

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. 10-18-05 Item #

11.1(d)

File Number
 C05-090

Application Type
 Conforming Rezoning – Director
 Initiated

Council District
 5

Planning Area
 Alum Rock

Assessor's Parcel Number
 481-38-008

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Hadasa Lev

Location: east side of King Road, approximately 350 feet northerly of Story Road

Gross Acreage: 0.31

Net Acreage: 1.23

Net Density: N/A

Existing Zoning: CG Commercial General

Existing Use: Retail (Food/Grocery)

Proposed Zoning: CP Commercial Pedestrian

Proposed Use: Retail (Food/Grocery)

GENERAL PLAN

Completed by: HLL

Land Use/Transportation Diagram Designation
 Neighborhood Community Commercial,
 Neighborhood Business District

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: HLL

North: Commercial

CP Commercial Pedestrian

East: Commercial Shopping center

CN Commercial Neighborhood

West: Park

R-1-5 Residence District

South: Commercial parking lot

CG Commercial General

ENVIRONMENTAL STATUS

Completed by: HLL

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

Completed by: HLL

Annexation Title:

Date: n/a

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

September 29, 2005

Approved by:

Action
 Recommendation

Susan Walton

OWNER

HOADY FAMILY LLC
 P.O. BOX 1329
 BYRON, CA. 94514

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by:
HLL

Department of Public Works

None received

Fire

Not received

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The Director of Planning has initiated a Conforming Rezoning of the subject 1.23 gross-acre site from CG Commercial General to CP Commercial Pedestrian. The site is currently developed with a commercial retail building and is surrounded by commercial uses to the north, east and south and a park to the west. A Permit Adjustment application for a proposed remodel of the retail building on site has been filed (File No: AD05-688)

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 Neighborhood/Community Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CP Commercial Pedestrian Zoning District is consistent with this designation.

ANALYSIS

The proposed rezoning to CP Commercial Pedestrian is in conformance and is consistent with the General Plan Land Use/Transportation Diagram and will allow development that is compatible with surrounding uses. This site is located within the Story Road Neighborhood Business District. The site's current CG Commercial General Zoning District requires a minimum 25-foot front setback. The CP Commercial Pedestrian Zoning District has no required front setback and is more appropriate in neighborhood business districts, allowing for buildings to be closer to the street and facilitating a pedestrian-friendly environment. The property to the north of the site is zoned CP Commercial Pedestrian. Rezoning the subject site to CP Commercial Pedestrian will allow for a continuation of the existing development pattern in the area. This rezoning will also facilitate the façade improvement application for the existing retail building on the property.

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.

RECOMMENDATION

Staff recommends approval of the proposed rezoning for the following reasons:

- 1) The proposal is consistent with the General Plan.
- 2) The proposal will facilitate development that is consistent with surrounding development.

cc: Kelly Simcox, JCA Architects, 1028 Lincoln Avenue, San Jose, CA 95125