

8-14-07
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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: C07-051

Application Type
Conforming Conventional Rezoning

Council District: 5

Planning Area: Story Road Neighborhood
Business District)

Assessor's Parcel Number:
481-38-054

STAFF REPORT

PROJECT DESCRIPTION

Completed by: **Rebekah Ross**

Location: North side of Story Road, approximately 100 feet easterly of South King Road

Gross Acreage: 0.41 Net Acreage: N/A Net Density: N/A

Existing Zoning: CN – Commercial
Neighborhood Existing Use: Commercial

Proposed Zoning: CP- Commercial
Pedestrian Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation: Neighborhood
Community Commercial and Story Road Neighborhood
Business District

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Commercial CP – Commercial Pedestrian

East: Commercial CN – Commercial Neighborhood

South: Commercial CP – Commercial Pedestrian

West: Private School A (PD) Planned Development

ENVIRONMENTAL STATUS

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

FILE HISTORY

Date Application Filed: July 5, 2007

Annexation Title: Hillview No_22

Date: 12/09/1960

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval Date: 07-23-07 Approved by: *Akemi Davidjen*
 Approval with Conditions Action
 Denial Recommendation
 Uphold Director's Decision

OWNER/ APPLICANT	CONTACT PERSON
Disco Bay LLC – PEDH LLC Attention: Dan Hoady PO Box 14124 Fremont, CA 94539-1324	JCA Architects Attention: Brandon Garcia or Kelly Simcox 2096 Lincoln Avenue San Jose, CA 95125 (408) 978-2096

Completed by: Rebekah Ross

PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works: None

Other Departments and Agencies: None

GENERAL CORRESPONDENCE: None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner is requesting a Conforming Conventional Rezoning of the subject 0.41 gross acre site from the CN – Commercial Neighborhood Zoning District to the CP- Commercial Pedestrian Zoning District to allow more flexible development of the site in the future. The subject site is “L” shaped and has approximately 47 feet of frontage along South King Road and approximately 85 feet of frontage along Story Road. The site is currently developed with a commercial building (Shakey’s Pizza) that was constructed in approximately 1965.

PUBLIC OUTREACH

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 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 inquires 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 Neighborhood Community/Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram and is located within the Story Road Neighborhood Business District (NBD).

The proposed rezoning of the property to the CP – Commercial Pedestrian Zoning District conforms with the Neighborhood Community/Commercial General Plan land use designation, which applies to shopping centers that specialize in neighborhood serving commercial establishments. Additionally, new development is encouraged within Neighborhood Business Districts to support existing residences and to provide new job opportunities.

ANALYSIS

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 compatible with surrounding residential neighborhoods.

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 the Story Road Neighborhood Business District and the surrounding area. Commercial uses surround the subject site. The applicant has indicated that if the rezoning of the property is approved, the existing building will be remodeled to house more tenant spaces and other substantial improvements to the façade, landscaping and parking lot. The proposed improvements conform with the City Council approved Strong Neighborhood Initiative (SNI) Neighborhood Improvement Plan (NIP) for the East Valley/680 Communities.

COORDINATION

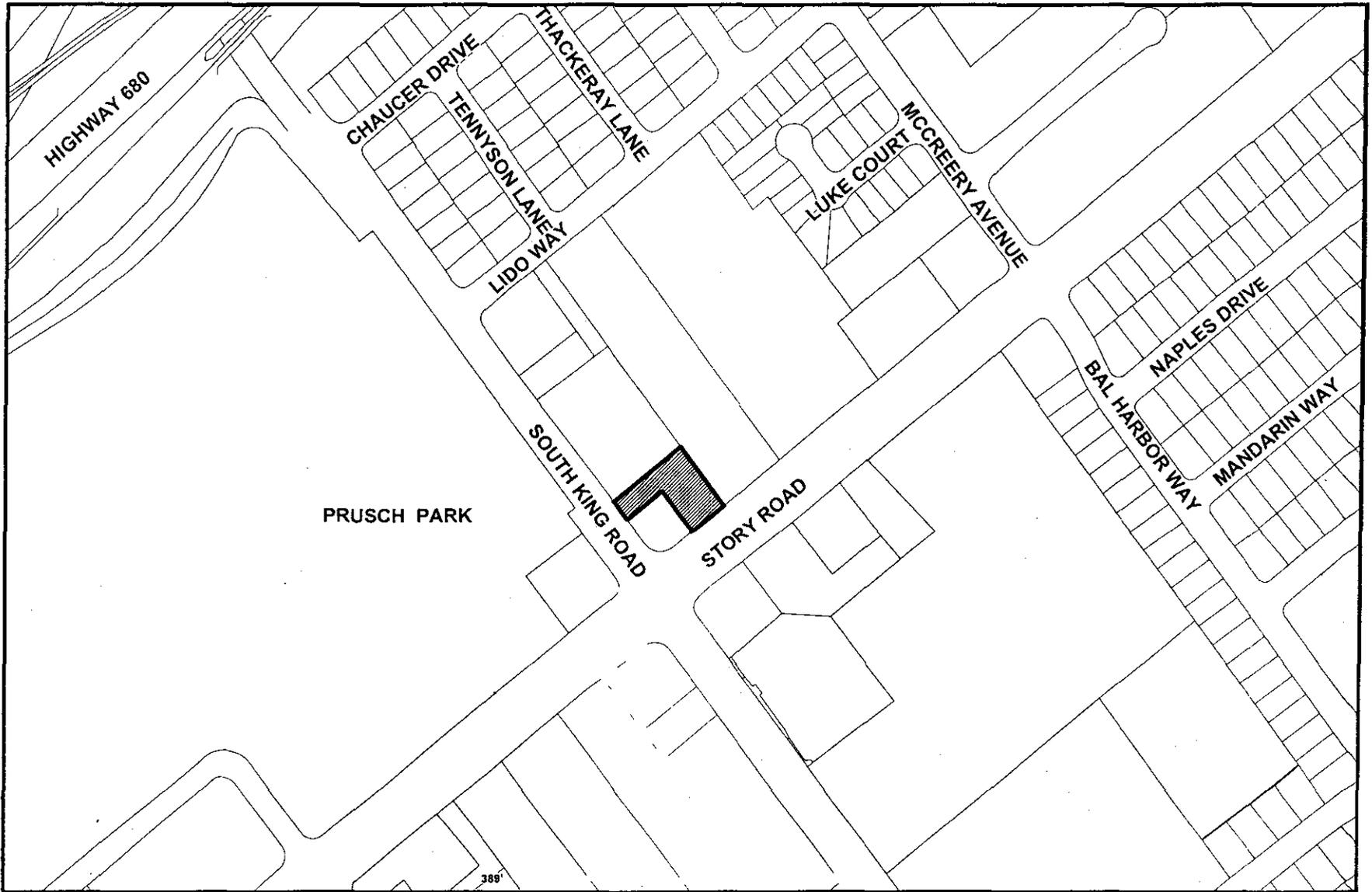
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department, and the City Attorney.

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



Scale: 1"= 300'
Map Created On: 07/05/2007
Noticing Radius: 500 feet

File No: C07-051
District: 5
Quad No: 84

**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

C07-051. Conforming Conventional Rezoning from the CN – Commercial Neighborhood Zoning District to the CP – Commercial Pedestrian Zoning District to allow future commercial uses on a 1.78 gross acre site for a project located on the north side of Story Road, approximately 100 feet easterly of South King Road in the City of San Jose.
 Council District. 5 County Assessor's Parcel Number: 481-38-054

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

Joseph Horwedel, Director
 Planning, Building and Code Enforcement

Date 7/20/07

for [Signature] JOHN W. BARTY
 Deputy

