



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 19, 2009

COUNCIL DISTRICT: 4
SNI AREA: NA

SUBJECT: FILE NO. GP08-04-04. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (8-16 DU/AC) TO HEAVY INDUSTRIAL ON A 1.2 GROSS ACRE SITE LOCATED ON THE EAST SIDE OF OAKLAND ROAD, APPROXIMATELY 200 FEET SOUTH OF SERVICE STREET.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend that the City Council approve the proposed General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Light Industrial on a 1.2-acre site located on east side of Oakland Road, approximately 200 feet south of Service Street.

OUTCOME

Should the City Council approve the General Plan Amendment to Light Industrial, the applicant would be able to move forward with a Site Development Permit currently on file (File Number H08-044) to allow the demolition of 13 dwelling units and the construction of a 103,000 square foot self-storage building.

BACKGROUND

On November 18, 2009, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the proposed General Plan Amendment for the reasons stated in the attached staff report. The item was pulled from the Consent Calendar at the request of a member of the public.

The applicant, Dan Askari with Khani and Sons, Inc., spoke on the item. He stated that he was pursuing the General Plan Amendment to allow the future development of a mini-storage use.

Commissioner Zito asked Mr. Askari if any tenants lived in the existing 13 dwelling units that are proposed for demolition for future redevelopment of the site and whether the tenants have been notified of this project. Mr. Askari stated that the tenants currently occupy the dwelling units have been notified of this project, including a City of San Jose on-site public notification sign that was installed on the property since the application was filed. Staff indicated that staff would work with the applicant to notify the existing residents regarding any future redevelopment of this site and relocation notification, if applicable.

The Planning Commission then took public testimony. There was one speaker on the item. Kerri Hamilton with Citizens for Environmental and Economic Justice (CEEJ) expressed concern regarding the proposed General Plan Amendment to Heavy Industrial for the subject site, which is adjacent to existing residential uses.

The Planning Commission then closed the public hearing. Commissioner Zito asked if mini-storage uses were allowed with a Land Use/Transportation Diagram designation of Light Industrial or Heavy Industrial. Staff indicated that mini-storage uses are permitted in the Light Industrial and Heavy Industrial Zoning Districts. The site is currently zoned Heavy Industrial.

Commissioner Jensen asked staff about the compatibility of heavy industrial uses adjacent to sensitive receptors such as residential uses. Staff indicated that the adopted Mitigated Negative Declaration analyzed the environmental impacts of the project and states that any environmental impacts would be mitigated for through methods that will be incorporated into any permitting process for this site. Commissioner Jensen asked if a General Plan Amendment to Light Industrial could be considered instead of Heavy Industrial. Staff indicated that the Planning Commission could recommend that the City Council approve a General Plan Amendment to Light Industrial.

Commissioner Platten made a motion to recommend that the City Council approve a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Light Industrial. Commissioner Zito second the motion, stating that Light Industrial would be a more appropriate General Plan designation given the site's adjacency to residential uses and sensitive receptors.

The Planning Commission then voted on the motion, 6-0-1 (Commissioner Kamkar absent).

ANALYSIS

For complete analysis please see the original Staff Report (see attached).

EVALUATION AND FOLLOW-UP

Site Development Permit File Number H08-044 is currently on file to allow the demolition of 13 dwelling units and the construction of a 103,000 square foot self-storage building. Subsequent to the General Plan Amendment, this Site Development Permit will serve as the for the demolition and redevelopment of the subject site.

POLICY ALTERNATIVES

Not applicable.

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)**
- 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)**

Notice of the Fall 2009 hearings on the General Plan was published in the San José Post-Record. 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 General Plan Amendment was presented to the Neighborhood Roundtable on August 18, 2009. A community meeting for the proposal was held on September 8, 2009; no members of the public attended the community meeting. Staff has been available to respond to questions from the public. No correspondence from the general public has been received on this proposed General Plan Amendment.

COORDINATION

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, and the Fire Department.

FISCAL/POLICY ALIGNMENT

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

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CEQA

CEQA: Mitigated Negative Declaration.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Jodie Clark at 408-535-7800.

STAFF REPORT
PLANNING COMMISSION

File No.: GP08-04-04

Submitted: 12/5/08

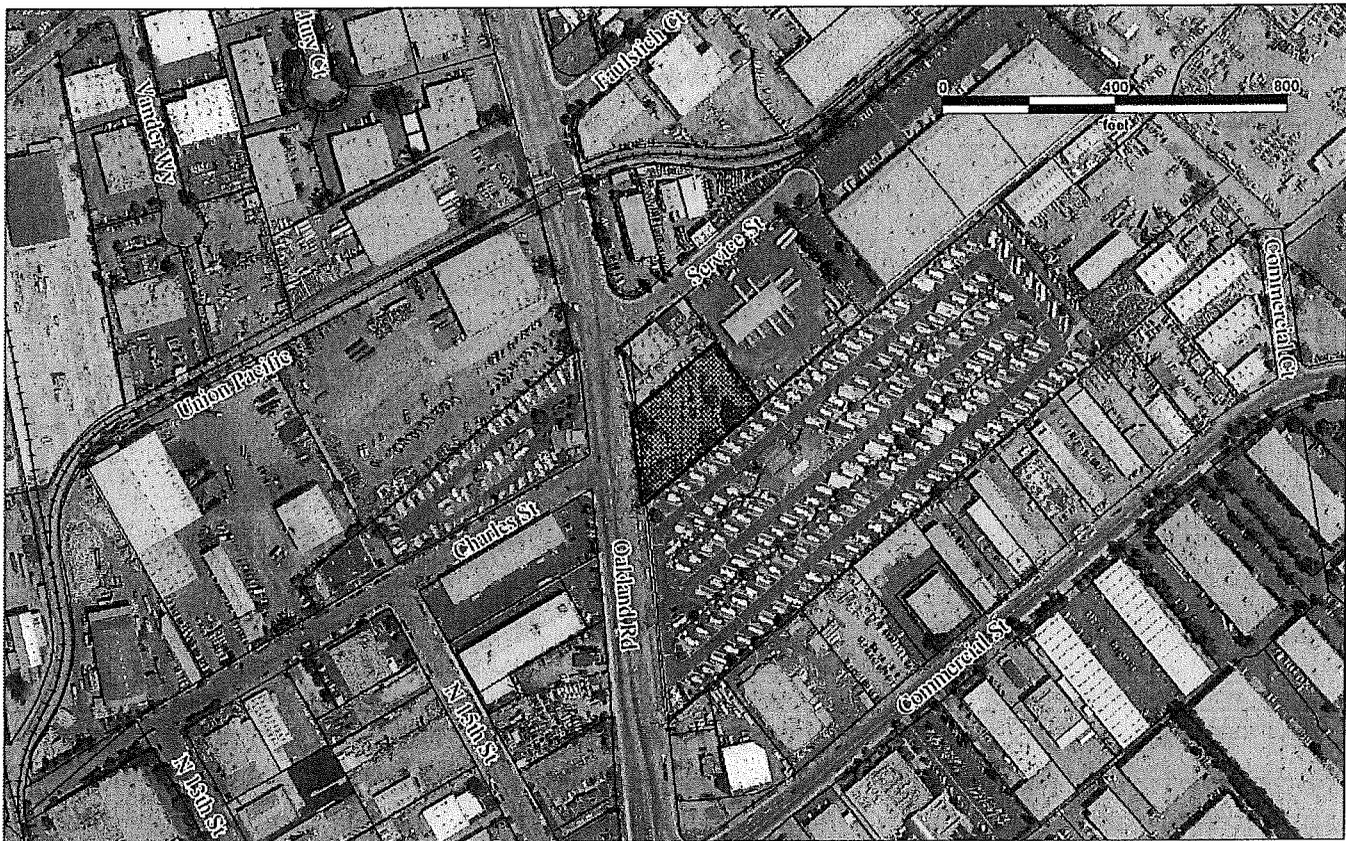
PROJECT DESCRIPTION: General Plan amendment request (GP08-04-04) to change the San José 2020 Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Heavy Industrial on a 1.2 gross acre site.

LOCATION: East side of Oakland Road approximately 200 feet south of Service Street.

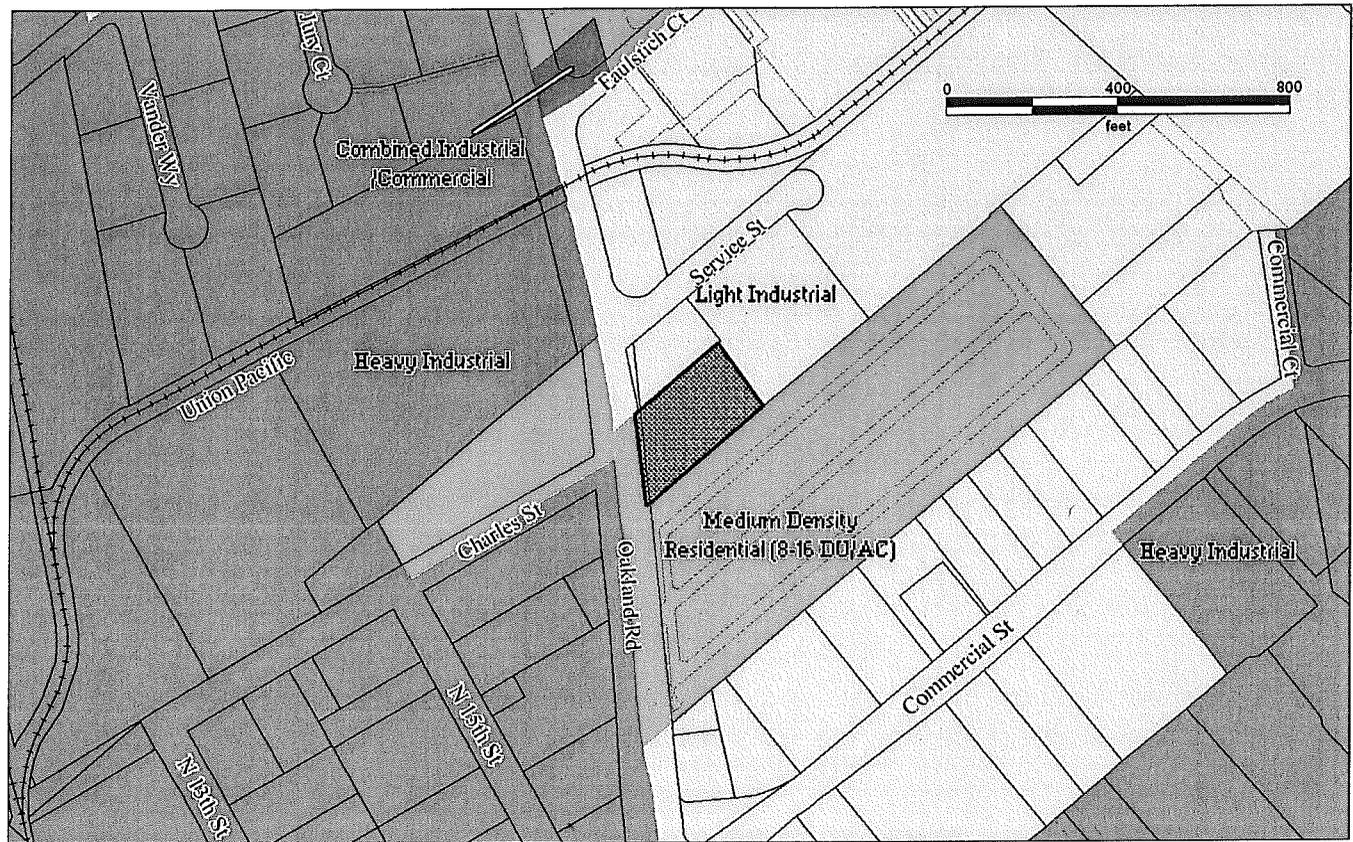
Existing Zoning	HI Heavy Industrial
General Plan	Medium Density Residential (8-16 DU/AC)
Proposed General Plan	Heavy Industrial
Council District	4
Annexation Date	August 1, 1963
SNI	N/A
Redevelopment Area	N/A

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N

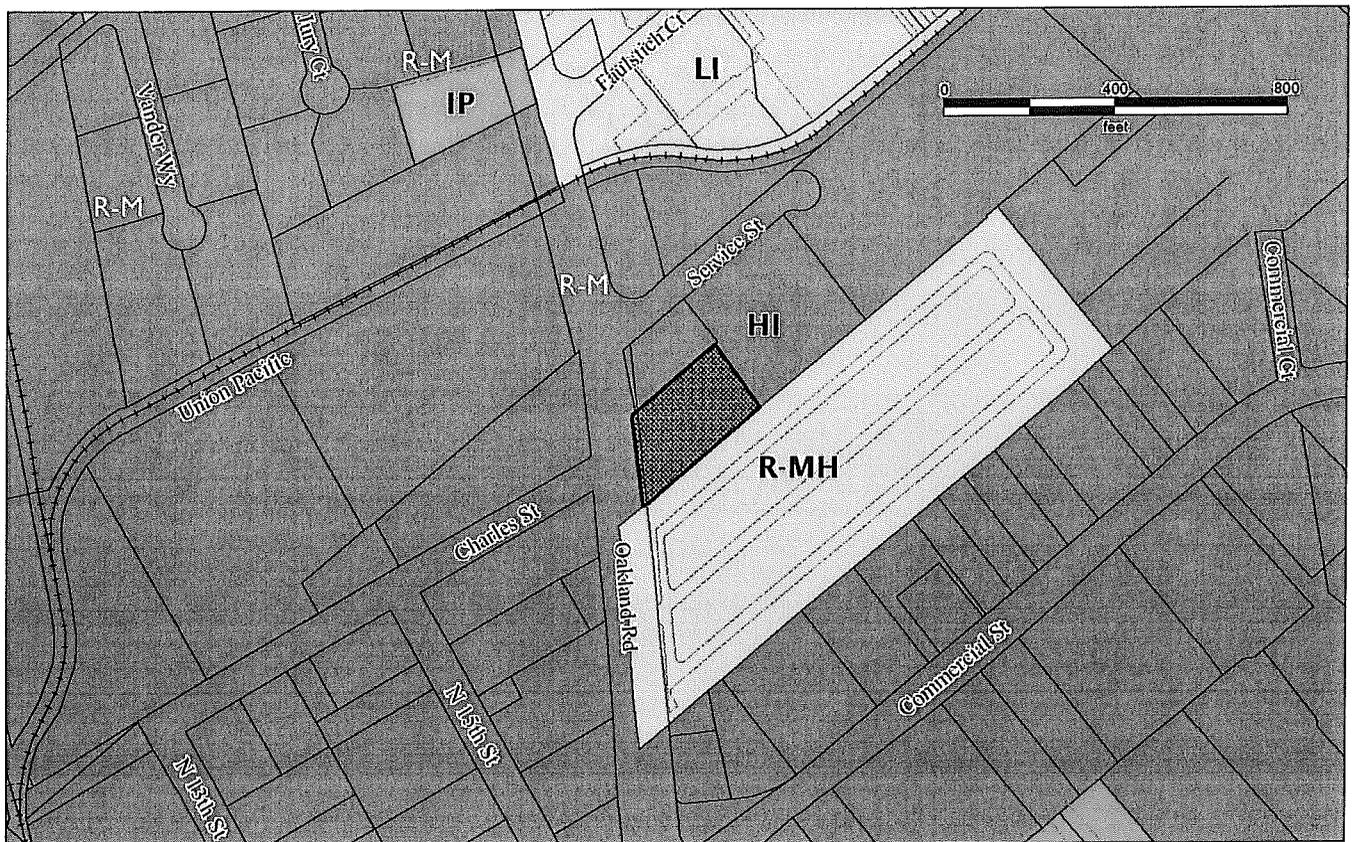
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed General Plan amendment for the following reasons:

1. The proposed General Plan amendment to Heavy Industrial is consistent with the Economic Development Major Strategy, and the Balanced Community, Industrial Land Use, and Economic Development goals and policies in the San José 2020 General Plan.
2. The proposed General Plan amendment is compatible with the existing and surrounding land uses.
3. The proposed project conforms to the requirements of CEQA.
4. The proposed project is a reverse conversion under the Framework for Preservation of Employment Lands.

BACKGROUND

On December 5, 2008, Dan Askari with Khani and Son, Inc., initiated the proposed General Plan amendment to Heavy Industrial for the subject 1.2 gross acre site. The site currently has a San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC) and a Zoning designation of HI Heavy Industrial. On December 5, 2008, Mr. Askari also filed for a Site Development Permit, File Number H08-044, to allow the demolition of 13 dwelling units and the construction of a 103,000 square foot mini-storage building on the subject parcel. Although the proposed mini-storage use is permitted by right under the existing HI Heavy Industrial Zoning District, the existing General Plan designation of Medium Density Residential (8-16 DU/AC) does not support the proposed redevelopment of the site. A change in the General Plan land use designation would be required to allow for industrial uses such as a mini-storage. If the General Plan amendment were to be approved, the Site Development Permit would be required for the mini-storage construction.

Site and Surrounding Uses

The 1.2 gross acre site is located on the east side of Oakland Road, approximately 200 feet south of Service Street, and is currently developed with 13 single-story one bedroom apartments and single-story one bedroom duplexes from the 1940s-1950s. The surrounding land uses include industrial uses to the north, east, and west, non-conforming commercial uses (restaurant) and non-conforming residential uses (recreational vehicle park) to the west across Oakland Road, and residential uses (recreational vehicle park) to the south. The General Plan land use designations of the surrounding properties are as follows: Light Industrial to the north and east, Heavy Industrial to the west, and Medium Density Residential (8-16 DU/AC) to the west and south. The greater area around the project site primarily has General Plan designations of Heavy Industrial and Light Industrial, and are located in the Heavy Industrial Zoning District.

Reverse Employment Land Conversion

The City's *Framework for Preservation of Employment Lands (Framework)* was adopted by the City Council on October 23, 2007 to preserve remaining industrial and commercial land capacity, and discourage the conversion of employment lands to non-employment uses. The proposed General Plan amendment is not subject to the *Framework* in that this project is a reverse conversion of non-employment lands (residential) to employment lands (industrial). Rather, this project augments the intent of the *Framework* by increasing Heavy Industrial net acreage and potentially offsetting the impacts of conversion of other employment acreage to non-employment acreage in the city. Given the limited inventory of industrial lands citywide, this proposed General Plan amendment intensifies the diverse employment land base to provide for the expansion and recruitment of businesses of all sizes and industries, thereby supporting employers to provide future jobs for all income levels.

Subsequent Permitting

Subsequent to the General Plan amendment, Site Development Permit File Number H08-044 will serve as the development permit for the demolition and reconstruction of the subject site to allow for a mini-storage use. Site design and architectural details are still in progress and is anticipated to be considered at a Planning Director's hearing in early 2010.

ANALYSIS

The key issues in analyzing the proposed General Plan amendment is consistent with the San José 2020 General Plan Major Strategies, goals, and policies. The primary analytical considerations are with regards to the proposed change of land use from residential to industrial.

Economic Development Major Strategy

The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San Jose's residents. The Strategy calls for identifying opportunities for expanding the community's economic base and generate revenue, and actively marketing San José as a location for a wide range of businesses. The proposed General Plan amendment is consistent with the General Plan's Economic Development Major Strategy because it would result in an increase of jobs and economic development opportunities for the new industrial businesses, and create more industrial growth to balance existing residential development. The proposed General Plan amendment would help preserve the existing industrial nature of this area of Oakland Road.

Balanced Community Policy No. 1 encourages the improvement of the jobs/housing balance. Approval of the proposed General Plan amendment facilitates future industrial employment opportunities on the subject site. The proposal is consistent with this policy promotes job opportunities so as to achieve a better balance between jobs and housing.

Industrial Land Use Policy Nos. 9 and 15 indicate that the City should encourage industrial business retention and expansion in appropriate areas of the City, and supports exclusively industrial areas to be reserved for industrial uses to the extent possible. The proposed General Plan amendment is consistent with this policy in that the subject property is located in a primarily existing industrial area of Oakland Road. Approval of the amendment would also promote and facilitate industrial businesses in an area already characterized by such uses.

Industrial Land Use Policy No. 10 states that interface problems between existing residential and new industrial areas should be resolved through the site design and discretionary permit process. Site Development Permit File Number H08-044 is currently on file and under review to further refine and incorporate site and architectural design elements so as to minimize negative impacts to the adjacent residential use (recreational vehicle park) located south of the subject site.

Economic Development Policy No. 2 seeks to enhance economic development and increase employment opportunities by attracting businesses and industries that are particularly suited to the area, and to protect industrial lands designated exclusively for industrial uses. This proposal would encourage existing industrial businesses to continue or expanding operations in an area particularly suited for industrial uses. It would facilitate the creation of 1.2 acres of non-industrial uses in the middle of a large, relatively intact industrial area.

Land Use Compatibility

Allowed uses under the proposed Heavy Industrial designation are compatible with the primarily industrial character and land use designations of the surrounding area. Development in conformance with the Industrial Design Guidelines and mitigation and standard measures will ensure compatibility with the

southerly adjacent residential use and designation at the discretionary permit stage. The industrial designation is also more appropriate at the intersection of an arterial street (Oakland Road) and a street heavily used by industrial vehicles and trucks (Charles Street).

ENVIRONMENTAL REVIEW

A Negative Declaration (MND) was circulated on October 27, 2009, and is available for viewing at www.sanjoseca.gov/planning/eir/mnd.asp. The MND states that any environmental impacts resulting from the project would be mitigated for through various methods that will be incorporated into any permitting that is done for this property. The Initial Study evaluated issues such as hazardous materials, air quality, noise and traffic, among other items. No comments on the negative declaration have been received to date.

PUBLIC OUTREACH/INTEREST

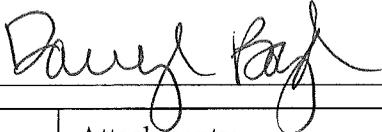
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CONCLUSION

The proposed General Plan amendment to Heavy Industrial allows a mixture of industrial uses including those related to warehousing, mini-storage, medium and heavy manufacturing, and vehicle repair, which are currently allowed under the subject property's existing Heavy Industrial Zoning District. Furthermore, the subject property is located in an area primarily characterized by light and heavy industrial uses. This proposal maximizes opportunities for increased tax base and revenues, improves the City's jobs/housing balance, encourages continued and facilitates future industrial uses in the area, and provides employment opportunities to residents. Approval of this amendment will further the Major Strategies, goals, and policies set forth in several San Jose 2020 General Plan policies and implement direction previously provided by the City Council.

Project Manager: Sylvia Do

Approved by: 

Date: 11/10/09

Owner/Applicant: Dan Askari, Khani & Son, Inc. 3897 El Camino Real Palo Alto, CA. 94306	Attachments: Location Map
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