

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113

Hearing Date/Agenda Number  
C.C. 01/10/2006 Item #:

1/10/05  
4.3

File Number  
C05-103

Application Type  
Conforming Rezoning

Council District  
5

Planning Area  
Alum Rock

Assessor's Parcel Number  
481-21-082

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: southwest corner of Alum Rock Avenue and Scharff Avenue

Gross Acreage: 0.40

Net Acreage: 0.40

Net Density: N/A

Existing Zoning: CG Commercial General

Existing Use: Vacant

Proposed Zoning: CP Commercial Pedestrian

Proposed Use: Retail

### GENERAL PLAN

Completed by: HLL

Land Use/Transportation Diagram Designation  
General Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: HLL

North: Retail and single-family attached residential

CG Commercial General and A(PD)

East: CG Commercial General

Auto repair shop

West: A(PD)

Plaza De Guadalupe Senior Housing Center

South: CG Commercial General

Single-family residential

### ENVIRONMENTAL STATUS

Completed by: HLL

- Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)  
 Negative Declaration circulated on  
 Negative Declaration adopted on

- Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: HLL

Annexation Title: Alum Rock No\_3-A

Date: 10/30/1958

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: December 6, 2005

Approved by: *Susan Walton*  
 Action  
 Recommendation

### OWNER

Philip W. Lau  
20433 Via Napoli  
Cupertino, CA 95014

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: HLL

Department of Public Works

None received

Fire

Not received

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**GENERAL CORRESPONDENCE**

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None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The property owner, Philip W. Lau, is requesting a conforming rezoning of the subject 0.40 gross-acre site from CG Commercial General to CP Commercial Pedestrian Zoning District to allow for retail uses. Based on Section 20.120.100 of the Municipal Code, the CP Commercial Pedestrian Zoning District conforms to the subject site's General Commercial General Plan land use designation, and consequently this rezoning may be considered by the City Council without review by the Planning Commission. The site is currently vacant and is surrounded by single-family detached residential and retail uses to the north, an auto repair shop to the east, a single-family detached residence to the south, and a senior housing complex to the west.

**ENVIRONMENTAL REVIEW**

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459.

**GENERAL PLAN CONFORMANCE**

The site is designated General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CP Commercial Pedestrian District is consistent with this designation.

**ANALYSIS**

Both the existing CG Commercial General and the proposed CP Commercial Pedestrian Zoning Districts conform to the General Plan. The CP District provides for setbacks and uses that are appropriate along neighborhood-serving Alum Rock Avenue. Specifically, the zero front setback of the CP District will allow a more suitable, pedestrian-friendly commercial development in this location than the minimum 25-foot front setback required in the CG Zoning District.

## **PUBLIC OUTREACH**

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

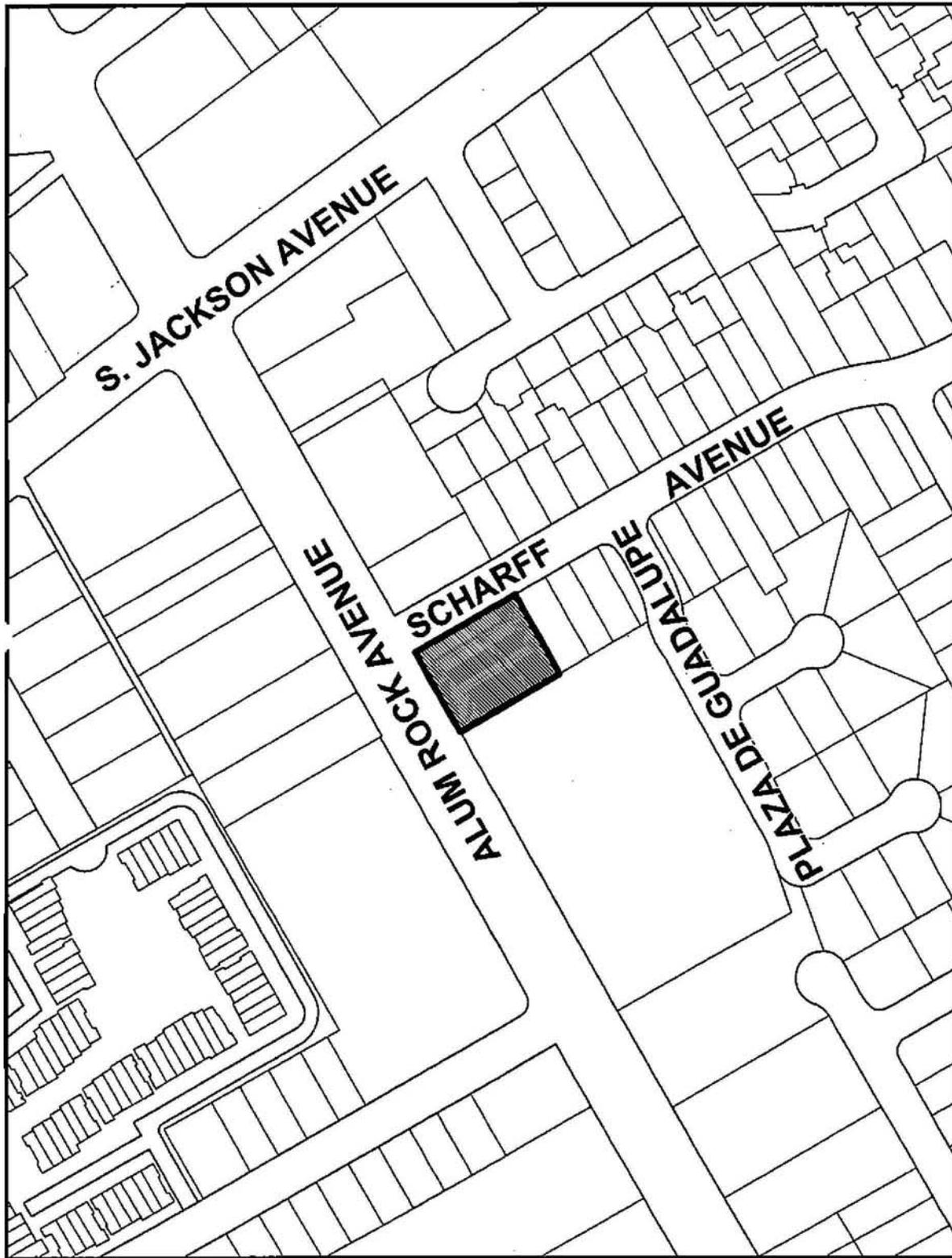
## **COORDINATION**

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

## **RECOMMENDATION**

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.



**File No: C05-103**

**District: 5**

**Quad No: 68**



Scale: 1"= 200'  
Noticing Radius: 500 feet

Map Created On:  
10/18/2005