

Memorandum

19566

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 18, 2009

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: C09-001. CONVENTIONAL REZONING FROM R-2 TWO FAMILY RESIDENCE ZONING DISTRICT AND R-M MULTIPLE RESIDENCE ZONING DISTRICT TO LI LIGHT INDUSTRIAL ZONING DISTRICT TO ALLOW INDUSTRIAL USE ON A 1.0 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 6-0-1, Commissioner Zito absent, to recommend that the City Council approve the conventional rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.0 gross acre site, as recommended by staff.

OUTCOME

Should the City Council approve the Rezoning, the permitted, special and conditional uses for the LI Light Industrial Zoning District may be allowed on the subject 1.0 gross acre site. Conditional and special uses and any modifications to the site will be subject to further development permits.

BACKGROUND

The site is on the northeast corner of Coleman Avenue and Taylor Street and is located on the western edge of the Airport Approach Zone Overlay, which stretches between Coleman Avenue and Highway 87 up to Interstate 880, and is outside the ALUC safety zone. Beginning in 1975, over 630 homes were removed from this 240-acre area because of airport noise and safety concerns. The light industrial uses were permitted to remain within portions of the area because of their limited daytime populations and lesser sensitivity to noise. The residential zoning districts abutting the industrial districts still remain, but the City has cleared the area of all

March 18, 2009

Subject: C09-001

Page 2

structures and has been developing it over time as the Guadalupe River Gardens and Park. Across Coleman Avenue from the Airport Approach Zone Overlay area, a mixture of light industrial businesses remain and the San José Market Center, a 385,000 square foot commercial center, has been developed, establishing the area of low intensity industrial and large scale commercial uses.

The property owner is requesting a conventional rezoning of the subject property from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow for the potential renovation and expansion of an existing carwash located on the 1.0 gross acre site. Currently the majority of the site, approximately 77%, is zoned Light Industrial. Along the eastern side of the property, approximately 8% of the total property area is zoned R-M Multiple residence and 15% is zoned R-2 Two Family Residence. This application would rezone the site so that it is consistently zoned LI Light Industrial.

The site is currently composed of two parcels and developed with a car wash with one building, approximately 1,375 square feet in size, and a system of tents and parking spaces. The portion of the site where the existing building is located is zoned LI Light Industrial district. The portable tent structures and parking extend into the two residential zoning districts. The applicant wishes to replace the tents with permanent structures. The rezoning is necessary to facilitate redevelopment of the site with light industrial uses, and in order to allow the applicant to replace the portable tents with permanent structures. Any future alterations to the site would require a subsequent Site Development Permit and Lot Combining Permit to create one parcel.

On March 11, 2009, the Planning Commission held a public hearing to consider the proposed conventional rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The proposed rezoning was adopted as part of the consent calendar and no separate discussion occurred on the project. No members of the public appeared to speak on the item. The Planning Commission voted 6-0-1 (Commissioner Zito absent) to recommend approval of the project as recommended by staff.

ANALYSIS

The proposed Conventional Rezoning would facilitate physical improvement and expansion of an existing light industrial use. The primary issues associated with the proposed project are conformance with the San José 2020 General Plan and compliance with the California Environmental Quality Act (CEQA). A Site Development Permit, File No. H09-003, is currently on file to allow the expansion of the existing car wash facility and other site related modifications.

The project site is located within the Airport Approach Zone Overlay with two different underlying land use designations on the San José 2020 General Plan Land Use/Transportation Diagram. Part of the site is designated Public Park/Open Space (PPOS), and the rest has no underlying designation. If there is no underlying designation to the Airport Approach Zone

Overlay, the text of the General Plan states that the land use should be consistent with one of the City's industrial zoning districts. The proposed rezoning to the LI Light Industrial Zoning district would therefore conform to the Airport Approach Zone Overlay policies.

Areas designated PPOS within the Airport Approach Zone Overlay are intended to ultimately be used to meet the City's recreation and open space needs. However, in the text of the General Plan it states that this designation is to be applied to lands owned or programmed for acquisition by public agencies and that prior to the purchase by a public agency of a site designated Public Park and Open Space, the General Plan Land Use designation of the site is the land use designation of the adjacent property. As the subject site is privately owned and developed with a car wash, the effective designation is that of the adjacent property. The project site is not programmed for public acquisition, and the Land Use designation of the adjacent property to the west is Light Industrial, and to the south is the Airport Approach Zone Overlay with no underlying designation. Therefore, the rezoning of the subject site to LI Light Industrial conforms to the effective land use designation of the site.

EVALUATION AND FOLLOW-UP

Should the proposed conventional rezoning be approved by the City Council, a Site Development Permit, Special Use Permit, or Conditional Use Permit would be required depending on the development proposal specifics. A separate, project specific General Plan conformance and environmental review analysis will be completed in conjunction with a proposed project.

POLICY ALTERNATIVES

Denial of the subject rezoning would mean that the existing zoning districts, R-2 Two-Family Residence, R-M Multiple Residence, and LI Light Industrial Zoning Districts would remain on the site. The current residential zoning portion of the project site would not allow for industrial uses or the expansion of an existing industrial use. Rezoning the entire site to the LI Light Industrial Zoning District offers more industrial development flexibility in land use and building form.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

HONORABLE MAYOR AND CITY COUNCIL

March 18, 2009

Subject: C09-001

Page 4

- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A sign has been posted on the project site. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Environmental Services Department, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan goals and policies as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: San José 2020 General Plan EIR, Resolution #65459.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions, please contact Project Manager Sylvia Do at 408-535-7906.

4.7.09
11.1(a)

P.C. Agenda: 3/11/09
Item No. 2.c
Deferred from 2/25/09

STAFF REPORT
PLANNING COMMISSION

FILE NO.: C09-001

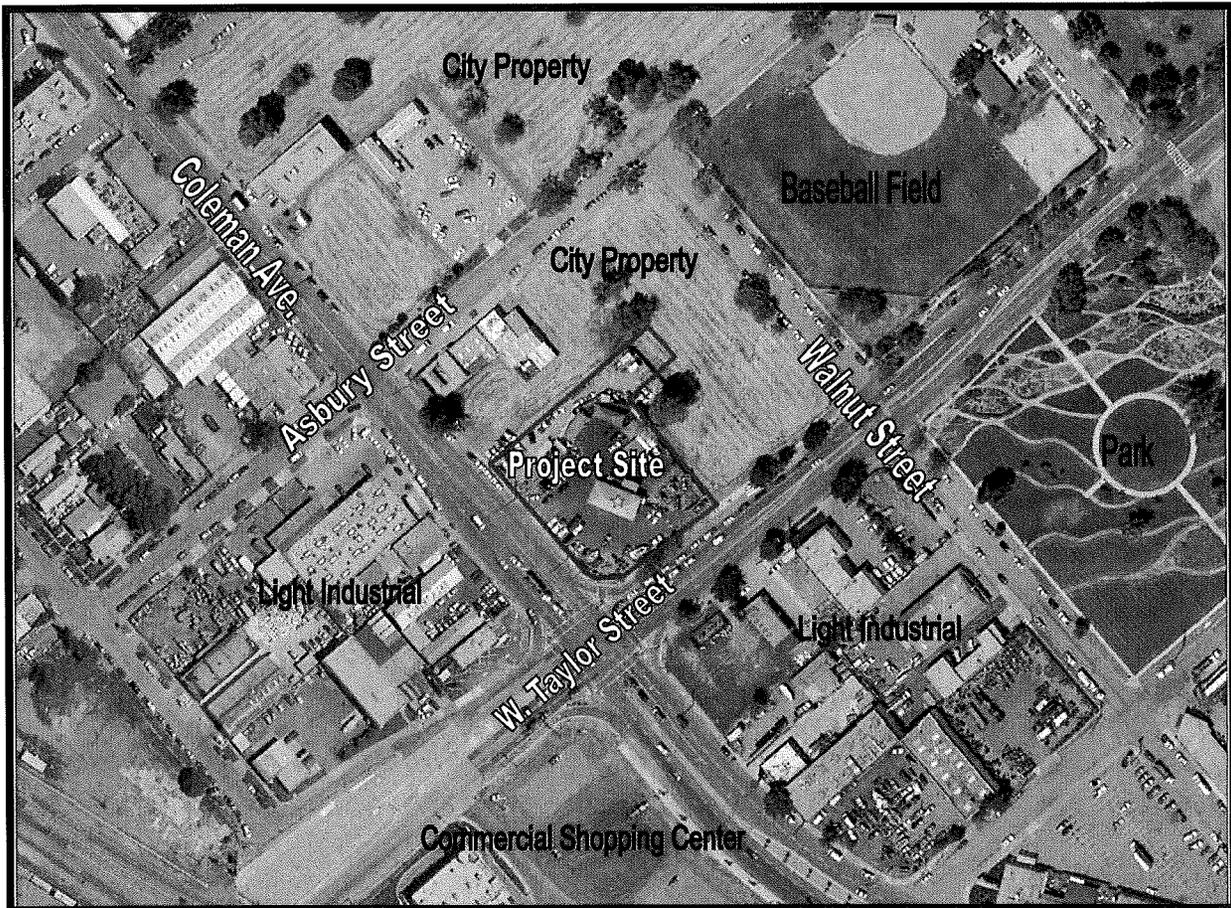
Submitted: January 7, 2009

PROJECT DESCRIPTION: Conventional Rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.01 gross acre site

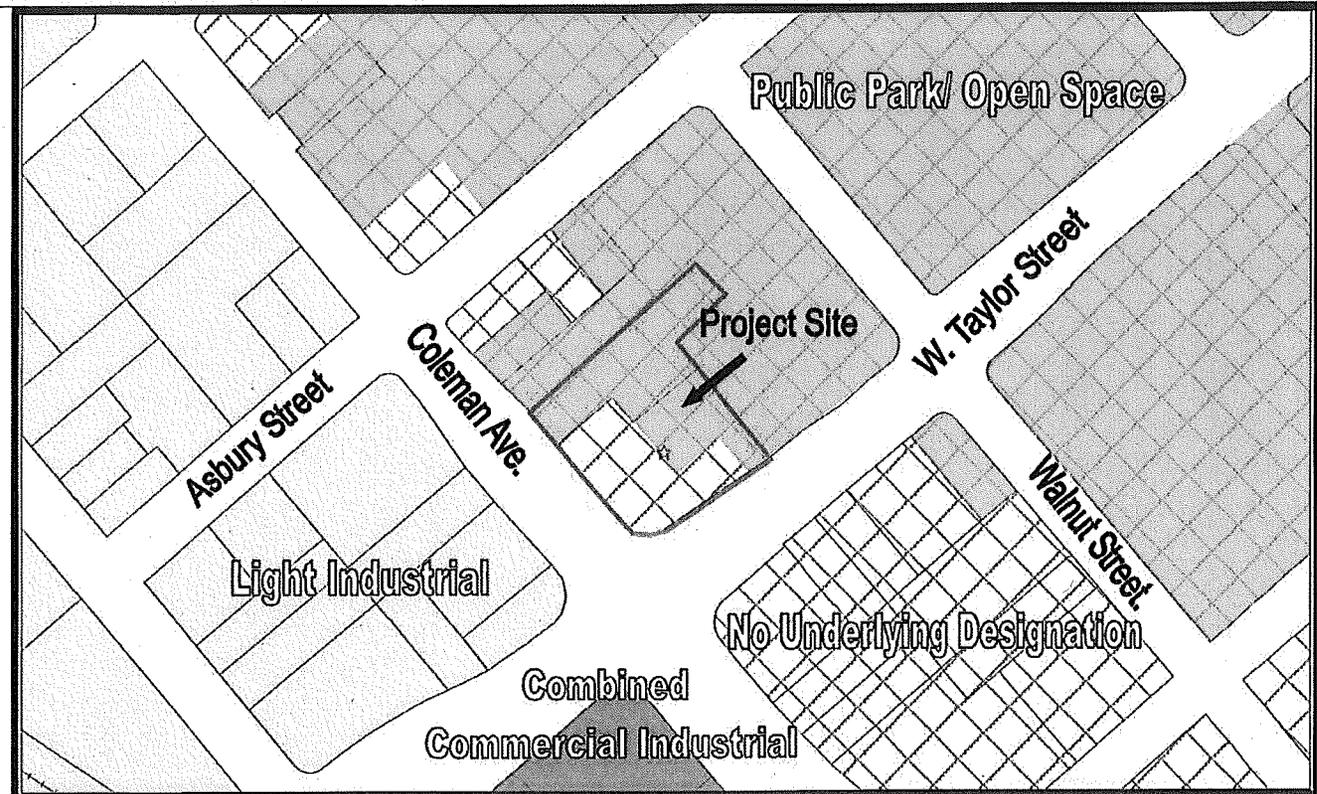
LOCATION: Northeast corner of Coleman Avenue and Taylor Street (702 COLEMAN AV)

Existing Zoning	R-2 Residential Two Family, R-M Multiple Residence, and LI Light Industrial
Proposed Zoning	LI Light Industrial
General Plan	Public Park/Open Space and No Undelying Designation with Airport Approach Zone Overlay
Council District	3
Annexation Date	December 8, 1925
Historic Resource	No
Redevelopment Area	No
Specific Plan	No
CEQA	Reuse of SJ 2020 EIR

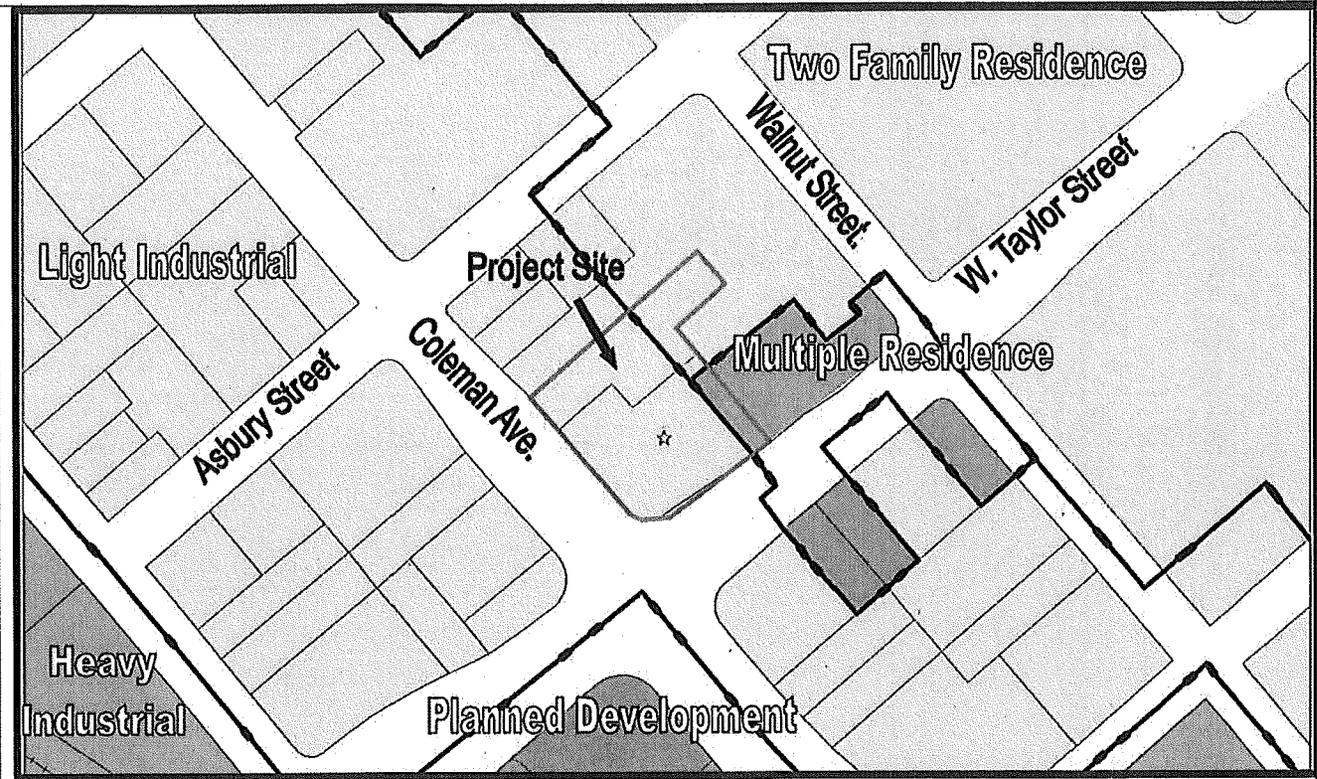
AERIAL MAP



GENERAL PLAN



ZONING



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 is in conformance with the policies of the Airport Approach Zone Overlay as described in the San José 2020 General Plan Land Use/Transportation Diagram designation, in that where there is no underlying designation; the appropriate land use is one of the City's Industrial zoning districts.
2. The proposed rezoning is in conformance with the San José 2020 General Plan Land Use/Transportation Diagram designation of Public Park and Open Space (PPOS) in that the subject property is privately owned and therefore the effective land use designation is that of the adjacent land use, which is Light Industrial.

BACKGROUND & DESCRIPTION

The site is on the north east corner of Coleman Avenue and Taylor Street and is located on the western edge of the Airport Approach Zone Overlay, which stretches between Coleman Avenue and Highway 87 up to Interstate 880, and is outside the ALUC safety zone. Beginning in 1975, over 630 homes were removed from this 240-acre area because of airport noise and safety concerns. The light industrial uses were permitted to remain within portions the area because of their limited daytime populations and lesser sensitivity to noise. The residential zoning districts abutting the industrial districts still remain, but the City has cleared the area of all structures and has been developing it over time as the Guadalupe River Gardens and Park. Across Coleman Avenue from the Airport Approach Zone Overlay area, a mixture of light industrial businesses remain and the San José Market Center, a 385, 000 square foot commercial center, has been developed, establishing the area of low intensity industrial and large scale commercial uses.

The property owner is requesting a conventional rezoning of the subject property from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow for the potential renovation and expansion of the carwash located on a 1.01 gross acre site. Currently the majority of the site, approximately 77%, is zoned Light Industrial. Along the eastern side of the property, approximately 8% of the total property area is zoned R-M Multiple residence and 15% is zoned R-2 Two Family Residence. This application would rezone the site so that it is consistently zoned LI Light Industrial.

The site is currently composed of two parcels and developed with a car wash with one building, approximately 1,375 square feet, and a system of tents and parking spaces. The portion of the site where the existing building is located is zoned LI Light Industrial district. The portable tents structures and parking extend into the two residential zoning districts. The rezoning is therefore necessary in order to replace the portable tents with permanent structures or to redevelop the site for light industrial uses. Any future alterations to the site would require a subsequent Site Development Permit and Lot Combining to create one parcel.

ANALYSIS

The proposed Conventional Rezoning would facilitate physical improvement and expansion of an existing light industrial use. The primary issues associated with the proposed project are conformance with the San José 2020 General Plan and compliance with the California Environmental Quality Act (CEQA).

General Plan Conformance

The project site is located within the Airport Approach Zone Overlay with two different underlying land use designations on the San José 2020 General Plan Land Use/Transportation Diagram. Part of the site is designated Public Park/Open Space (PPOS) and the rest has no underlying designation. If there is no underlying designation to the Airport Approach Zone Overlay, the text of the General Plan states that use should be consistent with one of the City's industrial zoning districts. The proposed rezoning to the LI Light Industrial district would therefore conform to the Airport Approach Zone Overlay policies.

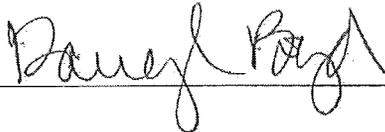
Areas designated PPOS within the Airport Approach Zone Overlay are intended to ultimately be used to meet the City's recreation and open space needs. However, in the text of the General Plan it states that this designation is to be applied to lands owned or programmed for acquisition by public agencies and that prior to the purchase by a public agency of a site designated Public Park and Open Space, the General Plan Land Use designation of the site is the land use designation of the adjacent property. As the subject site is privately owned and developed with a car wash, the effective designation is that of the adjacent property. The project site is not programmed for public acquisition, and the Land Use designation of the adjacent property to the west is Light Industrial and to the south is within the Airport Approach Zone Overlay with no underlying designation. Therefore, the rezoning of the subject site to LI Light Industrial conforms to the effective land use designation of the site.

Environmental Review

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." Resolution Number: 65459. The City of San José may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. The public hearing notice was also published in a local newspaper, the Post record, and Mercury News. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

Project Manager: Ella Samonsky **Approved by:**  **Date:** 2/17/09

Owner/Applicant: TAYLOR COLEMAN PROPS LLC 590 COLEMAN AV SAN JOSÉ CA 95110-2008	Attachments: Re-Use of SJ 2020 EIR Public Works Memo Plans
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**USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL 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 may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C09-001. Conventional Rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.01 gross acre site located at the northeast corner of Coleman Ave and Taylor Street (702 Coleman Ave.).

Council District 3

County Assessor's Parcel Numbers: 259-08-080, 259-08-076

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		

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

The subject site's General Plan Land Use/Transportation Diagram Designation is Public Park /Open Space and No Designation with an Airport Approach Zone Overlay. The General Plan states in the description of the Airport Approach Zone Overlay that where there is no underlying designation the appropriate land use is one of the City's industrial districts. The proposed rezoning to the LI Light Industrial district would therefore conform to this policy. Areas designated Public Park/Open Space within the Airport Approach Zone Overlay are intended to be used to meet the City's recreation and open space needs. However, in the text of the General Plan it states that this designation is to be applied to lands owned or programmed for acquisition by public agencies, and that prior to the purchase of a site designated Public Park and Open Space by a public agency the General Plan land use designation of the site is the land use designation of the adjacent property. As the subject site is privately owned and developed with a car wash the effective designation is that of the adjacent

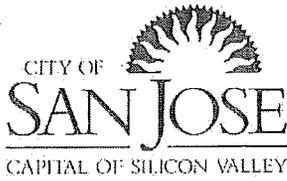
property. The land use designation of the adjacent property to the west is Light Industrial. Therefore the rezoning of the subject site to LI Light Industrial conforms to the effective land use designation of Light Industrial. As a conventional rezoning that conforms with General Plan policies, the rezoning is covered by the 2020 General Plan EIR.

Ella Samonsky
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

2/11/09
Date


Deputy



Memorandum

TO: Ella Samonsky
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 02/09/09

PLANNING NO.: C09-001
DESCRIPTION: Conforming Rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.01 gross acre site
LOCATION: northeast corner of Coleman Avenue and Taylor Street
P.W. NUMBER: 3-16310

Public Works received the subject project on 01/09/09. We have no comments or requirements for the zoning application. However, the City currently has plans to widen Coleman Avenue to six lanes between Hedding Street and Autumn Street, which will require significant right-of-way or entire parcel acquisition from the proposed project site. Copies of the proposed plan line and right-of-way requirement table are attached for reference.

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Development Services Division

ES:vt
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TABLE 1

PRELIMINARY COLEMAN AVENUE RIGHT-OF-WAY REQUIREMENTS

Assessor's Parcel No.	Property Address	Right-of-Way Required	Impact of Acquisition
230-40-079	909 Coleman Ave.	Narrow strip along Hedding	Realign curb and/or sidewalk
230-40-012	561 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
230-40-013	575 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
230-40-088	585 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
230-40-075	599 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
259-01-076	546 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
259-01-077	560 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
259-01-075	574 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
259-01-079	590 W. Hedding St.	Narrow strip along Hedding	Realign curb and/or sidewalk
259-02-091	890 Coleman Ave.	Entire parcel	Removal of 1 business: Valero service station
259-02-039	495 Emory St.	Entire parcel	Removal of 1 business: Master Metal Products
259-08-079	780 Coleman Ave.	Entire parcel	Removal of 1 business: The Luggage Center
259-08-073	748 Coleman Ave.	Entire parcel	Removal of 1 business: Sign San José
259-08-076	718 Coleman Ave.	Entire parcel	Vacant
259-08-080	702 Coleman Ave.	Entire parcel	Removal of 1 business: AJ Auto Detailing
259-09-032	765 Coleman Ave.	Narrow strip along Coleman	Realign curb and/or sidewalk
259-09-011	505 Asbury St.	Narrow strip along Coleman	Realign curb and/or sidewalk
259-09-034	735 Coleman Ave.	Narrow strip along Coleman	Realign curb and/or sidewalk
259-09-040	715 Coleman Ave.	Narrow strip along Coleman	Realign curb and/or sidewalk
259-09-035	709-711 Coleman Ave.	Narrow strip along Coleman	Realign curb and/or sidewalk
259-09-036	501 W. Taylor St.	Narrow strip along Coleman	Realign curb and/or sidewalk



11.X(a) 4/7/09
3/17/09 11.1(a)

Department of Planning, Building and Code Enforcement

PUBLIC HEARING NOTICE

190066

The Planning Commission and the City Council of the City of San José will consider a change in ZONING at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing
Wednesday, February 25, 2009
6:30 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

City Council Hearing
Tuesday, March 17, 2009
7:00 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

www.sanjoseca.gov/clerk/agenda.asp

The Planning Commission actions/synopsis will be available for review on our web-site 24-48 hrs after the hearing. Please visit: www.sanjoseca.gov/planning/hearings/planning_com.asp

The project being considered is:

C09-001. Conventional Rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.01 gross acre site, located on the northeast corner of Coleman Avenue and Taylor Street (702 Coleman Ave.) (Taylor Coleman Props Llc, Owner). Council District 3. SNI: None. CEQA: Reuse of the San Jose 2020 General Plan Final EIR.

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft staff report and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-7800
<http://www.sanjoseca.gov/planning/hearings/>

PAPER PR	SENT 2/4/09
PUBLISH 2/6/09	
AGENDA PC 2/25/09 CC 3/17/09	PROOF

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án C09-001. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709, e indique el número de proyecto C09-001.**

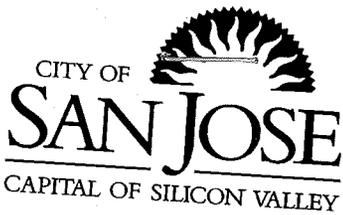
* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

Comments and questions are welcome and should be referred to the **Project Manager, Ella Samonsky**, at 408-535-7892 or the e-mail address: ella.samonsky@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Dated: February 02, 2009

Noticing Radius: 500ft

Part 5 of Chapter 20.120 of Title 20 of the SJMC sets forth the requirements and processes to file a formal protest against a proposed rezoning. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement by 5:00 p.m. on the fifth day before the City Council opens its public hearing on the proposal. Contact the Department of Planning, Building and Code Enforcement if you have any questions.



3/12/09
11.1(6)
4/7/09
11.1(6)

Department of Planning, Building and Code Enforcement

PUBLIC HEARING NOTICE

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Department of Planning, Building and Code Enforcement
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AGENDA PC 2/25/09 CC 3/17/09	PROOF

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If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

Comments and questions are welcome and should be referred to the **Project Manager, Ella Samonsky**, at 408-535-7892 or the e-mail address: ella.samonsky@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

dated: February 02, 2009

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