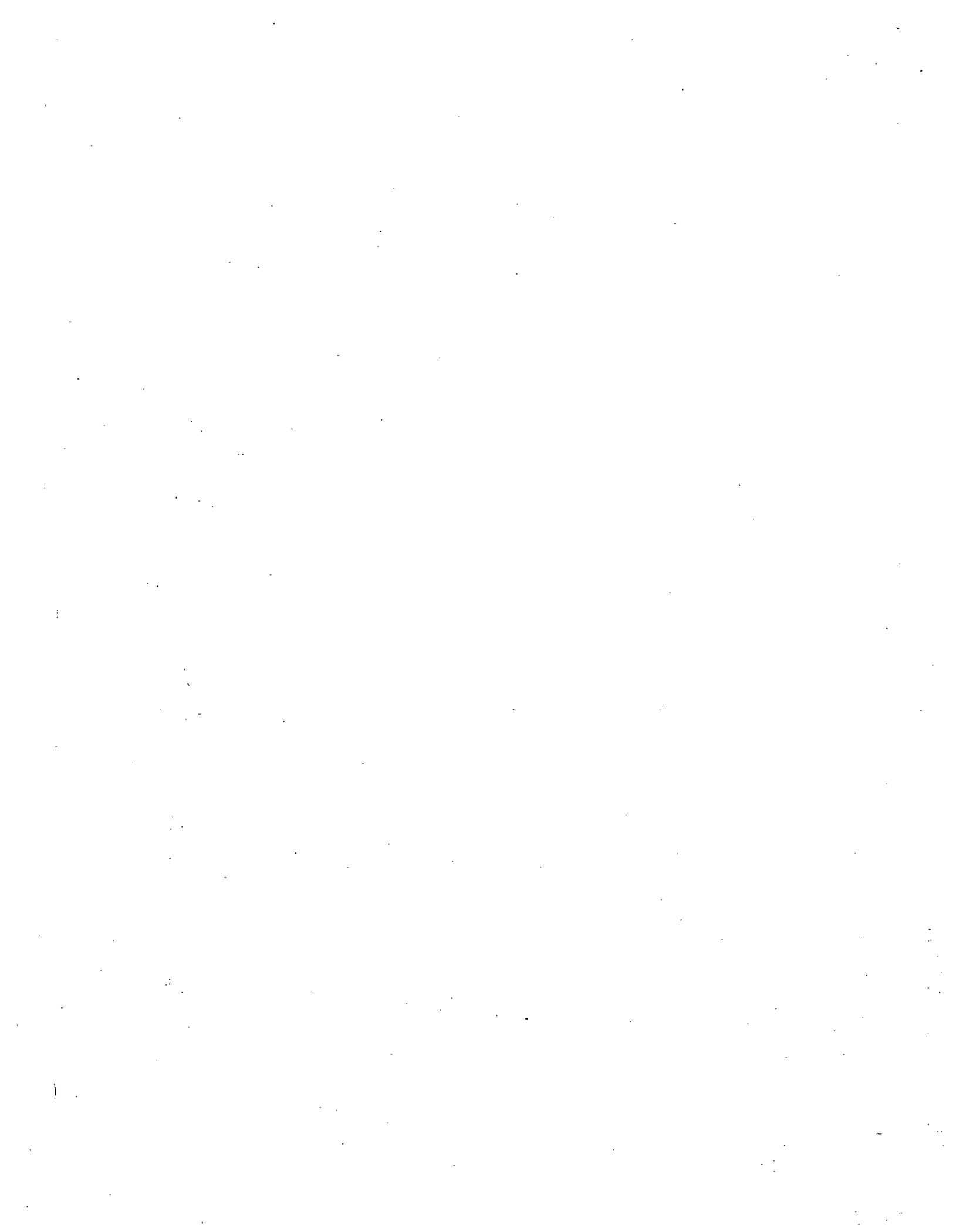
Scale: 1"=300'
Created on 08/19/04



File No: C04-074 MAP 2

LOCATION MAP District: 03

Quad No: 83



OFFICE OF COUNTY

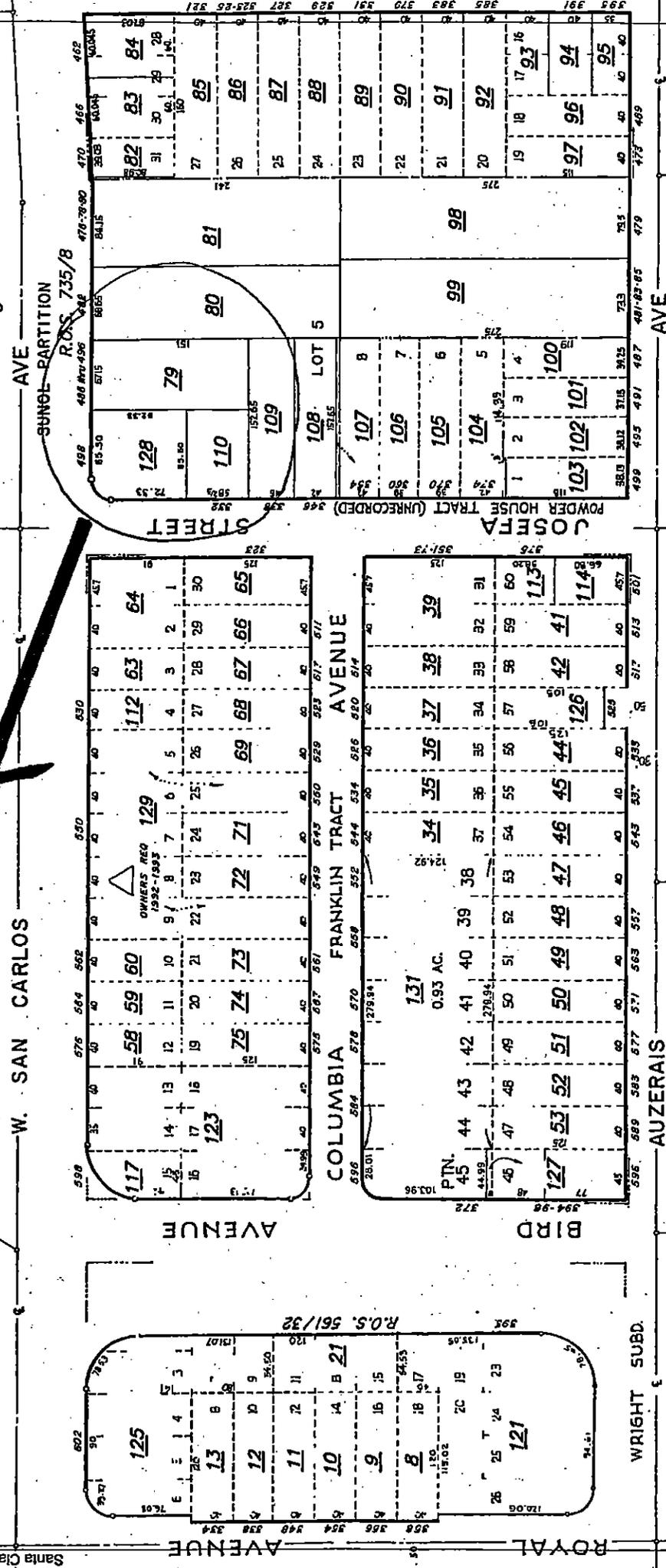
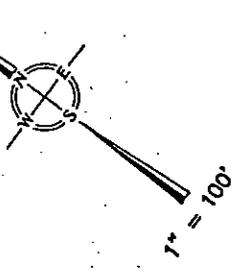
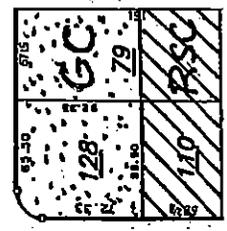
EXISTING GENERAL PLAN DESIGNATIONS

MAP 1

C04-074

SE/C W SAN CARLOS ST & JOSEFA ST

BOOK
264



(21)

(19)

(17)

LAWRENCE E. STONE
 Coastal map for assessor
 Compiled under R. & T.
 Effective Roll Year 2001

AUG 28 2001

**CITY OF SAN JOSE
SAN JOSE 2020 GENERAL PLAN
USE OF A PROGRAM EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose can take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C04-074 CONFORMING REZONING for a project located on the south side of West San Carlos Street, southeast corner of West San Carlos Street and Josefa Street in the City of San José LI Light Industrial zoning district to CP Commercial Pedestrian zoning district on 0.53 gross acres.
Council District 3. County Assessor's Parcel Number 264-20-079, -110 and -128

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

Insofar as the San Jose 2020 EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, and whereas it is determined that no new significant impacts will occur from this proposed amendment and adequate mitigation measures as contained in the General Plan and EIR will be included in the project development, the City of San Jose can take action on the amendment, as being within the scope of the General Plan covered by this program EIR.

Meera Nagaraj, AICP
Project Manager

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

9-17-04
Date


Deputy



Memorandum

TO: Meera Nagaraj
Planning Division

FROM: Patrice Shaffer
SNI Staff

**SUBJECT: RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: September 9, 2004

PLANNING NO: C04-074

DESCRIPTION: Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.53 gross acre site.

LOCATION: SE/C West San Carlos Street and Josefa Street

The project has been:

- Reviewed with No Comments
- Reviewed with Comments (see below)
- Reviewed with Comments and Requesting Review of Revised Plans

COMMENTS:

SNI staff has reviewed this application for conformance with the vision and goals of the *Delmas Park Neighborhood Improvement Plan*. The proposed project primarily conforms to the vision and goals of the *Improvement Plan* for West San Carlos Street by proposing rezoning from Light Industrial to Commercial Pedestrian. The vision for West San Carlos Street is to create a pedestrian oriented, walkable environment which supports first floor commercial with residential above. Rezoning the properties is the first step in this process.

The proposed mixed use plans included with this application for rezoning is a good start but the applicant should carefully consider and incorporate the issues and concerns detailed in the West San Carlos Street Redevelopment Concept Chapter V as attached. Sensitive treatment should be considered for the back of the building which will interface

with a single family house. Also, close coordination should take place between the applicant and the Redevelopment Agency which is currently designing the West San Carlos Streetscape Improvement Plan.

The applicant should also be advised that most likely the Delmas Park Neighborhood Advisory Committee (NAC) will request a project presentation at one of their upcoming monthly NAC meetings. The NAC will most likely want to closely monitor the progress of this project to make sure that it conforms with the community's vision for West San Carlos Street redevelopment.