

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  
P.C. 11-10-04 *3a.*  
C.C. 11-16-04

File Number  
C04-081

Application Type  
Conventional Rezoning

Council District  
3

Planning Area  
North

Assessor's Parcel Number(s)  
235-04-008

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Suparna Saha

Location: Southeast corner of North Fourth Street and Koll Drive (1516 N.4<sup>th</sup> Street)

Gross Acreage: 0.61

Net Acreage: 0.61

Net Density: N/A

Existing Zoning: LI Light Industrial

Existing Use: Mixed Uses (Martial Art Studio, Restaurant and Office)

Proposed Zoning: CG Commercial  
General

Proposed Use: Public Eating Establishment (Catering)

### GENERAL PLAN

Completed by: SS

Land Use/Transportation Diagram Designation  
CIC Combined Industrial/Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: SS

North: Office/Industrial

IP Industrial Park

East: Office/Industrial

IP Industrial Park

South: Industrial

LI Light Industrial

West: Industrial

LI Light Industrial

### ENVIRONMENTAL STATUS

Completed by: SS

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: SS

Annexation Title: Orchard No 8

Date: November 1, 1951

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: November 2, 2004

Approved by: *Susan Walton*  
 Action  
 Recommendation

### APPLICANT/OWNER/DEVELOPER

Lawrence and Ruby Fong Trust (Owner)  
5064 Westdale Drive  
San Jose, CA 95129

Oui T Son (Applicant)  
1659 Scott Boulevard, Suite 32A  
Santa Clara, CA 95050

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: SS

Department of Public Works

Public Works Memo

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**Other Departments and Agencies**

Fire Department

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**GENERAL CORRESPONDENCE**

None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant is requesting to rezone the subject 0.61 gross-acre site from LI Light Industrial to CG Commercial General to allow for commercial uses. The site is currently developed with a mixture of compatible commercial uses, a restaurant, martial art studio and office. The site is entirely surrounded by light industrial, industrial park and commercial uses.

The proposed CG Commercial General is intended to allow a full range of retail and commercial uses with a local and regional market. The current LI Light Industrial zoning limits the gross square footage for public eating establishments to 650 square feet. The applicant is proposing an additional 1,168 square-foot public eating establishment.

**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 Combined Industrial/Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CG Commercial General Zoning District is consistent with this designation in that the zoning district allows a full range of retail and commercial uses and development standards consistent with the commercial elements of this General Plan designation.

**ANALYSIS**

The proposed rezoning to CG Commercial General is in conformance with Combined Industrial/Commercial General Plan designation and will facilitate the applicant's intention to operate a 1,168 square-foot catering business in addition to the existing public eating establishment and martial art studio already existing on the same property. Under the current LI

Light Industrial Zoning District, public eating establishments are limited to a maximum of 650 gross square feet in size and therefore, the 1,168 square feet public eating establishment proposed would not be permitted.

In addition, the proposed rezoning of this site to CG, Commercial General would bring the existing and proposed public eating establishments and martial art studio into conformance with the zoning on the site. Staff is supportive of another public eating establishment on site and will work with the applicant through the Site Development Permit stage to confirm the appropriate amount of parking provided. The applicant has stated that the new commercial use would be "take-out" only, and therefore, the existing parking on site may be adequate.

## **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.

## **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 Combined/Industrial Commercial.
2. The proposed rezoning will facilitate development of this site that is compatible with the surrounding uses.
3. The proposed rezoning will facilitate future development of the site that is consistent with the Rincon South Specific Plan.

cc: Lawrence and Ruby Fong Trustee, 5064 Westdale Drive, San Jose, CA 95129  
Qui T. Son, 1659 Scott Blvd. Suite 32A, Santa Clara, CA 95050



File No: C04-081

District: 03

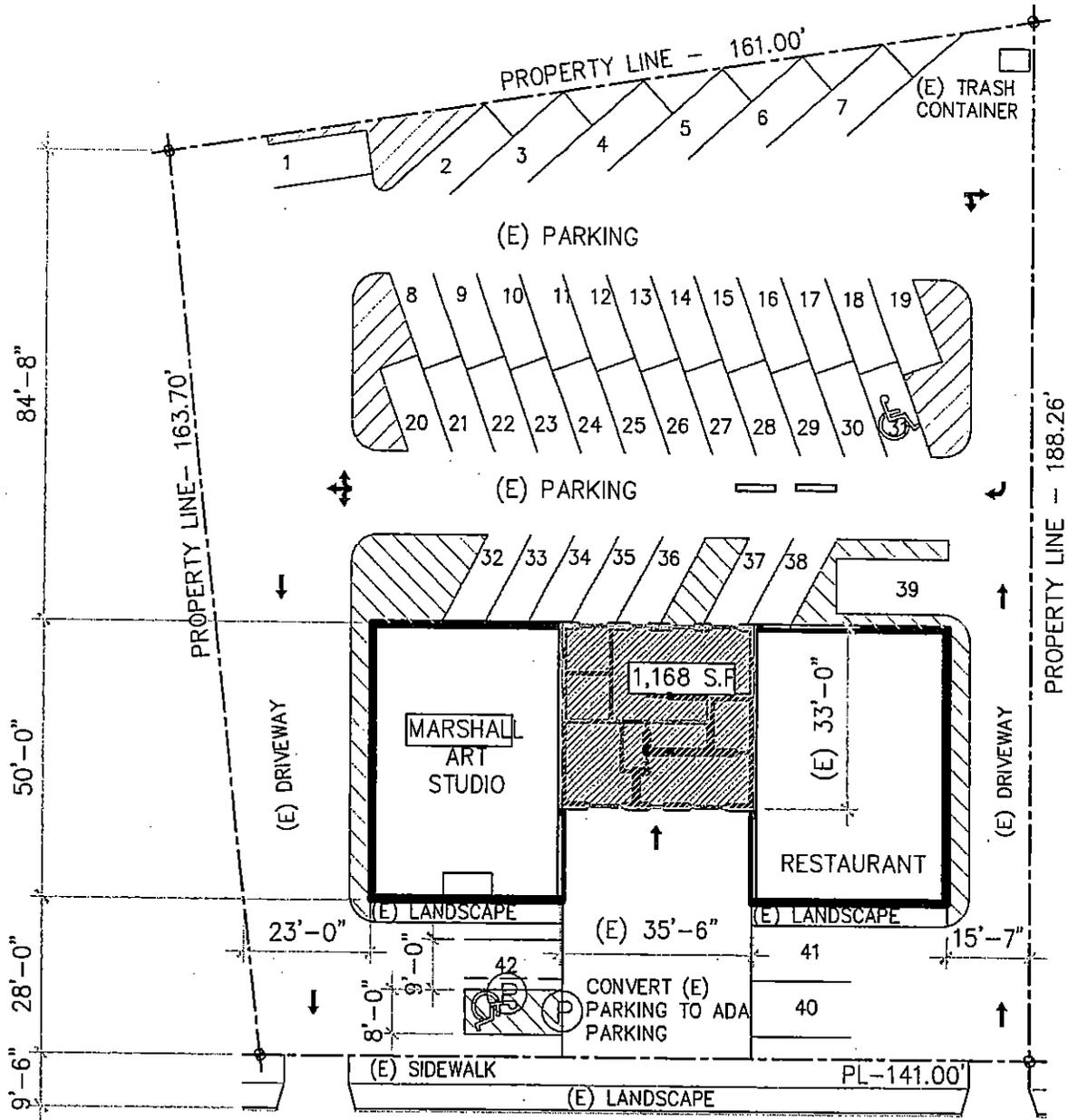
Quad No: 67

Scale: 1"=160'



Map Created On:  
09/09/2004

KOLL CIRCLE



N. FOURTH STREET

PLOT PLAN 1/32"

C04-081