

8-14-07
11.1(h)

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: 8-14-2007

File Number: C07-036

Application Type
Conforming Conventional Rezoning

Council District: 6

Planning Area
Central

Assessor's Parcel Number
274-18-076

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: East side of N. Bascom Avenue approximately 225 feet north of Olive Avenue

Gross Acreage: 0.11

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

Existing Zoning: Unincorporated

Existing Use: Office Building

Proposed Zoning:

Proposed Use: No Changes

CP – Commercial Pedestrian

GENERAL PLAN

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Office Building

Unincorporated

East: Multi-family residences

Unincorporated

South: Office Building

Unincorporated

West: Office Building

CP – Commercial Pedestrian

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: 5-22-07

Annexation Title: Burbank 39

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 07-23-07

Approved by: *Susan Walton*
 Action
 Recommendation

OWNERS/APPLICANTS

CONTACT

Rick Dunham
1884 The Alameda
San Jose, CA 95126
(4408) 260-9600

Rhonda Richards
807 Pescadero Drive
San Jose, CA 95123
(408) 260-9600

Mike Park
6013 Majorca Court
San Jose, CA 95123
(408) 260-9600

Kelly Dunham
Tessa Properties, LLC
1884 The Alameda
San Jose, CA 95126
(408) 260-9600

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: R.Ross

Department of Public Works: See Attached

Other Departments and Agencies: See attached memo from Fire Department

GENERAL CORRESPONDENCE:

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants, Rick Dunham, Rhonda Richards and Mike Park, are requesting to prezone the subject 0.11 gross acre site from County to the CP – Commercial Pedestrian Zoning District to allow commercial uses.

The site is currently developed with one office building. No physical changes are proposed to the existing office building or are considered as part of this application.

The site is rectangular in shape with approximately 45 feet of frontage along North Bascom Avenue. The site is surrounded by similar commercial uses to the north, south, and west. Multi-family uses are to the east.

An associated annexation (Burbank 39) is on file to incorporate the proposal into the City of San Jose. Prezoning is the process of assigning City of San Jose zoning district to a property in advance of annexation so that the property will have an appropriate City zoning once the annexation is effective. All of the unincorporated lands within the City of San Jose's Sphere of Influence currently have a General Plan Land Use/Transportation Diagram designation. The proposed prezoning designation should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites.

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 wide 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 prezoning to CP - Commercial Pedestrian Zoning District would facilitate commercial uses consistent with the CP – Commercial Pedestrian Zoning District and the General Commercial General Plan designation.

All aspects of the site that legally exist in the County become legal non-conforming upon annexation into the City of San Jose. The proposed rezoning to the CP – Commercial Pedestrian Zoning District will allow the continuation of an existing commercial building and office uses on the property consistent with the development pattern along North Bascom Avenue and the surrounding 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

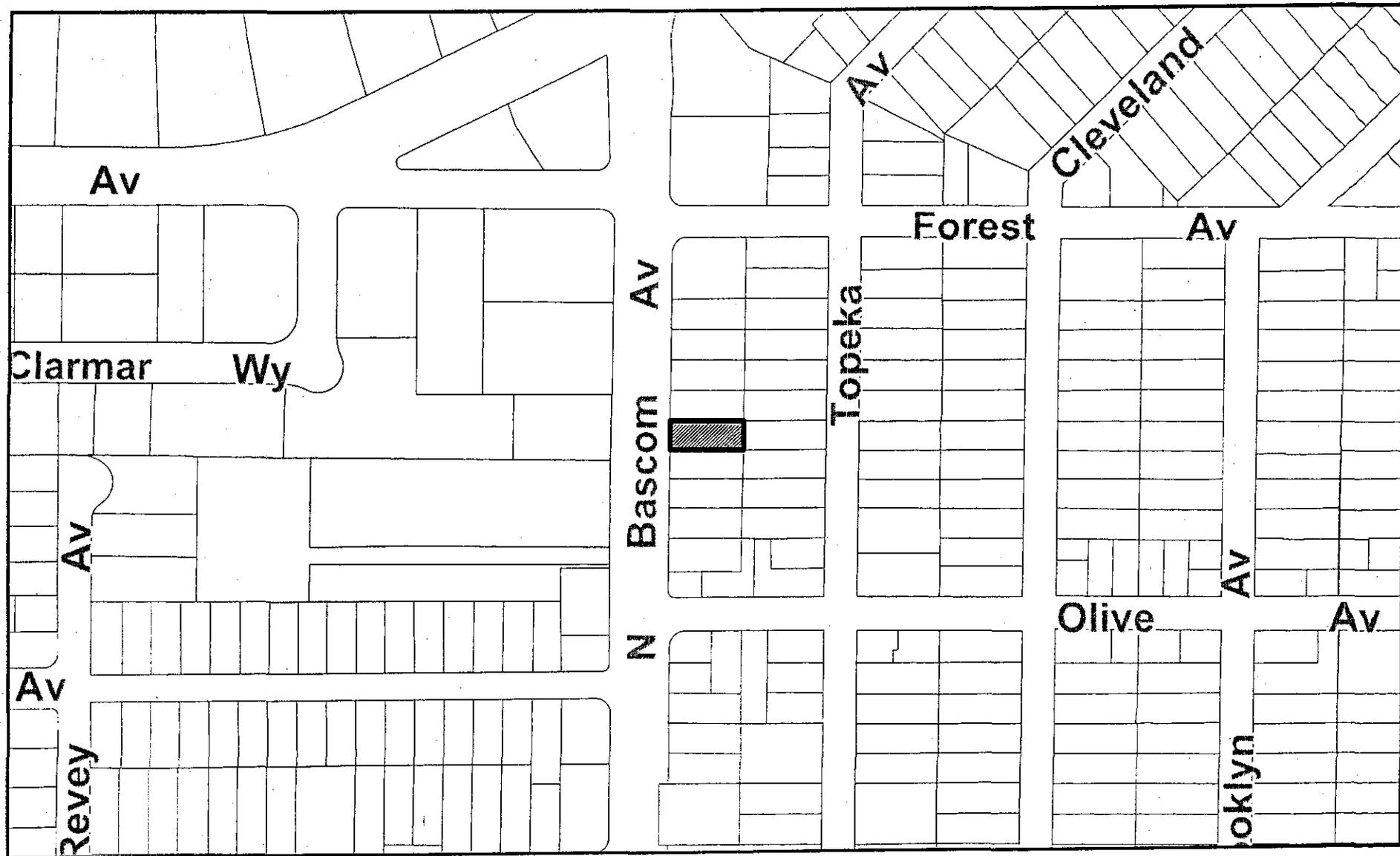
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

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 which is compatible with the surrounding residential uses.

Attachments:
Location Map



05/22/2007

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

File No: C07-036

District: 1

Quad No: 82

**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

C07-036. Conforming Conventional Rezoning from unincorporated County to the CP - Commercial Pedestrian Zoning District to allow the annexation of the property to the City of San Jose and future commercial and office uses on a 0.11 gross acre site located on the east side of North Bascom Avenue, approximately 225 feet north of Olive Avenue (166 North Bascom Avenue).

Council District 6.

County Assessor's Parcel Number 274-18-076

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

for [Signature] Deputy JOHN V. GARY

Memorandum

TO: Rebekah Ross
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 06/19/07

PLANNING NO.: C07-036
DESCRIPTION: Conforming Conventional Rezoning from COUNTY to the CG -
Commercial General Zoning District to allow office uses on a 0.13 gross
acre site
LOCATION: east side of N. Bascom Avenue approximately 250 feet north of Olive
Avenue
P.W. NUMBER: 3-18239

Public Works received the subject project on 05/24/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

RTD
ES:rd:gf
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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: C07-036

DESCRIPTION: Conforming Conventional Rezoning from COUNTY to the CG -
Commercial General Zoning District to allow office uses on a 0.13 gross
acre site

LOCATION: east side of N. Bascom Avenue approximately 250 feet north of Olive
Avenue

ADDRESS: east side of N. Bascom Avenue approximately 250 feet north of Olive
Avenue (166 N BASCOM AV)

FOLDER #: 07 016104 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.

County Territories may be fire flow/hydrants deficient.

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

