

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
CC: 09-21-04 Item no. 11.9

File Number
C04-058

Application Type
Conforming Conventional Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
486-38-030 and -031

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Deanna Chow

Location: South side of Story Road, approximately 200 feet westerly of Jackson Avenue

Gross Acreage: 0.24

Net Acreage: 0.24

Net Density: N/A

Existing Zoning: CO Commercial Office

Existing Use: Commercial

Proposed Zoning: CP Commercial Neighborhood

Proposed Use: same

GENERAL PLAN

Completed by: DMC

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: DMC

North: Gas Station and Commercial

A(PD) Planned Development and CP Commercial Pedestrian

East: Commercial

CO(PD) Planned Development

South: Single-family detached residential

R-1-8 Residence

West: Single-family detached residential and
Commercial

CO Commercial Office

ENVIRONMENTAL STATUS

Completed by: DMC

Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

Completed by: DMC

Annexation Title: Amos_No. 3

Date: May 7, 1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

- Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: August 27, 2004

Approved by: Susan Walton

- Action
 Recommendation

OWNER/APPLICANT

Zenh Vong
2278 Story Road
San Jose, CA 95122

Ngoc Vong
2270 Story Road
San Jose, CA 95122

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: DMC

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicants are requesting to rezone the subject 0.24 -acre site from CO Commercial Office zoning district to CP Commercial Pedestrian zoning district in order to facilitate retail uses on the site. Retail businesses, including a pager/cellular phone store and stone art store, currently operate on the site. However, retail uses are non-permitted uses within the existing CO Commercial Office zoning district, which allows primarily office uses. Subsequent to rezoning, a Special Use Permit or appropriate development permit will be required to convert the single-family residential structure for non-residential uses.

The subject site consists of two lots along Story Road, approximately 200 feet westerly of Jackson Avenue, within the Story Road Neighborhood Business District. The subject site is surrounded by commercial uses to the north across Story Road and to the east, single-family residences to the south and single-family residential and commercial uses to the west.

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 proposed rezoning to CP Commercial Pedestrian is consistent with the land use designation of General Commercial with Neighborhood Business District Overlay. The Neighborhood Business District Overlay designation facilitates the implementation of the Neighborhood Business District (NBD) Program, which seeks to preserve and enhance commercial areas that serve as a neighborhood or community commercial business district. The CP Commercial Pedestrian zoning designation allows uses that compliment and support pedestrian oriented retail activity at a scale compatible with adjacent residential neighborhoods. The proposed zoning district is designed to support the goals and policies of

the General Plan related to Neighborhood Business Districts.

ANALYSIS

The existing CO Commercial Office zoning district conforms to the General Plan land use designation; however, the zoning district does not allow for retail uses. The applicant proposes the conforming rezoning to CP Commercial Pedestrian to allow for a variety of commercial uses, which is essential to a Neighborhood Business District area and closely aligns with the vision for this area. The rezoning of the property furthers the goals of the Story Road NBD by allowing appropriate uses and opportunities for redevelopment that fosters pedestrian activity. The CP zoning designation requires buildings to be built close to the street in order to enhance pedestrian accessibility and provide active streetscapes.

The CP Commercial Pedestrian zoning district allows for a variety of pedestrian-oriented commercial activity and discourages potentially incompatible uses. For example, automobile-oriented uses like tire sales and car washes, are either not allowed or required to have a Conditional Use Permit to establish the use. Because the proposed site contains a dwelling unit which is being utilized for non-residential purposes, the site is subject to further discretionary review by the City. At a minimum, a Special Use Permit is required for the conversion from a residential to a non-residential use. Depending on the type of uses and activities proposed, a Conditional Use Permit may be required. Future redevelopment of the site will be reviewed for consistency with the development and use regulations of the CP Commercial Pedestrian zoning district and conformance with other City policies and design guidelines.

CONCLUSION

Based on the analysis described above, staff concludes that the proposed rezoning of the site from CO Commercial Office to CP Commercial Pedestrian will conform to the site's General Plan designation of General Commercial and will not result in any significant environmental or neighborhood impacts.

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. The City Council Agenda, which is posted on the City of San José website, includes a copy of the staff report for this project.

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 will facilitate development of this site that is compatible with the surrounding uses.



File No: CP04-058

District: 05

Quad No.: 68



Scale: 1"=250'
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