



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: September 15, 2008

Approved

Deanna Sartore

Date

9/17/08

COUNCIL DISTRICT: 1
SNI AREA: N/A

SUBJECT: C08-041. Conforming Rezoning from R-1-5 Residence Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.23 gross acre site.

RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning for the following reasons:

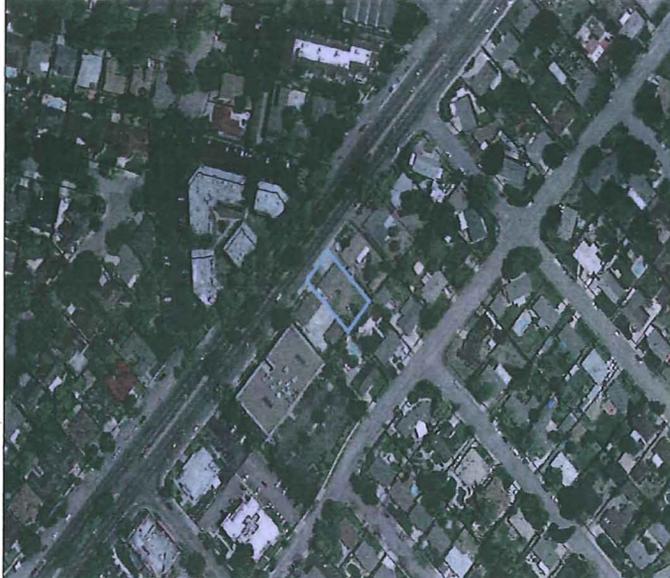
1. The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation designation of Office.
2. The proposed land use is compatible with existing uses on the adjacent and neighboring properties.

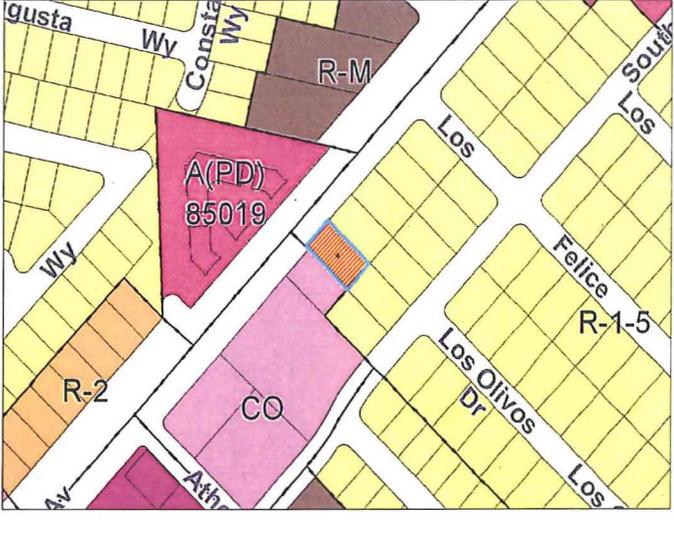
BACKGROUND & DESCRIPTION

This is a Conforming Rezoning of the subject site from R-1-5 Residence Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.23 gross acre site. The applicant, Koushyar Keyhan, has initiated this rezoning to allow for the conversion of the existing residential building on the site into offices. Office uses are not an allowed use in the R-1-5 Residence District. In the CO Commercial Office Zoning District, a residential use may be converted into an office use (a use allowed by right) through the issuance of a Special Use permit.

The site is surrounded by office uses to the south and across Saratoga Avenue to the west and single-family residential uses to the east and north. Immediately beyond the single-family residence to the north is a school/day care center.

The subject site consists of an existing single-family residence on a parcel of approximately 0.75 gross acres. The existing General Plan land use designation for the entire site is Office. No additional permitting is currently on file for the site.

AERIAL MAP	SITE INFORMATION	
	Existing Zoning	R-1-5 Single Family Residence
	Proposed Zoning	CO Commercial Office
	General Plan	Office
	Council District	1
	Annexation Date	September 1, 1980
	SNI	None
	Historic Resource	No

GENERAL PLAN	ZONING
	

ANALYSIS

The proposed rezoning to CO Commercial Office Zoning district for the site will allow implementation of Commercial policies of the *San Jose 2020 General Plan*. The residential conversion to office use is located along a major street where there is already a substantial non-residential character. The former residence to the south has already converted to an office use and a few properties north of the subject property are residences that have been converted into a day care/school. The CO Commercial Office Zoning district is a conforming zoning district to the Office General Plan land use designation. As a Conforming Rezoning, this application does not require review or recommendation by the Planning Commission.

Environmental Review

The environmental impacts of the rezoning portion of the 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 Office on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CO Commercial Office is consistent with this designation because it would allow office uses consistent with the General Plan designation.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A sign has been posted on the project site. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan goals and policies as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

Project Manager: Ed Schreiner

Approved by:

Jean Hammit

Date: 9/17/08

Applicant: Koushyar Keyhan 1480 Saratoga Avenue San Jose, CA 95129	Attachments: Location map Re-Use of 2020 EIR
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**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

C08-041. Conforming Rezoning from R-1-5 Residence Zoning District to CO Commercial Office Zoning District to allow office uses on a 0.23 gross acre site for a property located at 1480 Saratoga Avenue.

Council District: 1.

County Assessor's Parcel Number: 307-05-069

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		

No additional site specific environmental analysis was necessary for this project.

Ed Schreiner
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

9/17/08
Date

Atari Daniels
Deputy

