

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St. Tower 3
San José, CA. 95113

Hearing Date/Agenda Number
C.C. 03-20-07 Item #: 11.1(c)

File Number
C07-013

Application Type
Conforming Conventional Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
481-19-014

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Tracy Chu

Location: Northwest corner of South Sunset Avenue and Shortridge Avenue

Gross Acreage: 0.125

Net Acreage: 0.125

Net Density: N/A

Existing Zoning: R-1-8 Single-Family Residence

Existing Use: Single-Family Detached Residential

Proposed Zoning: CG Commercial General

Proposed Use: Parking Lot/Garage

GENERAL PLAN

Completed by: Tracy Chu

Land Use/Transportation Diagram Designation
GC General Commercial

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: Tracy Chu

Northwest: Commercial Building

CG Commercial General

Northeast: Single-Family Detached Residence

R-1-8 Single-Family Residence

Southeast: Single-Family Detached Residence

R-1-8 Single-Family Residence

Southwest: Commercial Building

CG Commercial General

ENVIRONMENTAL STATUS

Completed by: Tracy Chu

Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

Completed by: Tracy Chu

Annexation Title: Alum Rock No 3-A

Date: October 30, 1958

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

February 28, 2007

Approved by:

Susan Walton

Action

Recommendation

APPLICANT/OWNER

ENGINEER/CONTACT PERSON

Quat Tran
1695 Alum Rock Avenue #6
San Jose, CA 95116

Jimmy Dinh
18302 Solano Court
Morgan Hill, CA 95037

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Tracy Chu

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Quat Tran, is requesting to rezone the subject 0.125 gross-acre site from the R-1-8 Single-family Residence Zoning District to the CG Commercial General Zoning District to allow the site to be combined with an adjacent parcel and be developed as a parking lot to serve the commercial building on the neighboring parcel.

There is one existing 540 square foot single-family residence (built circa 1925) on the property. The site is surrounded by commercial and residential uses.

ENVIRONMENTAL REVIEW

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

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. A sign has been posted at the site to inform the public of the proposed rezoning. A copy of this staff report has been posted on the City's website. Staff has been available to discuss the proposal with members of the public.

GENERAL PLAN CONFORMANCE

The San Jose 2020 General Plan Land Use/Transportation Diagram designation for the subject parcel is General Commercial. The proposed CG Commercial General Zoning District is consistent with this General Plan designation in that it allows for a full range of retail and commercial uses with a local or regional market.

ANALYSIS

The proposed rezoning to CG Commercial General Zoning District will bring the zoning on the property into conformance with the General Plan and facilitate implementation of uses on the site that are consistent with the General Commercial designation and compatible with surrounding uses. As a Conforming Rezoning, the proposal does not require review by the Planning Commission. If this rezoning is approved, the property owner would be able to combine the parcel with the adjacent odd-shaped parcel and reconfigure the site to expand the existing adjacent parking lot serving the neighboring commercial building. Approval of this

rezoning does not constitute conceptual approval of subsequent development of the site. A Lot Line Adjustment and a Site Development Permit will be required to combine the two parcels and evaluate the necessary site improvements, including the disposition of the existing house, in order to develop the subject parcel to expand the adjacent parking lot.

COORDINATION

This project was coordinated with the City Attorney.

RECOMMENDATION

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

1. The proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses.

Attachments

Location Map



File Number: C07-013
District: 5
Quad No: 68

Scale 1 in = 250 ft 1:3000
Noticing Radius: 500 ft



Map Created On:
2/12/2007

ORDINANCE NO.
ORDINANCE OF THE CITY OF SAN JOSÉ REZONING
CERTAIN REAL PROPERTY SITUATED ON THE
NORTHWEST CORNER OF SOUTH SUNSET AVENUE AND
SHORTRIDGE AVENUE.

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described;

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to CG Commercial General Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the Council is the decision-making body for subject rezoning to CG Commercial General Zoning District; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such EIR prior to acting upon or approving such project;

WHEREAS, the proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ,

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CG Commercial General.

The subject property referred to in this section is all that real property situate in the County of Santa Clara, State of California, described in attached Exhibit A.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C07-013 is

File No. C07-013

subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 20th day of March, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

cc: