

8-14-07
11-1 (F)

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 08-14-2007

File Number: C07-038

Application Type
Conforming Conventional Rezoning

Council District: 5

Planning Area: Alum Rock

Assessor's Parcel Number:
481-18-012

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: South side of Alum Rock Avenue, approximately 160 feet westerly of McCreery Avenue (1866 and 1870 Alum Rock Avenue)

Gross Acreage: 0.20

Net Acreage: N/A

Net Density: N/A

Existing Zoning: CG – Commercial General

Existing Use: Commercial

Proposed Zoning: CP- Commercial
Pedestrian

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
General Commercial/ Santa Clara Street - Alum Rock
Transit Corridor - Alum Rock Business District

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Commercial

CG - Commercial General

East: Commercial

A (PD) Planned Development

South: Residential

A (PD) Planned Development

West: Commercial

CG - Commercial General

ENVIRONMENTAL STATUS

Environmental Impact Report GP 2020 EIR Certified 8-16-1994
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Date Application Filed: 05/24/2007

Annexation Title: Alum Rock No_1

Date: 08/21/1958

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 07-23-07

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER/ APPLICANT	CONTACT PERSON
Arnaldo and Manuel Matos 1897 Alum Rock Avenue #20 San Jose, CA 95116 (408) 690-4304	Manuel Matos 1897 Alum Rock Avenue #20 San Jose, CA 95116 (408) 690-4304

Completed by: Rebekah Ross

PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works: None received.

Other Departments and Agencies: Fire Department and Environmental Services Department (ESD)

GENERAL CORRESPONDENCE: None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner is requesting a Conforming Conventional Rezoning of the subject 0.20-acre site from the CG – Commercial General Zoning District to the CP- Commercial Pedestrian Zoning District to allow more flexible development of the site in the future. The subject site is rectangular in shape and is surrounded by commercial uses to the west, north, and east, and by residential uses to the south. The site is currently developed with a commercial building that was constructed prior to annexation to the City of San Jose.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site, and a notice was published in a local newspaper, the Post Record. The staff report has been posted on the City's web site and staff has been available to discuss the project with members of the public. Staff has not received any inquiries from the public regarding this proposal.

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.

GENERAL PLAN CONFORMANCE

The subject site is designated as General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram and is located within the Santa Clara Street/Alum Rock Avenue Transit Corridor and within the Alum Rock Neighborhood Business District.

The proposed rezoning of the property to the CP – Commercial Pedestrian Zoning District is consistent with the General Commercial General Plan land use designation in that commercial uses may be permitted provided that they comply with the commercial development standards, and do not adversely impact nearby residential neighborhoods.

The existing structures on the site conform to the development standards of the CG – Commercial General Zoning District; if approved, the applicant proposes to construct an addition to the front of the building, which would conform to the CP - Commercial Pedestrian Zoning District. The nearest residential neighborhood is adjacent to the subject site. It is not expected that the continuation of the existing uses will negatively affect this residential area.

ANALYSIS

The proposed rezoning to the CP – Commercial Pedestrian Zoning District will allow the continuation of an existing commercial building on the property consistent with the commercial development pattern along Alum Rock Avenue and the surrounding area. The applicant has indicated that they are interested in redeveloping the site in the future, including an addition to the front of the building. The existing CG – Commercial General Zoning District requires a 25-foot front setback; which limits future development on the site. Staff recommends that rezoning to CP - Commercial Pedestrian would allow more flexibility to develop the site in that the CP – Commercial Pedestrian Zoning District does not require a front setback (but does allow for up to ten feet of setback area). Staff is supportive of the proposed rezoning because it would allow for the building to be constructed closer to the public-right-of-way thereby creating a more active and pedestrian friendly streetscape. If this conventional rezoning is approved, it would be necessary for the applicant to apply for a Permit Adjustment and Building Permits to allow the expansion of the existing building.

The CP – Commercial Pedestrian Zoning District is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts (NBD's). The CP – Commercial Pedestrian Zoning District is intended to support pedestrian oriented retail activity at a scale comparable with surrounding residential neighborhoods.

COORDINATION

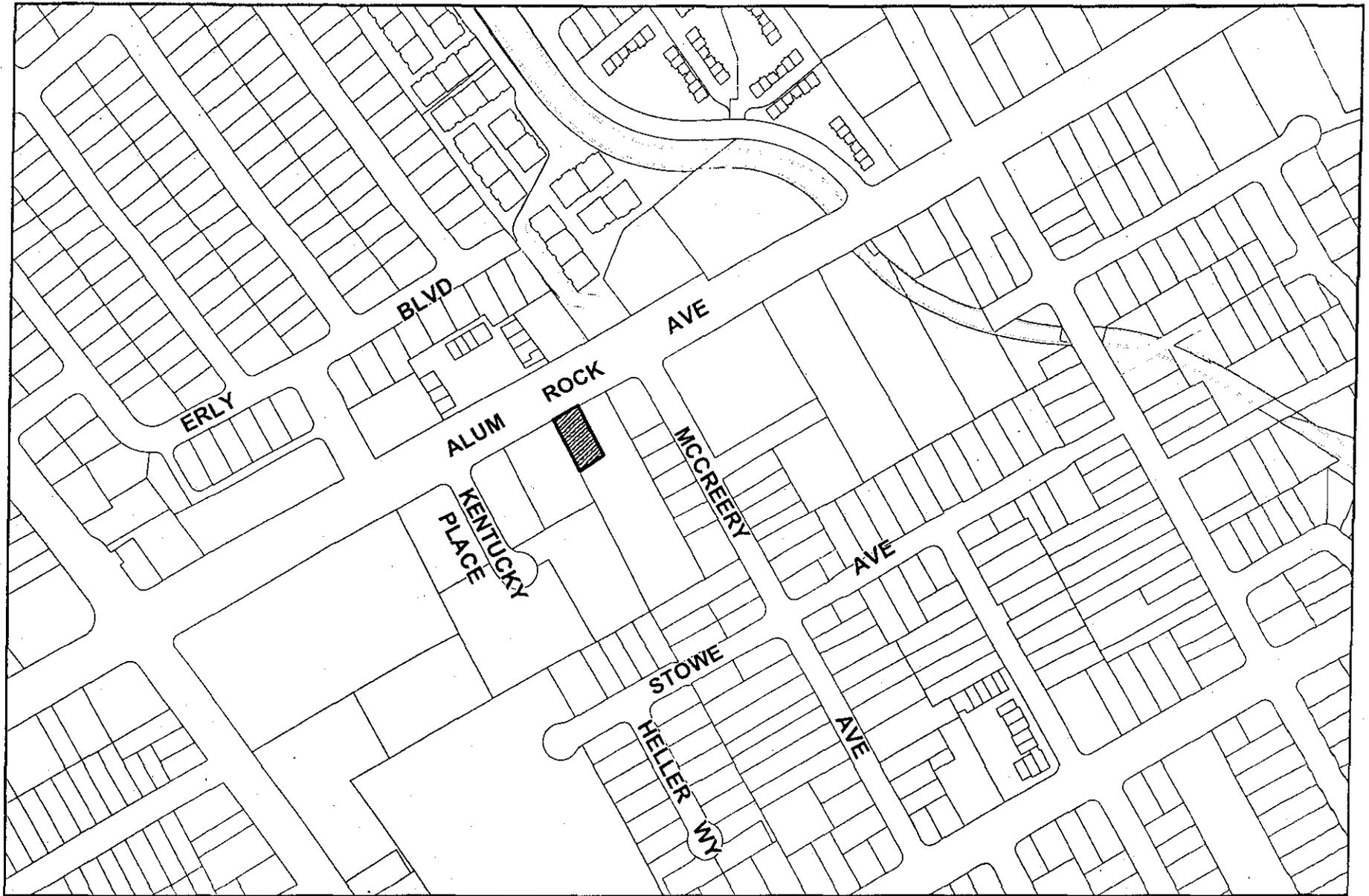
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department, and the City Attorney.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments



File Number: C07-038

Council District: 5

Quad Number: 68

Scale: 1"= 300'
Noticing Radius: 500'

 **Subject Site**



**USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C07-038. Conforming Conventional Rezoning from the CG - Commercial General Zoning District to the CP - Commercial Pedestrian Zoning District to allow commercial uses on a 0.20 gross acre site located on the south side of Alum Rock Avenue, approximately 160 feet westerly of McCreery Avenue (1866 and 1870 Alum Rock Avenue) for future commercial and office uses.

Council District 5.

County Assessor's Parcel Number: 481-18-012

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Rebekah Ross
Project Manager

Date

7/20/07

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Deputy

for

[Signature]
JOHN W. SATY

RECEIVED

JUN 14 2007



CITY OF SAN JOSE
DEVELOPMENT SERVICES

Memorandum

TO: Rebekah Ross

FROM: Nadia Naum-Stoian

DATE: 06/12/07

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

Re: Plan Review Comments

PLANNING NO: C07-038

DESCRIPTION: Conforming Conventional Rezoning from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.2 gross acre site

LOCATION: south side of Alum Rock Avenue, approximately 160 feet westerly of McCreery Avenue

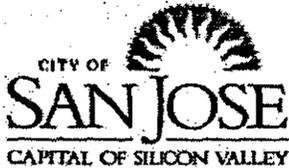
ADDRESS: south side of Alum Rock Avenue, approximately 160 feet westerly of McCreery Avenue (1866 ALUM ROCK AV)

FOLDER #: 07 016657 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699



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JUN - 5 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES

Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: John Baty
Department of Planning,
Building, & Code Enforcement

FROM: Matt Krupp
Environmental Services

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
June 7, 2007

APPROVED:

DATE:

6/11/07

PLANNING NO. :	C07-038
LOCATION:	1866 ALUM ROCK AV
DESCRIPTION:	
APN:	48118012

ESD received the subject project and is submitting the following additional conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2578.

Integrated Waste Management (IWM)

Commercial, Industrial, and Institutional Buildings

Ensure trash and recycling collection areas are included and identified. Collection activities cannot be performed in covered or underground locations. Collection vehicle access (vertical clearance, street width and turning radius) must be addressed. Ensure trash and recycling enclosure(s) size is adequate for commercial space in development.

1. The proposed commercial development must follow the requirements for recycling container space¹. When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.

¹ In accordance with the California Public Resources Code, Chapter 18, Articles 1 and 2

2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Source Control

Industrial

The proposed development must conform to the City of San Jose (City) industrial waste discharge regulations². Industrial process flow and/or non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. An Industrial Wastewater Discharge Permit may be required. Implementation of Reasonable Control Measures (RCMs) and Best Management Practices (BMPs) adopted by the City for specific industry groups may also be required.

Water Efficiency

Industrial

The proposed development should consider installation of the following water efficient equipment as applicable:

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Electronic Faucets** use a sensor that allows water to flow only when users place their hands adjacent to the faucet. All units comply with mandated flow rates (2.2 gallons per minute), with many offering flow rates as low as 1.5 gallons per minute. Additionally, the replacement of manual hot and cold water valves with an electrically actuated valve eliminates two high-maintenance items from the restroom. Additional benefits can include improved sanitation and perceived cleanliness because of their hands-free operation. Electronic restroom products can also help facilities meet the accessibility requirements of the Americans with Disabilities Act.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit www.valleywater.org.

² In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations