

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

Hearing Date/Agenda Number
CC: 4-22-2008 11.1(c)

File Number: C08-011

STAFF REPORT

Application Type:
Conforming Conventional Rezoning

Council District:
6

Planning Area: Central
SNI Area: N/A

Assessor's Parcel Number: 261-29-001

PROJECT DESCRIPTION

Completed by: Ed Schreiner

Location: Southeast corner of Race Street and Garland Avenue (76 Race Street)

Gross Acreage: 0.38

Net Acreage: N/A Net Density: N/A

Existing Zoning: CN – Commercial Neighborhood

Existing Use: Contractor's office/single-family house

Proposed Zoning: CP – Commercial Pedestrian

Proposed Use: Commercial

GENERAL PLAN

Land Use/Transportation Diagram Designation:
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Commercial

CN Commercial Neighborhood

East: Church/School Site

R-1-8 Single Family Residence

South: Church/School Site

CN Commercial Neighborhood

West: Commercial

CN Commercial Neighborhood

ENVIRONMENTAL STATUS

Environmental Impact Report (GP2020 EIR certified 8-16-94)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Date Filed: February 12, 2008

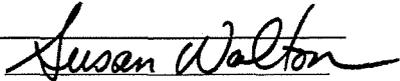
Annexation Title: College Park/Burbank Sunol

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 4-7-08

Approved by: 
 Action
 Recommendation

OWNERS

APPLICANTS

Farhang Soltanzad
P. O. Box 1692
Los Gatos, CA 94023

Jonathan Baitmansour
1049 Coleman Rd, Apt 4104
San Jose, CA 95123

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: E.Schreiner

Department of Public Works: None

Other Departments and Agencies: None

GENERAL CORRESPONDENCE:

None received

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The property owner, Frahang Soltanzad, is requesting a conforming rezoning of the subject property from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District to facilitate a future retail building proposal.

The 0.38 gross acre site currently functions as a contractor's office and includes a single-family house. Any future alterations to the site would require a subsequent Site Development Permit or Conditional Use Permit.

The site is almost square in shape, with approximately 130 feet of frontage along Race Street and 130 feet of frontage along Garland Avenue. The site is surrounded by a commercial uses to the north and west and by a church/school site to the south and east.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the CP Commercial Pedestrian Zoning District is consistent with the site's San Jose 2020 General Plan Land Use/Transportation Diagram designation of General Commercial in that this designation supports a variety of commercial uses.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number 65459 making findings for adoption of the San Jose 2020 General Plan.

ANALYSIS

The proposed rezoning to CP Commercial Pedestrian Zoning District would facilitate commercial uses consistent with the enumerated uses noted in the Zoning Ordinance and the General Commercial General Plan designation.

The proposed rezoning to the CP Commercial Neighborhood Zoning District will facilitate the potential development of a small retail building. A Site Development Permit (File No. H08-007) is on file with the City for a new 5,950 square foot retail building. The rezoning will allow a reduced front building setback on Race Street for the building to maintain consistency with adjacent structures along Race Street. The current zoning would require a 15-foot front setback. The smaller 10-foot maximum front setback allowed by the CP Pedestrian Zoning District would

be consistent with existing development on both sides of Race Street and would better facilitate a parking lot that meets the City's size requirements in the rear area.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and 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 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning would allow commercial uses on this site that are compatible with the surrounding commercial and residential uses.

Attachments:
Location Map



Approx. Scale: 1" = 300'
Map Created On: 02/12/2008
Noticing Radius: 500 feet

File No: C08-011, H08-007

District: 6

Quad No: 82