



CITY COUNCIL STAFF REPORT

File No.	C17-037
Applicant	Scott Hoffman
Location	Northeast corner of East Santa Clara and North 17th Street
Existing Zoning	CG Commercial General, LI Light Industrial
Council District	3
Historic Resource	No
Annexation Date	March 27, 1950 (Original City)
CEQA	Determination of Consistency with Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto

APPLICATION SUMMARY:

Conforming Rezoning from the CG Commercial General Zoning District and the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District for water utility uses on an approximately 1.86-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council approve the Conforming Rezoning based upon the facts and findings in this staff report.

PROJECT DATA			
GENERAL PLAN CONSISTENCY			
General Plan Designation		Public/Quasi-Public ☒ Consistent ☐ Inconsistent	
Consistent Policies		Implementation Policies IP-1.6 and 8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	Light Industrial	Single-family homes
South	Urban Village, Public/Quasi-Public	CN Commercial Neighborhood, R-1- 8 Single-Family Residence	Retail and a fire station
East	Public/Quasi-Public	A(PD) Planned Development	Urgent care center
West	Open Space, Parklands and Habitat	R-2 Two-Family Residence	Coyote Creek, Roosevelt Park

PROJECT DESCRIPTION

On August 29, 2017, the applicant applied for a Conforming Rezoning of the subject 1.86- gross acre site from the CG Commercial General Zoning District and LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. The property is owned and operated by San Jose Water Company. The subject site is comprised of two separate legal parcels, and the proposed conforming rezoning would allow uses to support public utility services such as a water facility. Additionally, the Public/Quasi-Public Zoning District may also accommodate other uses such as private schools, daycare centers, hospitals, or other similar institutional land uses. Currently, there is no development project application on file with the City.

Site Description and Surrounding Uses

The 1.86-gross acre site is located at the northeast corner of East Santa Clara and North 17th Street. The site is currently developed with a surface parking lot, a water reservoir building, approximately seven wells, two utility structures, and a generator. The site also includes the recently vacated area of Howard Street and Old West Julian Street. The site is accessed from North 17th Street. The property is surrounded by single-family residences to the north, an urgent medical care center to the east, a retail establishment and a fire station to the south, and Coyote Creek and Roosevelt Park to the west (see Figure 1).



Figure 1: Aerial image of the subject site and surrounding uses

ANALYSIS

Envision San José 2040 General Plan Conformance

The proposed project was analyzed for conformance with the Envision San Jose 2040 General Plan. The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Public/Quasi Public (see Figure 2).

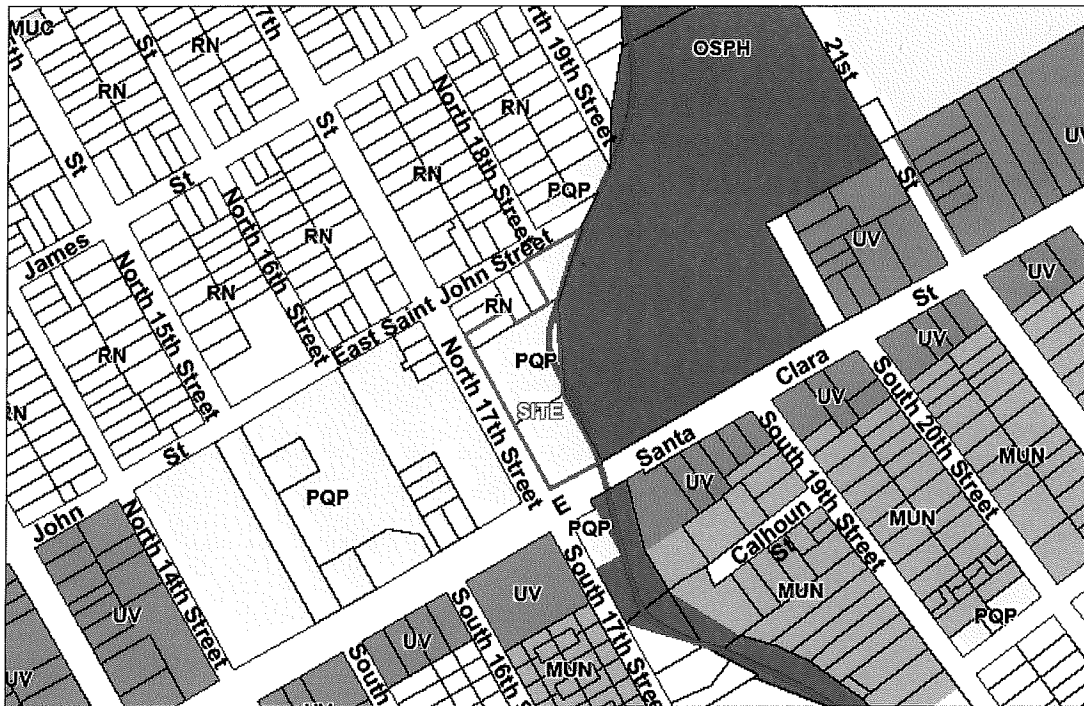


Figure 2: General Plan Land Use/Transportation Diagram

The proposed Public/Quasi Public Zoning District directly conforms to the Public/Quasi Public General Plan designation of the site and would allow a limited scope of publicly serving land uses and private uses, such as schools, daycare centers, and hospitals.

In addition, this conforming rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
2. 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: Pursuant to Table 20-270 of the Zoning Ordinance, the proposed rezoning will apply a conventional zoning district to the subject site in conformance with the General Plan Land Use Designation of Public/Quasi-Public. The property is limited in the type of development that would occur due to the proximity of Coyote Creek along the western property line, the large tree canopy that encompasses a significant portion of the site, and the residences to the north. Typical Public/Quasi-Public uses include schools, fire stations, water treatment facilities, governmental offices, public utilities, and day care centers. The rezoning would enable the property to develop a limited scope of public serving uses and private uses. Specifically, the Public/Quasi-Public Zoning District would allow the subject site to continue the operation of a water facility that is complimentary to low intensity development. The Public/Quasi-Public Zoning District is the most appropriate designation, because it would allow an appropriate intensity of development adjacent to Coyote Creek and residences than the current CG Commercial General and LI Light Industrial Zoning Districts.

Zoning Ordinance Conformance

The proposed rezoning from LI Light Industrial Zoning District and CG Commercial General Zoning District to PQP Public/Quasi-Public Zoning District is in conformance with Table 20-70, Section 20.120.100 of the San José Municipal Code (Figure 3). The publicly serving land uses within this district can include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers with integrated hotels and restaurants, auditoriums, museums, governmental offices, airports, stadiums, and other similar publicly-oriented institutional land uses with associated incidental commercial uses supporting such publicly-oriented institutional land uses. This district may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. The Zoning Ordinance identifies the Public/Quasi-Public Zoning District as a conforming zoning district to the Public/Quasi-Public General Plan Land Use/Transportation Diagram land use designation.

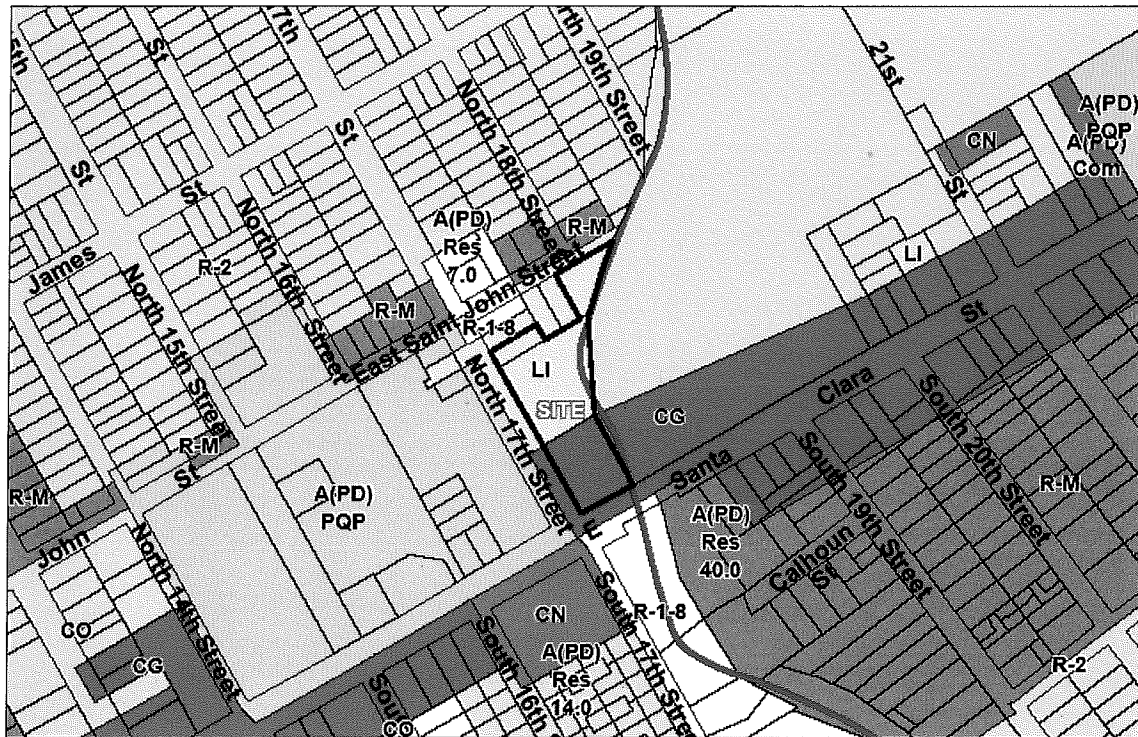


Figure 3: Zoning Map

Setback Requirements

The existing reservoir building is located 10 feet from the front property line and is currently nonconforming to the required 15 feet front setback in the Light Industrial Zoning District. Rezoning the parcel to PGP Public/Quasi-Public would further conform to the Zoning Code as it would bring the existing building into conformance with the front setback of 10 feet.

The rest of the development standards including height and minimum lot size conform to the LI Light Industrial Zoning District and CG Commercial General Zoning District and would further remain consistent with the PGP Public/Quasi-Public Zoning District.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Program Environmental Impact Report (EIR) and Supplemental EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Resolution No. 77617 on December 15, 2015, respectively, and all Addenda thereto. The 2011 Program EIR and a supplemental EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040. The proposed rezoning does not involve new significant effects beyond those analyzed in the Program EIRs, Supplemental EIR, and Addenda thereto.

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.

/s/

Rosalynn Hughey, Acting Director
Planning, Building and Code Enforcement

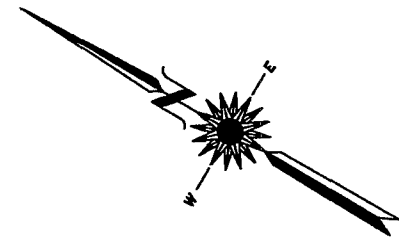
For questions, please contact Steve McHarris, Planning Official, at (408) 535-7819.

Attachment: Plat map

SCALE: 1" = 100'

KRISTINA D. COMERET
LS 6766
Exp. 9/30/18
STATE OF CALIFORNIA

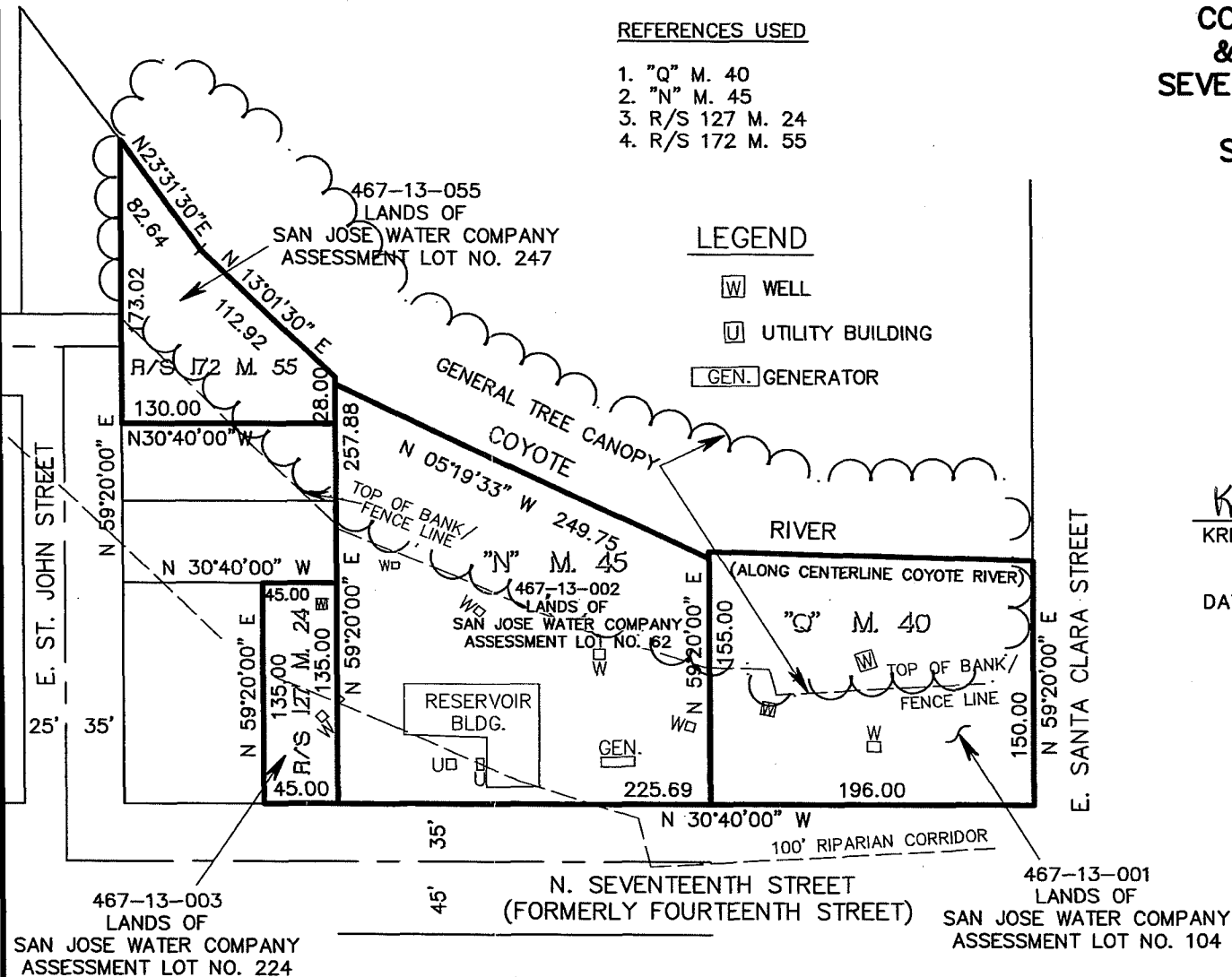
DATE: October 12, 2017



PROJECT NO. 17-32

1. "Q" M. 40
2. "N" M. 45
3. R/S 127 M. 24
4. R/S 172 M. 55

☐ W WELL
☐ U UTILITY BUILDING
☐ GEN. GENERATOR



LEGAL DESCRIPTION

SAN JOSE WATER COMPANY

SEVENTEENTH STREET STATION

APN 467-13-001, 467-13-002, 467-13-003 AND 467-13-055

Assessment Lot No. 104 shown on that certain Record of Survey Map recorded in Book "Q" of Maps at page 40 on March 24, 1924, Santa Clara County Records.

Together with;

Assessment Lot No. 62 shown on that certain Record of Survey Map recorded in Book "N" of Maps at page 45 on April 10, 1911, Santa Clara County Records.

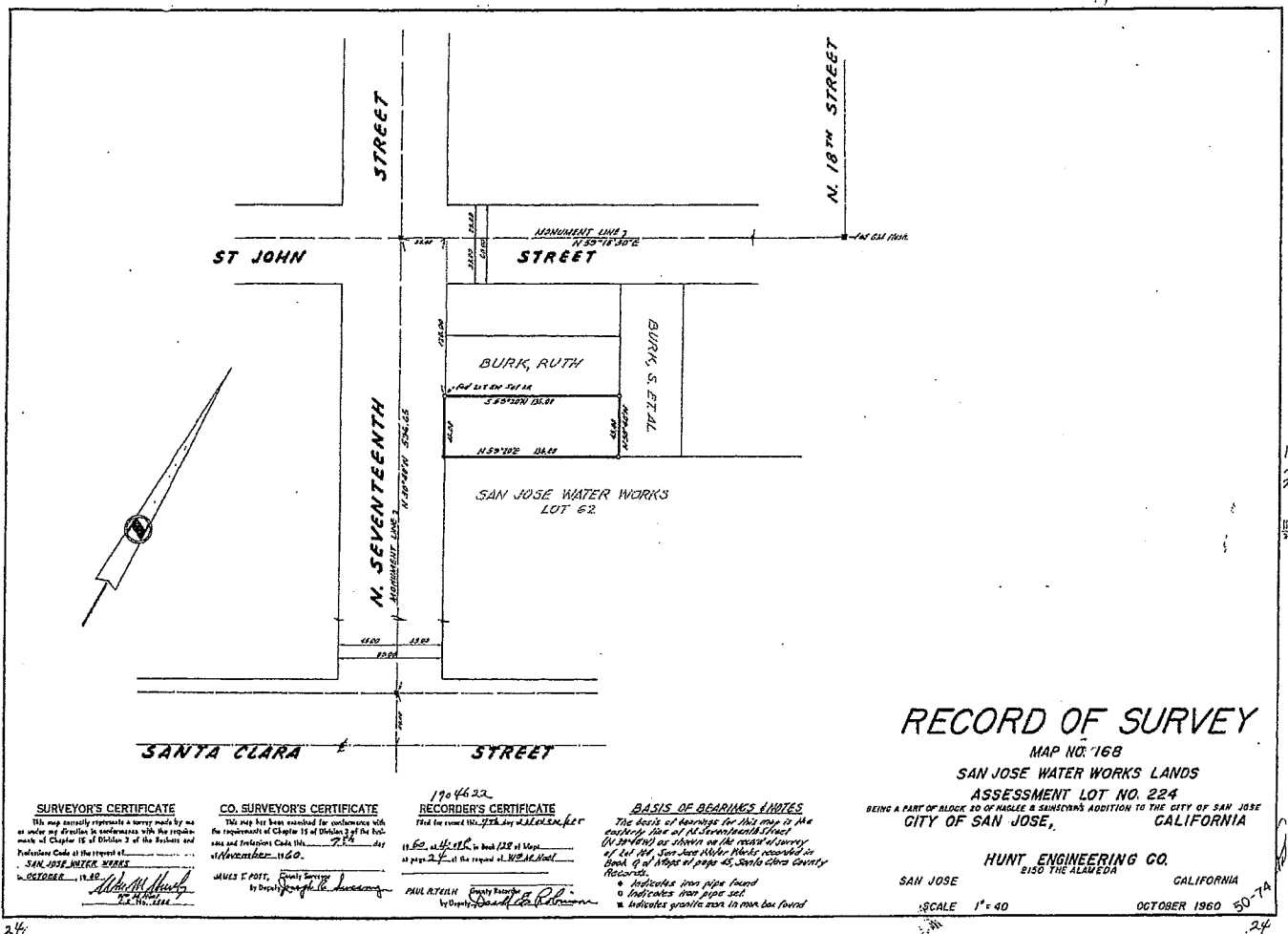
Together with;

Assessment Lot No. 224 shown on that certain Record of Survey Map recorded in Book 127 of Maps at page 24 on November 7, 1960, Santa Clara County Records.

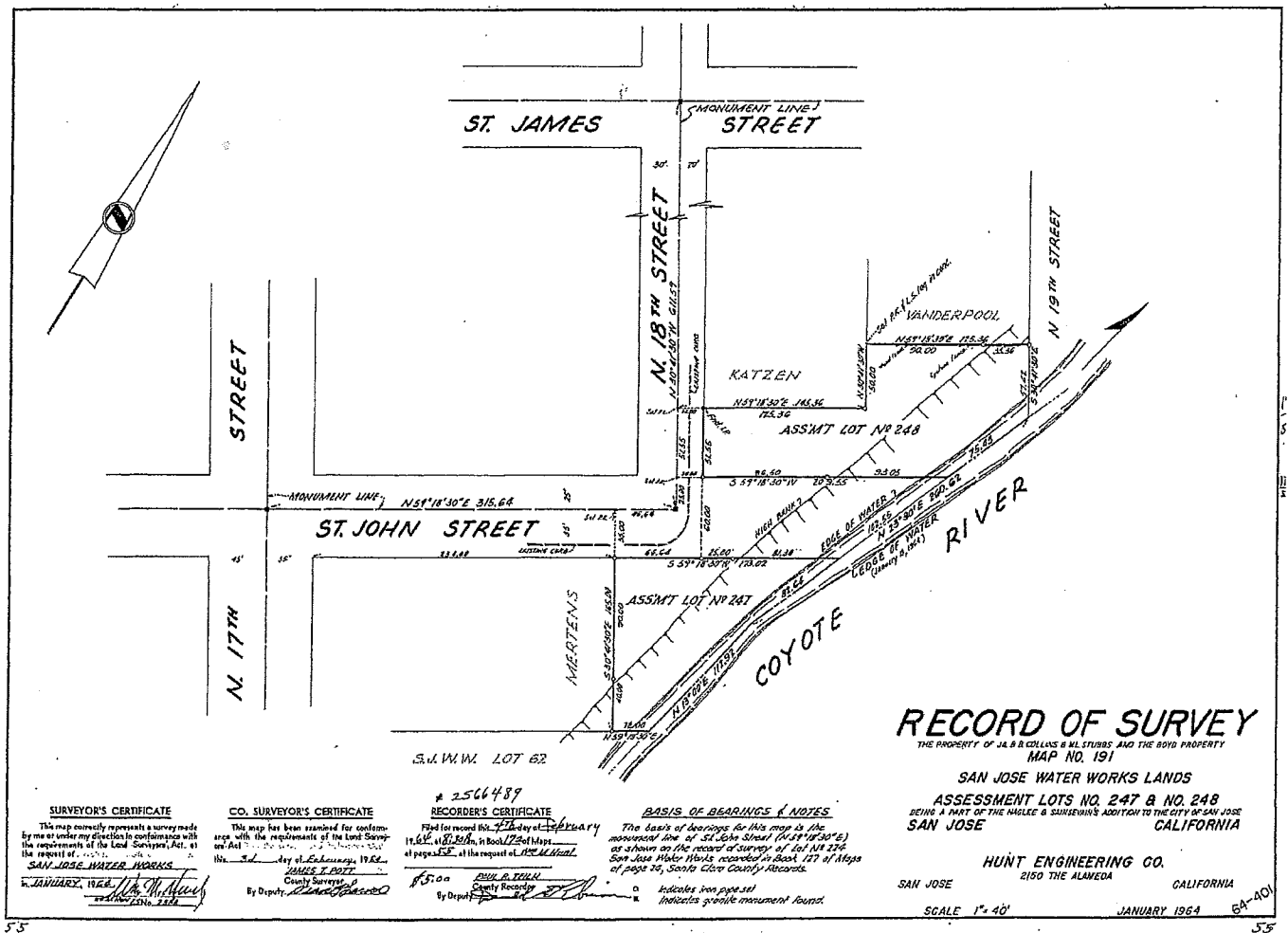
Together with;

Assessment Lot No. 247 shown on that certain Record of Survey Map recorded in Book 172 of Maps at page 55 on February 4, 1964, Santa Clara County Records.

Assn. Lot 104
"O" MAPS Pg. 40



Assmt. Lot. 224
Bk 127 Maps
page 24



Assmt. Lot 247

BK 172 Maps
 Page 55