

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

C.C. 9/25/07

11.1 (F)

File Number

C07-029

Application Type

Conforming Rezoning

Council District

6

Planning Area

Willow Glen

Assessor's Parcel Number(s)

439-34-001

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Rachel Roberts

Location: Northwest corner of Lincoln Avenue and Pascoe Avenue

Gross Acreage: 0.29

Net Acreage: N/A

Net Density: N/A

Existing Zoning: R-2 Two Family
Residence & R-1-8 Single Family
Residence

Existing Use: Commercial Retail Parking Lot

Proposed Zoning:

Proposed Use: Commercial Retail Parking Lot

CP Commercial Pedestrian

GENERAL PLAN

Completed by: RR

Land Use/Transportation Diagram Designation

General Commercial

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: RR

North: Commercial Retail Building CP Commercial Pedestrian

East: Gas Station CP Commercial Pedestrian

South: Office/Retail CP Commercial Pedestrian

West: Single-family Residences R-1-8, Single-Family Residential (8DU/AC)

ENVIRONMENTAL STATUS

Completed by: RR

Environmental Impact Report-Use of 2020 General Plan EIR

Negative Declaration circulated on

Negative Declaration adopted on

Exempt

Environmental Review Incomplete

FILE HISTORY

Completed by: RR

Annexation Title: South Willow Glen, No. 5

Date: July 15, 1949

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Approval with Conditions

Denial

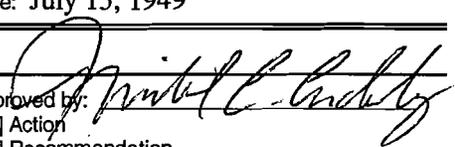
Uphold Director's Decision

Date: 8/17/07

Approved by:

Action

Recommendation



APPLICANT/OWNER/DEVELOPER

Douglas E. and Ann M. Scolari
4926 Cabrillo Point
Discovery Bay, CA 94514

Brett Scolari
Permian Builders, Inc.
4125 Clipper Court
Fremont, CA 94538-6514

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Rachel Roberts

Department of Public Works

No comments

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, Douglas E. and Ann M. Scolari, have requested the conventional conforming rezoning of the subject 0.29 gross acre site located on the northwest corner of Lincoln Avenue and Pascoe Avenue from R-2, Two-family Residence Zoning District (Lot 12) and R-1-8, Single-family Residence Zoning District (Lot 13) to CP-Commercial Pedestrian Zoning District. The rezoning has been requested to facilitate the redevelopment of the property and adjacent site with a new retail project. The subject site is rectangular in shape and is surrounded by a commercial retail building to the north, a gas station to the east, an office/retail development to the south, and single-family residences to the west. A bus stop is located on Lincoln Avenue south of the site. The site is currently a vacant parking lot.

An associated Conditional Use Permit, CP07-044 for the adjacent property located at 2259 Lincoln Avenue is currently on file to demolish the existing commercial building and build a new approximately 6,500 square foot commercial building with outdoor seating. Parking and landscaping improvements of the subject site have been proposed as part of the project. The proposed use of the site as a parking lot with associated improvements would be needed to adequately serve the adjacent commercial uses.

ENVIRONMENTAL REVIEW

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

GENERAL PLAN CONFORMANCE

This site is designated General Commercial by the San Jose 2020 General Plan Land Use/ Transportation Diagram. The proposed CP-Commercial Pedestrian Zoning District is identified in the Zoning Ordinance as conforming with the General Commercial Designation.

The proposed rezoning of the site to 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.

ANALYSIS

The proposed rezoning of the site to CP-Commercial Pedestrian Zoning District will allow commercial uses including but not limited to grocery stores, restaurants, plant nursery, or medical offices and may permit conditional or special uses such as parking, a day care center, or an art studio intended to support pedestrian oriented retail activity at a scale that is compatible with the surrounding residential neighborhoods and the existing CP-Commercial Pedestrian Zoning District along Lincoln Avenue.

The proposed rezoning to CP-Commercial Pedestrian meets the goals, policies, and intent of the General Plan in that the rezoning would facilitate a residential/commercial development interface that is appropriate for the surrounding area and would facilitate commercial uses on both sides of Lincoln Avenue bringing goods and services to the community and nearby residences. The related Conditional Use Permit will be subject to the City's Commercial Design, City's Public Outreach Policy and a public hearing by the Planning Commission before building permits can be obtained.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City of San Jose web site, and distributed to the owners and tenants of all properties located within 500 feet of the subject 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 of San Jose web site. Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

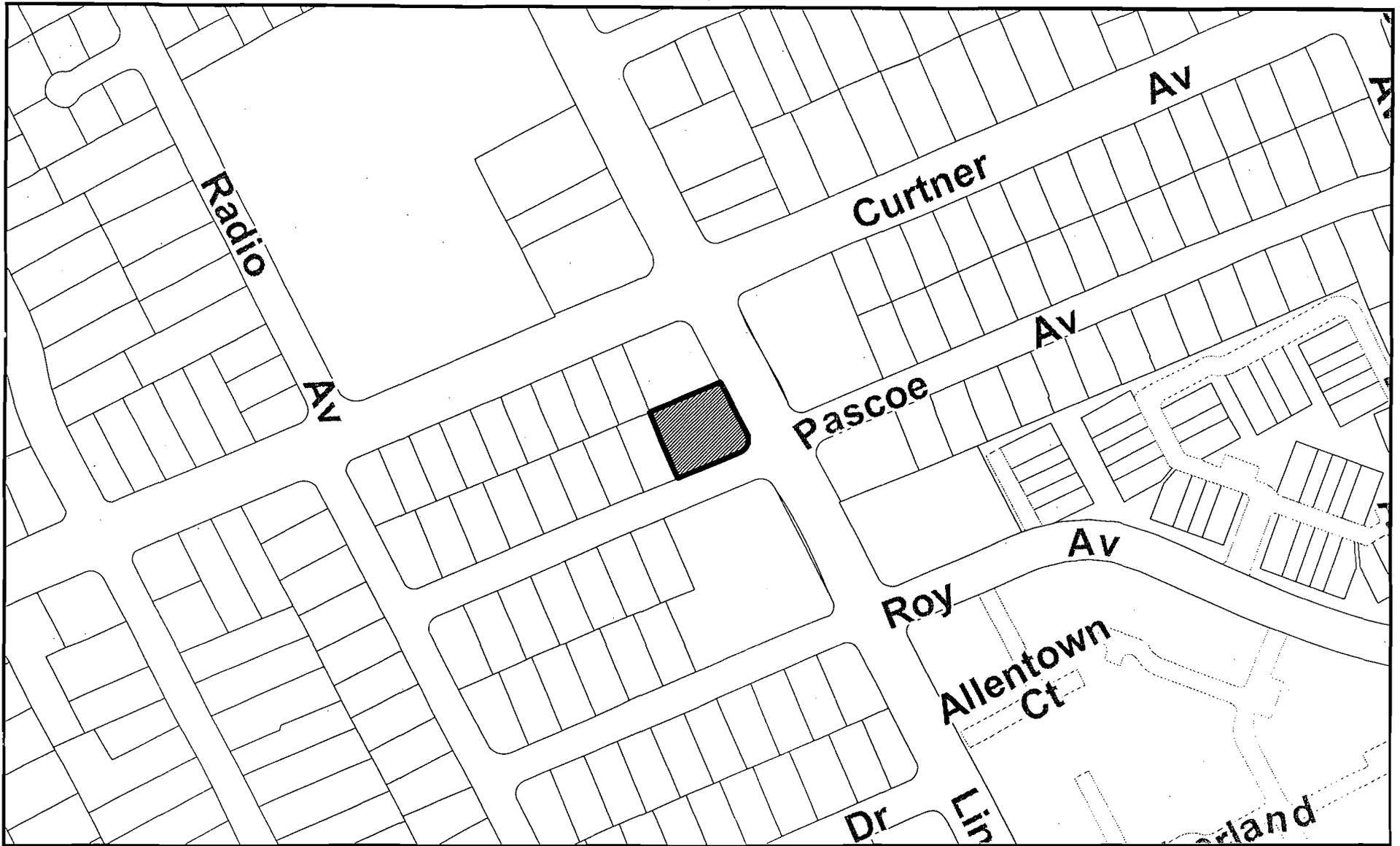
Planning Staff recommends approval of the proposed rezoning from R-2 and R-1-8 to CP-Commercial Pedestrian Zoning District for the following reasons:

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

3. The proposed rezoning will facilitate commercial uses that meet the goals and intention of the pedestrian corridor/neighborhood business district along Lincoln Avenue preserving, enhancing, and revitalizing the "Main Street" serving the community.

Attachments

Location map



05/02/2007

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

File No: C07-029

District: 6

Quad No: 99



Memorandum

TO: Lee Butler
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 05/04/07

PLANNING NO.: C07-029
DESCRIPTION: Conventional Rezoning (of one parcel with two lots having two different Zonings) from the R-2 Residential District (Lot 12) and R-1-8 Residential District (Lot 13) to the CP Commercial District on a 0.29 gross acre site
LOCATION: Northwest corner of Lincoln Avenue and Pascoe Avenue
P.W. NUMBER: 3-18140

Public Works received the subject project on 05/03/07. We have no comments or requirements.

Please contact the Project Engineer, Mirabel Aguilar, at (408) 535-6822 if you have any questions.

Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

ML:ma:gj
6000_13786599017.DOC

**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

C07-029 Conventional Conforming Re-zoning of one parcel with two lots (lot 12 and lot 13) located on the northwest corner of Lincoln Avenue and Pascoe Avenue on a 0.29-gross-acre site from R-2 Zoning District (lot 12) and R-1-8 Zoning District (lot 13) to CP Commercial Pedestrian Commercial District to allow use of the site for commercial parking.

Council District 6.

County Assessor's Parcel Number 439-34-001

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:

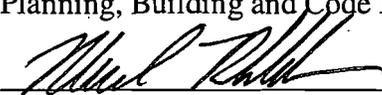
Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

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.

Rachel Roberts
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

8/16/07
Date


Deputy

LETTER OF TRANSMITTAL

PERMIAN BUILDERS, INC.

License #548830
4125 Clipper Court
Fremont, CA 94538

(510) 979-9081
Fax (510) 979-9092

Date: **June 25, 2007**

Attention: **Rachel Roberts**

Re: **Scolari Retail (Planning No. C07-029)**

RECEIVED

VIA HAND DELIVERY

JUN 25 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES

**TO: City of San Jose Planning Dept.
200 East Santa Clara Street, Tower 3
San Jose, CA 95113 - 19051**

WE ARE SENDING YOU

Attached

Under separate cover via _____ the following items:

Shop drawings

Prints

Plans

Samples

Specifications

Copy of letter

Change Order

Other

COPIES	DATE	NO.	DESCRIPTION
45	06/18/07	1	Site Plan

THESE ARE TRANSMITTED as checked below:

For approval

Approved as submitted

Resubmit samples for approval

For your use

Approved as noted

Submit _____ copies for distribution

As requested

Returned for corrections

Return approved sets

For review and comment

FOR BIDS DUE

PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: #2005E148 File

SIGNED Brett Scolari, Project Manager

If enclosures are not as noted, kindly notify us at once.

