

STAFF REPORT PLANNING COMMISSION

FILE NO.: C08-046

Submitted: August 20, 2008

PROJECT DESCRIPTION:

Conforming prezoning from County to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.44 gross acre site.

LOCATION:

Southwest corner of South Bascom Avenue and Maywood Avenue (APNs: 282-10-073 & 074)

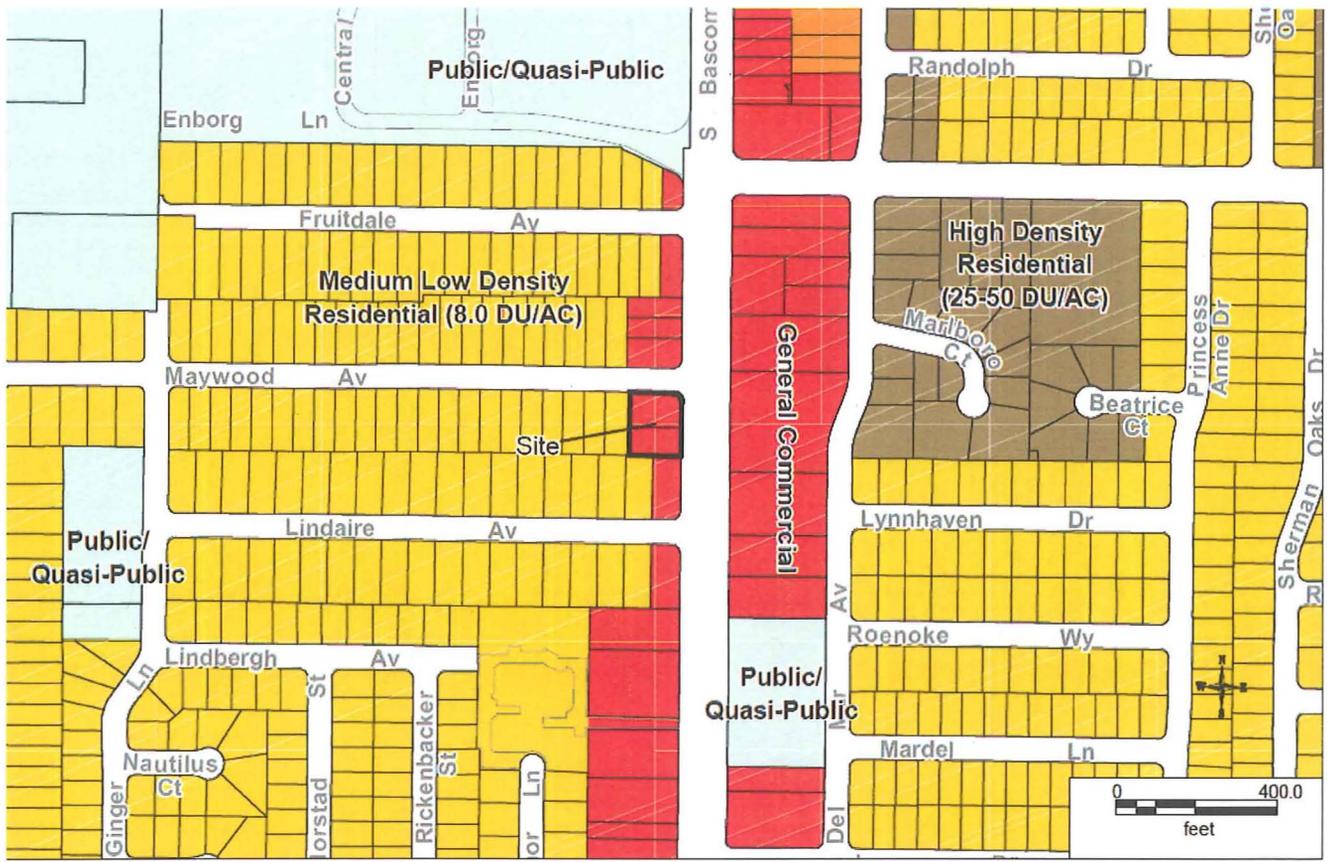
Zoning	County
Proposed Zoning	CP Commercial Pedestrian
General Plan	General Commercial
Council District	6
Annexation Date	Pending
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

Aerial Map

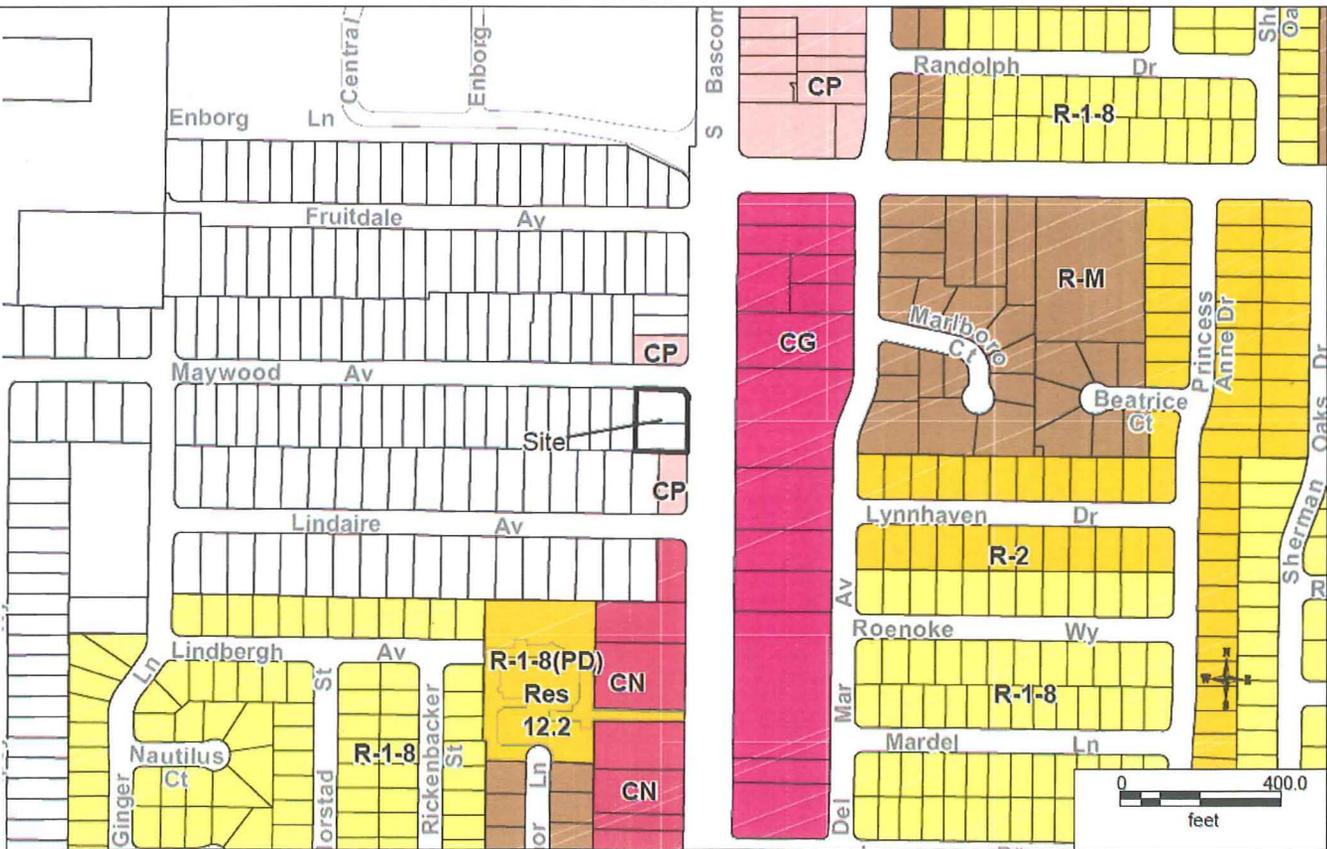
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GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the City Council find that the project is in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use/Transportation Diagram's land use designation of General Commercial for the subject site.
2. The proposed rezoning would allow for commercial uses on the site which is compatible in scale and character with the surrounding uses.

BACKGROUND & DESCRIPTION

The applicant, Nima M. Farakesh, is requesting a conforming rezoning of the subject properties from County unincorporated to the CP Commercial Pedestrian Zoning District to allow commercial uses. An associated Annexation application (File: Hamilton No. 60), is also pending on the subject site.

The site currently includes an existing glass tinting business, a church, and office/retail uses, which were established under the jurisdiction of the County of Santa Clara. Rezoning the subject properties to the CP Commercial Pedestrian Zoning District would allow offices and other potential commercial uses by right. If the glass tinting business and church were legally established in the County, the uses would become legal nonconforming uses in the City of San Jose. Otherwise, church uses would require a Conditional Use Permit; glass sales, installation, and tinting uses are not permitted. The applicant has expressed interest in redeveloping the subject properties with a new medical office building in the future.

Site and Surrounding Uses

The subject site is flat, developed land that is 0.44 gross acres in size. The site is bounded by small retail businesses to the north and south, a residential neighborhood to the west, and professional offices to the east across South Bascom Avenue.

ANALYSIS

The proposed conforming rezoning was analyzed with respect to conformance with the San Jose 2020 General Plan.

The proposed rezoning of the subject site to the CP Commercial Pedestrian Zoning District conforms to the San Jose 2020 General Plan Land Use/Transportation Diagram's land use designation of General Commercial. The General Commercial land use designation is a non-specialized commercial designation intended to permit a variety of commercial uses. The CP Commercial Pedestrian Zoning District would provide for setbacks and development standards appropriate for and consistent with development along this section of South Bascom Avenue.

The subject site is located on a major arterial, S. Bascom Avenue, which is lined with commercial uses along the block in which the site is located. The proposed CP Commercial Pedestrian Zoning District is intended to provide for pedestrian oriented retail activity on a scale compatible with surrounding residential neighborhoods. Therefore, the CP Commercial Pedestrian Zoning District is appropriate for the

subject site as it is consistent with the General Plan's land use designation of General Commercial and will provide for pedestrian oriented commercial uses that are compatible with the adjacent residential neighborhood. The proposed rezoning to the CP Commercial Neighborhood Zoning District could also facilitate the potential development of medical office uses. Redevelopment of the site would likely involve combining the two existing properties and the subsequent construction of a new building near the corner and a small parking lot behind or alongside the new building.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," Resolution No.65459. The City of San José 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 (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

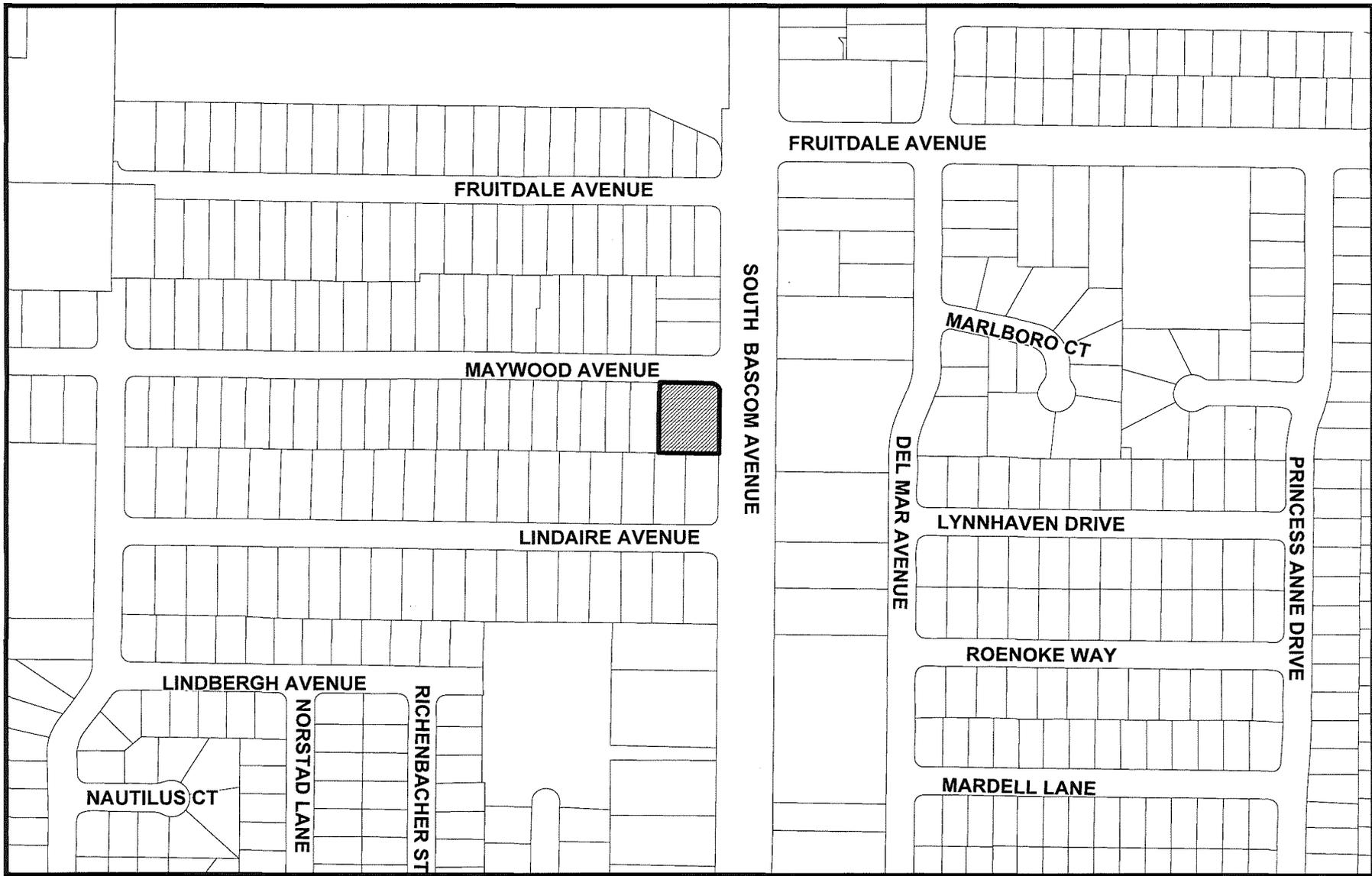
PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public.

Project Manager: Jodie Clark, AICP

Approved by: _____/s/_____ **Date:** _____

Owner/Applicant: Nima M. Farakesh 945 South Bascom Avenue San Jose, CA 95128	Attachments: Location map
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Approx. Scale: 1" = 300'
Map Created On: 08/20/2008
Noticing Radius: 500 feet

File No: C08-046

District: 6

Quad No: 98