

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 09-13-05 Item No. *11.1(a)*

File Number
C05-084

Application Type
Conforming Rezoning

Council District
6

Planning Area
Central

Assessor's Parcel Number(s)
261-02-064

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: northwest corner of The Alameda and North Morrison Avenue

Gross Acreage: 0.61 Net Acreage: 0.61 Net Density: N/A

Existing Zoning: CG Commercial General Existing Use: Vacant lot

Proposed Zoning: CP Commercial Pedestrian Proposed Use: Commercial uses

GENERAL PLAN

Land Use/Transportation Diagram Designation
General Commercial with Neighborhood Business District
Overlay

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Office CG Commercial General

East: Single-Family Attached
Residential (Under Construction) A(PD) Planned Development

South: Retail CG Commercial General

West: Vehicle leasing CG Commercial General

ENVIRONMENTAL STATUS

Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: College Park/ Burbank Sunol

Date: December 8, 1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: August 24, 2005

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER

Richard S. Campisi Trust
Victor Lo Bue, Trustee
981 Fremont Street
Santa Clara, CA 95050

PUBLIC AGENCY COMMENTS RECEIVED

Department of Public Works

None received.

Other Departments and Agencies

None received

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The Director of Planning has initiated this rezoning to change the zoning of the subject 0.61 gross-acre site from CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District to allow pedestrian-oriented commercial uses.

The site is currently vacant and surrounded by commercial uses to the north, west, and south. A residential condominium project is under construction to the east of the subject site.

Permit History

On January 10, 2001, the Planning Commission approved a Conditional Use Permit (City File No. CP00-071) to allow construction of a 9,675 square foot retail/commercial building and operation of a commercial business on a 24-hour basis. The Conditional Use Permit expired on January 10, 2003 because building construction had not commenced within two years of permit approval.

On February 19, 2001, the City Council approved a comprehensive Zoning Code update that eliminated the C-3 Commercial Zoning District and replaced it with the CG Commercial General Zoning District. As part of the comprehensive Zoning Code update, the subject property was rezoned from C-3 to CG Commercial General Zoning District. The CG Commercial General Zoning District requires a 25-foot front setback. On July 12, 2005, the property owner applied for a Site Development Permit (File No. H05-034) to allow construction of a 9,789 square foot commercial building in a similar configuration as the previously-approved project with the building set close to The Alameda, with much less than a 25-foot setback.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José (City Council Resolution Number 65459).

GENERAL PLAN CONFORMANCE

The site is designated General Commercial with Neighborhood Business District Overlay on the San Jose 2020 General Plan Land Use/Transportation Diagram. The Neighborhood Business District (NBD) overlay is applied to areas with a predominantly "Main Street" design, where buildings are connected to each other, form a continuous street façade, and have no setback from the sidewalk. The Alameda is an example of the "Main Street" design, where buildings are located adjacent to the street with parking areas in the back of the lot. This configuration is a key component to creating a pedestrian-oriented environment. The CP Commercial Pedestrian Zoning District is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods and is consistent with the General Commercial and Neighborhood Business District designations of the site.

ANALYSIS

The CP Commercial Pedestrian Zoning District specifies a front setback of no more than 10 feet to facilitate pedestrian-oriented development where the building is set close to the street and the parking lot located behind the building. The project on file proposes a building and parking lot in this configuration. Based on this analysis, staff concludes that the proposed rezoning to CP Commercial Pedestrian will bring the zoning of this site into conformance with the General Plan and facilitate implementation of pedestrian-oriented commercial uses on the site that are consistent with the General Commercial with Neighborhood Business District Overlay designation and which are compatible with surrounding uses. The rezoning to CP Commercial Pedestrian will specifically provide for future approval of the Site Development Permit currently on file.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with 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.

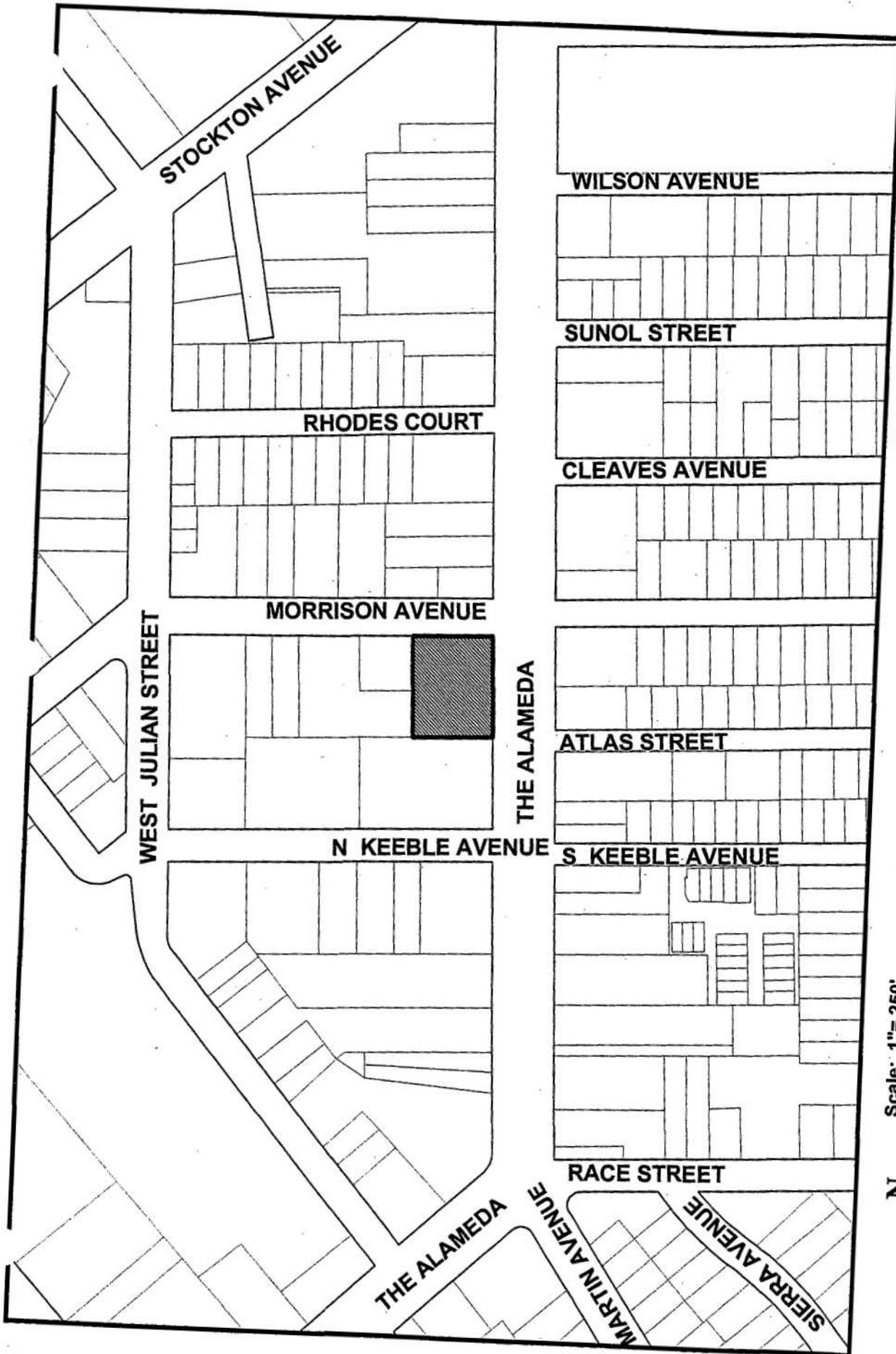
RECOMMENDATION

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 with Neighborhood Business District Overlay.
2. The proposed rezoning will facilitate pedestrian-oriented development on this site that is compatible with the surrounding uses.

Attachments

cc: Thomas Biagini, Biagini Properties, 333 W. El Camino Real #240, Sunnyvale, CA 94087
Thomas Boyd, Quality Design Concepts Inc., 20085 Stevens Creek Blvd., #120, Cupertino, CA 95014



File No: C05-084

District: 6

Quad No: 83

Scale: 1" = 250'

Map Created On: 08/12/2005

Noticing Radius: 500 feet

