

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. 10-24-06

File Number
C 06-096

Application Type
Conventional Conforming Rezoning

Council District
5

Planning Area
Amos No 3

Assessor's Parcel Number
486-38-027, -028

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Tracy Chu

Location: South side of Story Road approximately 150 feet east of Adrian Way

Gross Acreage: 0.24

Net Acreage: n/a

Net Density: n/a

Existing Zoning: Commercial Office

Existing Use: Two Single-Family Residence used for commercial purposes

Proposed Zoning: Commercial Pedestrian

Proposed Use: Small Retail Store

GENERAL PLAN

Land Use/Transportation Diagram Designation
General Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Northwest: Commercial Building

CN Commercial Neighborhood

Northeast: Vacant Land, Commercial Building

CP Commercial Pedestrian

Southwest: Commercial Building

CP Commercial Pedestrian

Southeast: Single-Family Residence

R-1-8 Single Family Residence District

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Amos No 3

Date: May 7, 1959

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: *September 29, 2006*

Approved by: *Susan Walton*
 Action
 Recommendation

OWNERS/APPLICANT

Jose and Ana Canales
2258 Story Road
San Jose, CA 95122

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Tracy Chu

Department of Public Works

See Attached Memorandum

Fire

See Attached Memorandum

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owners, Jose and Ana Canales, are requesting a conforming rezoning of the subject 0.24 gross-acre site on the south side of Story Road, 150 feet east of Adrian Way, from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District to allow retail uses. The site is currently developed with two single-family residences that were converted to commercial uses without benefit of permits and is surrounded by residential uses to the southeast, vacant land to the northeast, and by commercial uses to the north and southwest.

ENVIRONMENTAL REVIEW

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

GENERAL PLAN CONFORMANCE

The site is designated General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CP Commercial Pedestrian Zoning District allows pedestrian-oriented retail activities at a scale compatible with the surrounding residential neighborhoods, consistent with the General Commercial land use designation.

ANALYSIS

The proposed CP Commercial Pedestrian Zoning District allows neighborhood-serving commercial uses and promotes pedestrian activity. The type of development supported by this District includes small retail stores and public eating establishments at a scale compatible with the surrounding residential neighborhoods. The proposed rezoning to CP Commercial Pedestrian Zoning District will bring the zoning into conformance with the General Plan and will facilitate implementation of development that is consistent with the General Plan Land Use/Transportation Diagram and compatible with surrounding uses. If this conforming rezoning is approved, the property owners would be able to apply for permits to legalize the past conversion of the single-family houses to commercial uses.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and 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.

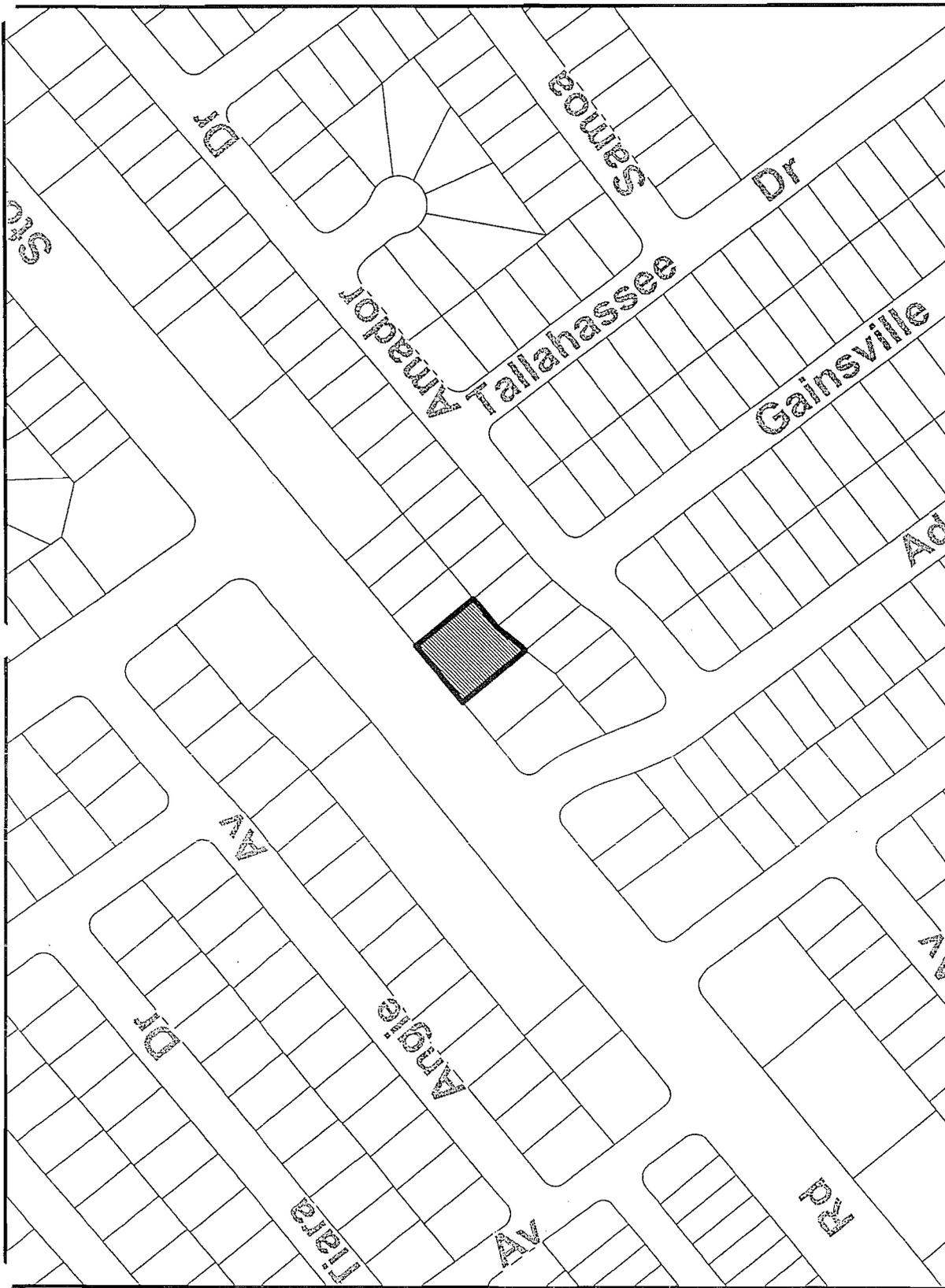
COORDINATION

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.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.



File No: C06-096

District: 5

Quad No: 68

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



Map Created On:
09/05/2006



Memorandum

TO: Tracy Chu
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 09/15/06

PLANNING NO.: C06-096
DESCRIPTION: Conventional Rezoning from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on 0.24 gross acre site
LOCATION: south side of Story Road approximately 150 feet east of Adrian Way
P.W. NUMBER: 3-18138

Public Works received the subject project on 09/05/06 and submits the following comments and requirements.

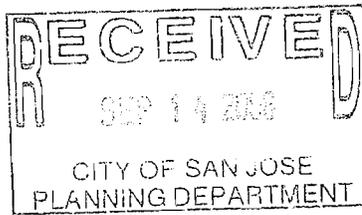
Project Conditions:

1. **Transportation:** At the Planning permit stage, an in-house traffic distribution or a traffic impact analysis would be required. The project site has no Evergreen traffic allocation; therefore, it shall conform to the Evergreen Development Policy.

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

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Memorandum

DATE: 09/11/06

TO: Tracy Chu
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: C06-096
DESCRIPTION: Conventional Rezoning from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on 0.24 gross acre site
LOCATION: south side of Story Road approximately 150 feet east of Adrian Way
ADDRESS: south side of Story Road approximately 150 feet east of Adrian Way (2250 STORY RD)
FOLDER #: 06 026118 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.

If the building will require a sprinkler system installation, an additional hydrant will be required within 100feet from the Fire Dept. Connection.

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.

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

ORDINANCE NO.

ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTH SIDE OF STORY ROAD APPROXIMATELY 150 FEET EAST OF ADRIAN WAY (2258 STORY ROAD) TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT.

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to CP Commercial Pedestrian Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the Council is the decision-making body for subject rezoning to CP Commercial Pedestrian Zoning District; and

WHEREAS, this Council does hereby certify that, as a decision-making body, it has considered and approves the information contained in such EIR prior to acting upon or approving such project; and

WHEREAS, the proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE,

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CP Commercial Pedestrian Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval which is the subject of City File No. C06-096

is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code.

The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 24th day of October 2006 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDDEL, ACTING DIRECTOR

**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

C06-096. Conforming Conventional Rezoning for a project located on the south side of Story Road, approximately 150 feet east of Adrian Way on a 0.24-gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of General Commercial from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District.

Council District 5

County Assessor's Parcel Numbers 486-38-027, -028

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.

Tracy Chu
Project Manager

Joseph Horweddel, Acting Director
Planning, Building and Code Enforcement

9/18/04
Date

Deputy