

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: 9-25-2007 *Hem 11.1(g)*

File Number: C07-059

STAFF REPORT

Application Type:
Conforming Conventional Rezoning

Council District: 7

Planning Area: South

Assessor's Parcel Number: 497-51-014

PROJECT DESCRIPTION

Completed by: Rebekah Ross

Location: Southeast corner of Senter Road and Southside Drive

Gross Acreage: 0.36

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

Existing Zoning: CP – Commercial Pedestrian

Existing Use: Office/Commercial

Proposed Zoning: CN – Commercial Neighborhood

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: Parking lot

R-1-2 Single-Family Residence

East: Duplexes

R-2 Two-Family Residence

South: Retail and Commercial Uses

CP – Commercial Pedestrian

West: Single-Family Detached Residences
(across Senter Road)

R-2 Two-Family Residence

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: August 7, 2007

Annexation Title: Tully No_1

Date: December 2, 1960

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

Cuc Trinh-Nguyen
3108 Yakima Circle
San Jose, CA 95121
(408) 971-1880

APPLICANTS

Sandra or Frank Araujo
3632 Clear Brook Court
San Jose, CA 95111
(408) 472-7570

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: R.Ross

Department of Public Works: None

Other Departments and Agencies: None

GENERAL CORRESPONDENCE:

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

Sandra and Frank Araujo, on behalf of the property owner Cuc Trihn-Nguyen, are requesting a conforming conventional rezoning of the subject property from the CP – Commercial Pedestrian Zoning District to the CN – Commercial Neighborhood Zoning District to allow more flexible development of the site in the future.

The 0.36 gross acre site is currently developed with one commercial building constructed in approximately 1982. Physical changes to the site and to the existing building are not considered as part of this application. Any future alterations to the site require a subsequent Development Permit.

The site is rectangular in shape with approximately 200 feet of frontage along Senter Road and approximately 80 feet of frontage along Southside Drive. The site is surrounded by commercial uses to the north and to the south, by duplexes to the east, and single-family detached residences to the west across Senter Road.

GENERAL PLAN CONFORMANCE

The proposed rezoning to the CN – Commercial Neighborhood 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 rezoning to CN - Commercial Neighborhood Zoning District would facilitate commercial uses consistent with the CN – Commercial Neighborhood Zoning District and the General Commercial General Plan designation.

The proposed rezoning to the CN –Commercial Neighborhood Zoning District will allow the continuation of an existing commercial building and uses on the property consistent with the development pattern along Senter Road and the surrounding area. The permitted uses of CN – Commercial Neighborhood are identical to the allowed uses of the CP – Commercial Pedestrian

Zoning District, except that within the CN –Commercial Neighborhood District a few auto repair, detailing and sales are allowed by right or with a Conditional Use Permit.

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.

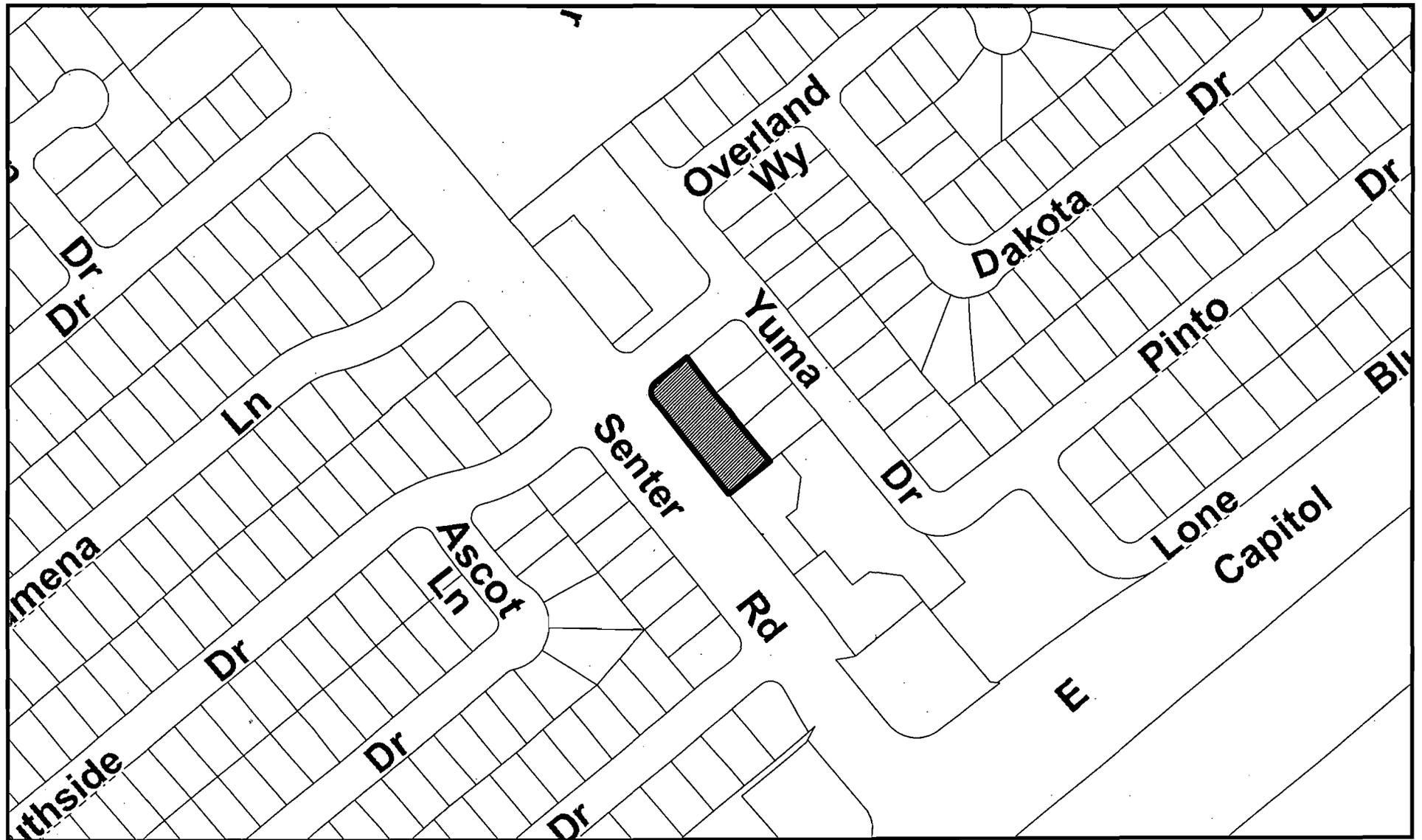
RECOMMENDATION

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

CC:
Daymo, Attention C. Patrick Day, 1600 Saratoga Avenue #403, San Jose, CA 95129
Ken Nelson, 125 East Sunnyoaks #206, Campbell, CA 95008



08/07/2007

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

File No: C07-059

District: 7

Quad No: 100



**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

C07-059. Conventional Rezoning from the CP - Commercial Pedestrian Zoning District to the CN - Commercial Neighborhood Zoning District to allow commercial uses on a 0.36 gross acre site located on the southeast corner of Senter Road and Southside Drive (3060 and 3070 Senter Road) Council District 7. County Assessor's Parcel Number 497-51-014

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

8/30/2007
Date

fr
[Signature]
Deputy JOHN W. SATY



Memorandum

TO: Rebekah Ross
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 08/09/07

PLANNING NO.: C07-059

DESCRIPTION: Conventional Conforming Rezoning from the CP Zoning District to the CN Zoning District to allow a reduced rear setback for construction of a 2,160 sf addition to an existing office building on a 0.17 gross acre site southeast corner of Southside Drive and Senter Road

LOCATION:

P.W. NUMBER:

Public Works received the subject project on 08/09/07. We have no comments or requirements.

Please contact the Project Engineer, Amit Mutsuddy, at (408) 535-6828 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

ES:AM:tw
6000-22258096069.DOC



Memorandum

TO: Rebekah Ross

FROM: Russell Chung

DATE: 08/17/07

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

Re: Plan Review Comments

PLANNING NO: C07-059

DESCRIPTION: Conventional Rezoning from the CP Zoning District to the CN Zoning District to allow a reduced rear setback for construction of a 2,160 sf addition to an existing office building on a 0.17 gross acre site

LOCATION: southeast corner of Southside Drive and Senter Road

ADDRESS: southeast corner of Southside Drive and Senter Road (3060 SENTER RD)

FOLDER #: 07 025570 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.

Russell Chung
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7697