



CITY COUNCIL STAFF REPORT

File No.	C16-012
Applicant:	Verkic Stana representing property owner Croatian Franciscan Fathers
Location	945 Lincoln Avenue
Existing Zoning	CN Commercial Neighborhood and R-M Multiple Residence
General Plan Land Use Designation	Combined Industrial/ Commercial
Council District	6
Historic Resource	No
Annexation Date:	December 7, 1959 (Broadway No 7)
CEQA:	Mitigated Negative Declaration for the 945 Lincoln Avenue Redevelopment Project

APPLICATION SUMMARY:

Conforming Rezoning from the CN Commercial Neighborhood Zoning District and R-M Multiple Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 1.1-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt a resolution approving the Mitigated Negative Declaration for 945 Lincoln Avenue Redevelopment Project in accordance with the California Environmental Quality Act (CEQA) and associated Mitigation Monitoring and Reporting Plan.
2. Adopt an ordinance rezoning an approximately 1.1-gross acre site, located on the northwest corner of Lincoln Avenue and Pedro Street (945 Lincoln Avenue), from the CN Commercial Neighborhood Zoning District and R-M Multiple Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY	
General Plan Designation	Combined Industrial/Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent
Consistent Policies	Implementation Policies IP-1.1, IP-1.6, and IP-8.2

SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Combined Industrial/Commercial	R-M Multiple Residence	Church
South	Neighborhood/ Community Commercial, Mixed Use Neighborhood	CN Commercial Neighborhood, CO Commercial Office, R-M Multiple Residence	Retail Stores
East	Combined Industrial/Commercial	Light Industrial	Auto Repair and Commercial/Industrial Businesses
West	Combined Industrial/Commercial	R-M Multiple Residence	Church

RELATED APPROVALS	
Date	Action
12/07/1959	Site annexed into the City of San José
07/15/2016	File Number AT15-019: Lot Line Adjustment to combine and reconfigure three lots into two lots.
Pending	File No. H14-036: Site Development Permit to allow the demolition of the existing 8,516-square foot commercial building and the construction of a new two-story, 17,090-square foot commercial building

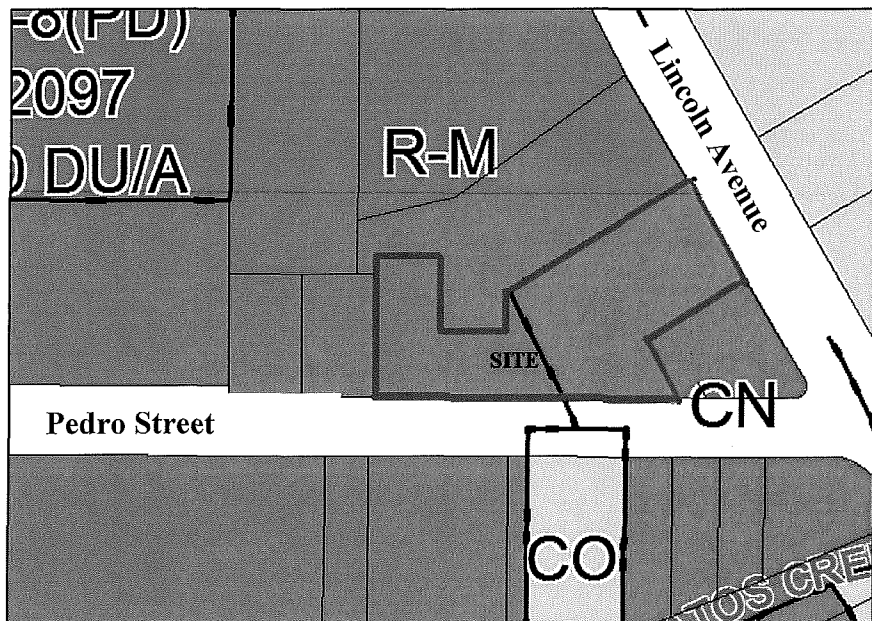


Figure 1: Existing Zoning Designation

PROJECT DESCRIPTION

On March 7, 2016, Verkic Stana representing property owner Croatian Franciscan Fathers, submitted a Conforming Rezoning from the CN Commercial Neighborhood Zoning District and R-M Multiple Residence Zoning District to the CIC Combined Industrial/Commercial Zoning

District on a 1.1-gross acre site located on the northwest corner of Lincoln Avenue and Pedro Street (945 Lincoln Avenue). The applicant submitted a Site Development Permit (File No. H14-036) to allow the demolition of the existing 8,516-square foot commercial building and the construction of a new two-story, 17,090-square foot commercial building, new parking lot, and landscaping improvements. The Site Development Permit is under review and would be considered at a future public hearing if the rezoning is approved by City Council.

Site Description and Surrounding Uses

The subject 1.1-gross acre site is located on the northwest corner of Lincoln Avenue and Pedro Street. The site consists of a vacant, one-story, 8,516-square foot commercial office and associated parking lot. A church is located to the north and west of the site, a retail store is adjacent to the site located to the east, and commercial/industrial uses are east of the site, across Lincoln Avenue. Commercial and Residential uses are located to the south, across Pedro Street. (See Figure 2).



Figure 2: Aerial image of the subject site

ANALYSIS

The proposed project was analyzed with respect to conformance with the Envision San José 2040 General Plan, Zoning Code, and the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Combined Industrial Commercial (Figure 3). Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation allows a Floor Area Ratio (FAR) of up to 12.0. Examples of

typical uses are research and development, retail sales, goods and merchandise, and private instruction/personal enrichment.

The proposed rezoning would conform to the CIC Combined Industrial/Commercial General Plan land use designation for the property. The rezoning of the subject site to the Combined Industrial/Commercial Zoning would bring the subject property, currently split zoned, into conformance with the General Plan Land Use/Transportation Diagram.

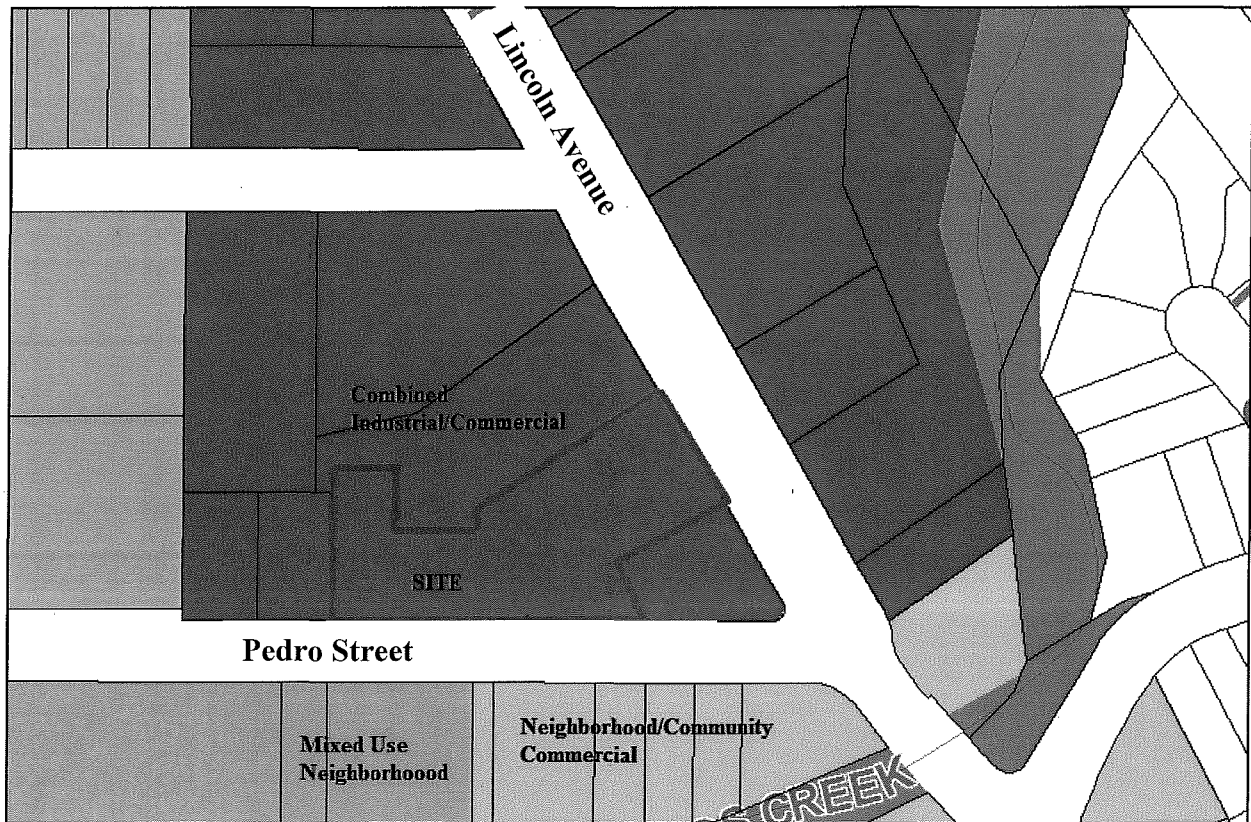


Figure 3: General Plan Land Use/Transportation Diagram

The conforming rezoning would be consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
3. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan Land Use/Transportation Diagram*. These districts include a range of allowed land uses,

development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis: The Combined Industrial/Commercial (CIC) Zoning District is a conventional zoning district that is the conforming zoning district for the Envision San José 2040 General Plan Land Use/Transportation Diagram’s designation of Combined Industrial/Commercial, as indicated in Section 20.120.110 of the Zoning Ordinance. The Conforming Rezoning to the CIC Zoning District would align the zoning district to be consistent with the goals of the General Plan and facilitate future development that is consistent with the General Plan land use.

Zoning Ordinance Conformance

The proposed Conforming Rezoning is in conformance with Table 20-270 of Section 20.120.110 of the San Jose Municipal Code. The Zoning Ordinance identifies the CIC Combined Commercial/Industrial Zoning District as a conforming zoning district to the Combined Commercial/Industrial General Plan Land Use/Transportation Diagram designation.

The CIC zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial General Plan land use designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Any future use of the site would need to conform to the allowable uses of the CIC Zoning District, pursuant to the San José Municipal Code Section 20.50.100.

As noted above, there is an existing vacant, commercial building on-site. The existing building is in conformance with the use and development standards of the Combined Industrial/Commercial Zoning District in that it conforms to standards of Table 20-120 of Section 20.50.200 of the San José Municipal Code.

Table 20-120: CIC Zoning District Development Standards		
	Required	Existing
Minimum Lot Size	6,000 sf	382,892 sf
Building Setbacks	Required, Feet	Existing, Feet
Front:	15 feet	31 feet
Side:	0 from property line or 25 feet from residential district, whichever is greater	50 feet from R-M Zoning District/9 feet
Rear:	0 from property line or 25 feet from residential district, whichever is greater	30 feet
Maximum Height	50 feet	15 feet

Any future development of the site would require review for conformance with the development standards of the CIC Combined Industrial/Commercial Zoning District.

September 12, 2018

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15302 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), an Initial Study /Mitigated Negative Declaration (IS/MND) entitled "945 Lincoln Avenue Redevelopment Project" was prepared by the Director of Planning, Building, and Code Enforcement for the Conforming Rezoning and pending Site Development Permit. The IS/MND was completed in compliance with the California Environmental Quality Act (CEQA) to reflect an independent judgment and analysis of the project.

The environmental issues addressed in the IS/MND were the potential impacts to air quality, hazards and hazardous materials, and noise. The IS/MND includes mitigation measures that would be implemented for each of the identified resource areas to reduce the potentially significant project impacts to a less-than-significant level. The mitigation measures are included in the Mitigation Monitoring and Reporting Program.

The document was circulated for public review during from May 22, 2018 to June 11, 2018. Two public comments were received regarding the proposed zoning and use of the site. The IS/MND identified that the implementation of the project would not result in any significant effects on the environment. The entire IS/MND, associated appendices, response to comments, and other related environmental documents are available on the Planning web site at: <http://www.sanjoseca.gov/index.aspx?NID=6113>.

PUBLIC HEARING NOTIFICATION

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. 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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comment letters have been received to date.

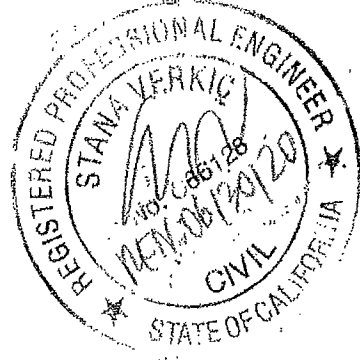
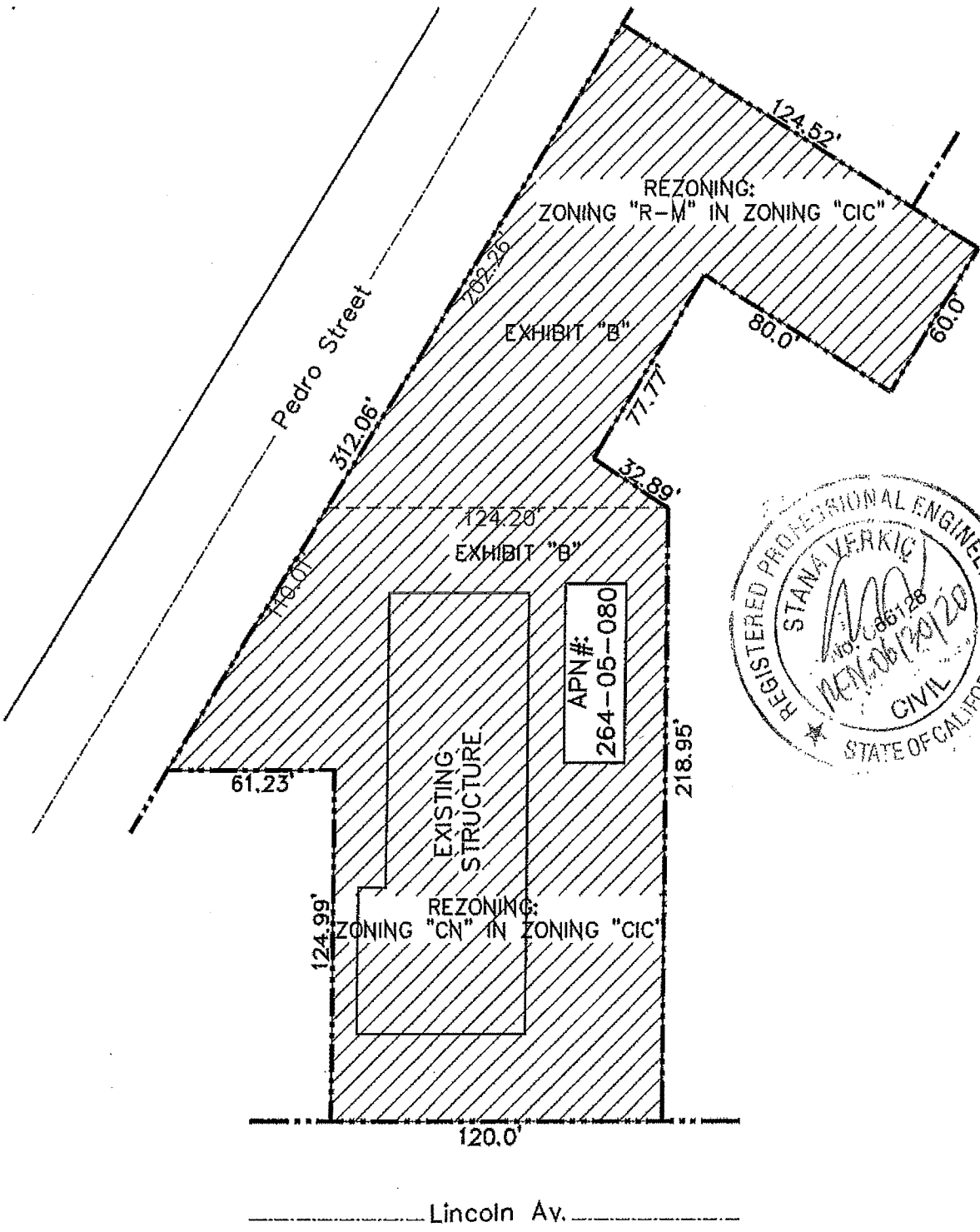
/s/

ROSALYNN HUGHEY, Director

Planning, Building and Code Enforcement

For questions, please contact Interim Deputy Director, Sylvia Do, at (408)535-7907.

Attachment: Plat map

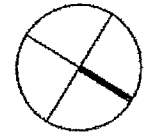


NAME OF PRESENT OWNER:
CROATIAN FRANCISCAN FATHERS

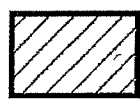
CHURCH'S BUILDING
NEW TWO STORY
COMMERCIAL RETAIL BUILDING
APN#: 264-05-080 (CASE FILE NUMBER: C16-012)
946 Lincoln Av.
San Jose, CA 95126

PLAT MAP

DRAWING: S.V.
DATE: 05/18/2018
SCALE: 1/64" = 1'-0"



ZONING:	AREA:
ZONING "CN" TO BE REZONED TO "CIC"	29,305 SQ FT
ZONING "R-M" TO BE REZONED TO "CIC"	18,254 SQ FT
AFTER REZONING WHOLE LOT WILL BE "CIC"	47,559 SQ FT

 WHOLE LOT WILL BE REZONED TO COMBINED INDUSTRIAL/COMMERCIAL (AREA = 47,559 SQ FT)