



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C17-033
<b>Applicant:</b>	Tracy Smith
<b>Location</b>	820 Willow Street
<b>Existing Zoning</b>	A(PD) Planned Development (File No. PDC88-084)
<b>General Plan Land Use Designation</b>	Neighborhood/Community Commercial
<b>Council District</b>	6
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	March 27, 1950 (Original City)
<b>CEQA:</b>	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto

**APPLICATION SUMMARY:**

Conforming Rezoning (C17-033) from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District on a 1.74-gross acre site.

**RECOMMENDATION:**

Staff recommends that the City Council approve the Conforming Rezoning based upon the facts and findings in this staff report.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY			
<b>General Plan Designation</b>		<b>Neighborhood/Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>	
<b>Consistent Policies</b>		<b>Implementation Policies IP-1.1, IP-1.6, and IP-8.2</b>	
SURROUNDING USES			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Mixed Use Neighborhood, Neighborhood/Community Commercial	A(PD) Planned Development (File No. PDC79-084)	Commercial uses, Multifamily residences
<b>South</b>	Residential Neighborhood	R-M Multiple Residence, R-M(PD) Planned Development (File No. PDC72-039)	Multifamily residences

<b>East</b>	Neighborhood/Community Commercial	A(PD) Planned Development (File No. PDC88-119)	Commercial uses
<b>West</b>	Neighborhood/Community Commercial	A(PD) Planned Development, R-M(PD) Planned Development (File No. PDC89-129)	Commercial uses, Multifamily residences

**PROJECT DESCRIPTION**

On August 2, 2017, the applicant, Tracy Smith, applied for a Conforming Rezoning from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District on a 1.74-gross acre site.

**Site Description and Surrounding Uses**

The subject site is approximately 1.74-gross acres and is currently occupied by a mix of cafés, restaurants, and health and beauty businesses within an existing neighborhood shopping center. The subject site is located at the southwest corner of Bird Avenue and Willow Street and is surrounded by residential and other commercial businesses (see Figure 1).

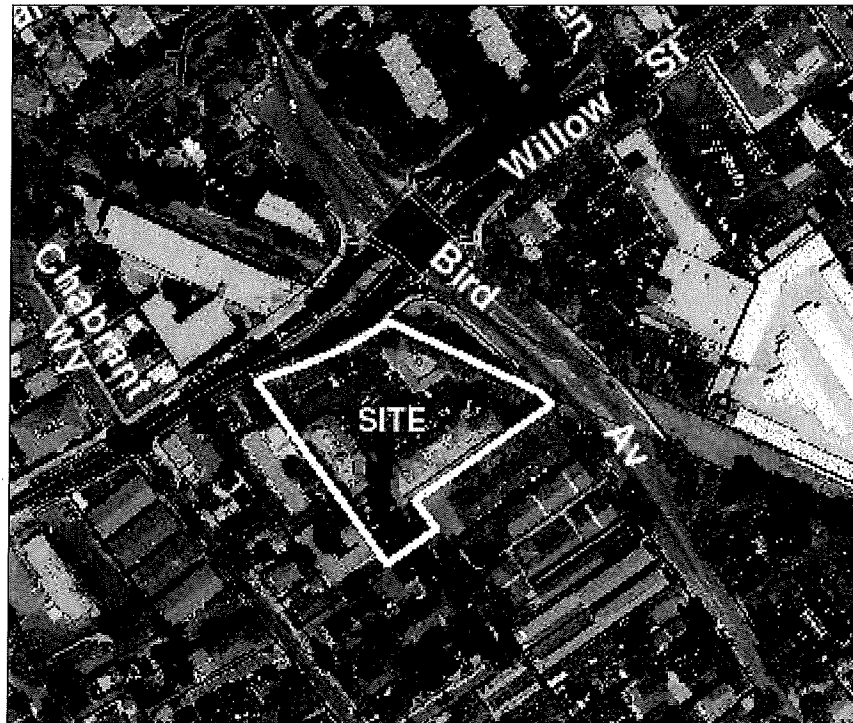


Figure 1: Aerial image of the subject site and surrounding area

### Background

The subject site is currently zoned A(PD) Planned Development (File No. PDC88-084). The applicant is requesting a conforming rezoning to CP Commercial Pedestrian Zoning District to create flexibility in the range of allowable commercial uses at the corner of Willow Street and Bird Avenue. The current A(PD) Planned Development Zoning District prescribes setbacks that limit redevelopment of the buildings with pedestrian-friendly amenities, such as outdoor seating along the street frontage. The CP Commercial Pedestrian Zoning District allows more pedestrian oriented development as described below.

### ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the Envision San José 2040 General Plan, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

#### Envision San José 2040 General Plan Conformance

The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial (see Figure 2).

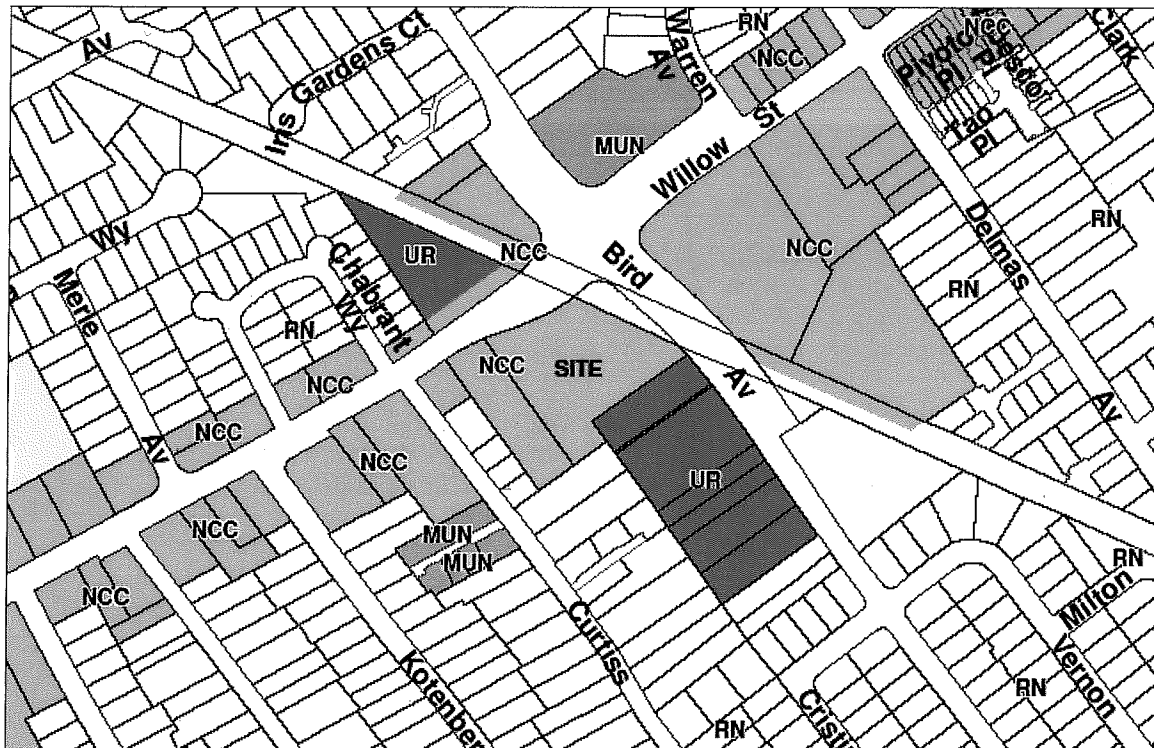


Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood/Community Commercial land use designation supports a broad range of commercial activities that serve the communities in neighboring areas. The proposed CP Commercial Pedestrian Zoning District is a conforming zoning district and would allow a wide range of commercial uses. The Commercial Zoning District's minimal front setbacks and limits on

auto-oriented uses would allow future development of the site with uses that are both pedestrian-oriented and neighborhood serving.

The proposed rezoning is consistent with the following General Plan goal and policies:

1. Goal LU-5 – Neighborhood Serving Commercial: Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.
2. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
3. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
4. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: Pursuant to Table 20-270 of the Zoning Ordinance, CP Commercial Pedestrian, CN Commercial Neighborhood and CG Commercial General Zoning Districts all conform to the General Plan Land Use Designation of Neighborhood/Community Commercial. The proposed rezoning to the CP Commercial Pedestrian Zoning District provides more flexibility in the development standards such as setbacks consistent with the goals and policies of the General Plan and would allow the property to be used or developed with a range of commercial uses in the future. For example, the CP Commercial Pedestrian Zoning District does not prohibit development at the front property line. This reduced setback requirement will allow building additions with storefronts and outdoor seating areas that interact directly with the public right-of-way, including the bike lane along Willow Street, with the intent of promoting pedestrian activity. Also, the rezoning to the CP Commercial Pedestrian Zoning District would bring the entire shopping center site under a conventional zoning district as opposed to a Planned Development Zoning District.*

*The existing Planned Development Zoning District's General Development Plan allows a 25-foot front setback to the building at the intersection, which was typical of shopping center design in the 1980's. All current commercial uses in the center (e.g. cafés,*

restaurants, and health and beauty businesses) would be allowed uses under the CP Commercial Pedestrian Zoning District. Carwashes or other drive-through uses would not be allowed. The rezoning would expand the range of commercial uses, in support of the General Plan's goal of creating pedestrian-oriented and neighborhood-serving commercial uses throughout the City.

### Zoning Ordinance Conformance

The proposed rezoning to the CP Commercial Pedestrian Zoning District conforms to the designation of Neighborhood/Community Commercial on the General Plan Land Use/Transportation Diagram. The CP Commercial Pedestrian Zoning District discourages auto-oriented uses and provides less restrictive setbacks to encourage direct pedestrian connections from the street frontage to the adjacent land uses.

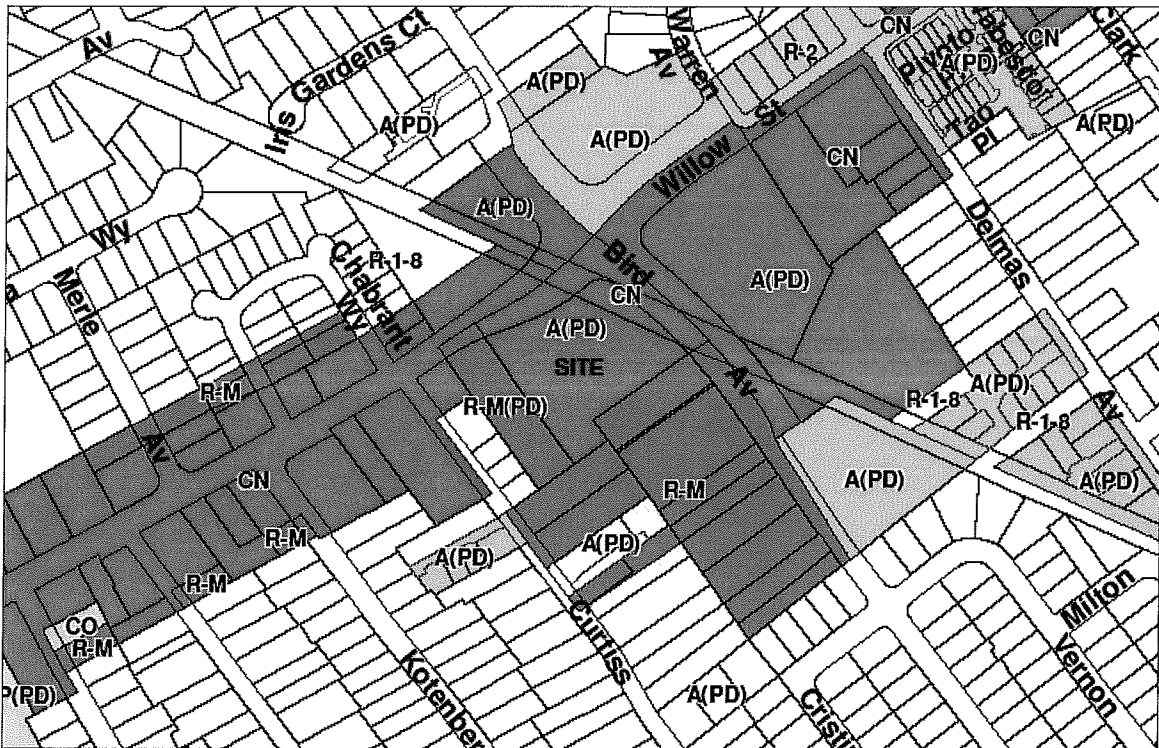


Figure 3: Zoning Map

### Setbacks and Height

The setbacks requirement for the CP Commercial Pedestrian Zoning District is a 10-foot maximum front setback, zero-foot side setback, and 25-foot rear setback. The maximum height allowed is 50 feet. The subject site has two street frontages, and the existing shopping center buildings are further than the 10-foot maximum setback for the proposed rezoning. The shopping center has three buildings: Buildings A and B have a front setback of more than 25 feet along Bird Avenue and more than 50 feet along Willow Street, while Building C has a seven-foot front setback along Bird Avenue and a 25-foot setback along Willow Street. However, pursuant to Section 20.40.260 (Front setback – Exception, CP District), the director may grant an exception to the maximum front setback for a lot in the CP commercial district if it is found that the adjacent lots have a greater setback, and the allowance of a greater setback on the subject lot would maintain a consistent pattern of development and/or the greater setback is needed to

accommodate building design elements. The commercial development at the same intersection, adjacent to the subject side along Bird Avenue, has a similar pattern of development. The development on the adjacent location is broken up into multiple buildings where a small building is situated at the corner and additional buildings are situated along the rear and side perimeter. Therefore, the subject site is consistent with the front back exception as described.

The existing buildings on the subject site maintain a 10-foot side setback on both sides and an approximately 50-foot rear setback. Buildings in the shopping center are approximately 28 feet in height. Based on the analysis stated above, the proposed project is in conformance with the development regulations of CP Commercial Pedestrian Zoning District.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FPEIR, SEIR and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR, SEIR and Addenda been identified.

### **PUBLIC HEARING NOTIFICATION**

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. 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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comment letters have been received to date.

/s/

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

For questions, please contact Ned Thomas, Division Manager, at (408) 793-5302.

Attachments: Legal Description and Plat map



EXHIBIT "A"  
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the grant deed recorded June 26, 2012, in Document No. 21722688 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being on the southeasterly line of Willow Street;  
Thence along the southwesterly and general southeasterly lines of said parcel of land, the following four courses:

1. South 36°01'58" East, 290.99 feet;
2. Thence North 54°51'57" East, 88.93 feet;
3. Thence North 35°44'33" West, 50.01 feet;
4. Thence North 54°53'14" East, 248.30 feet, to the southwesterly line of Bird Avenue;

Thence along said southwesterly line, the following two courses:

1. Northwesterly, along a non-tangent curve to the left, having a radius of 949.00 feet, whose center bears South 47°24'25" West, through a central angle of 02°28'11" for an arc length of 40.91 feet;
2. Thence North 66°11'30" West, 239.99 feet, to the southeasterly line of Willow Street;

Thence along said southeasterly line, southwesterly, along a non-tangent curve to the right, having a radius of 788.01 feet, whose center bears North 44°11'27" West, through a central angle of 15°24'44" for an arc length of 211.97 feet, to the POINT OF BEGINNING.

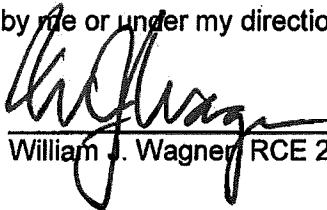
Containing 1.66 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

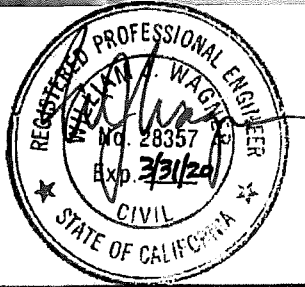
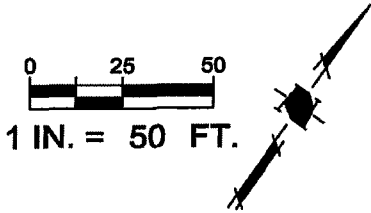
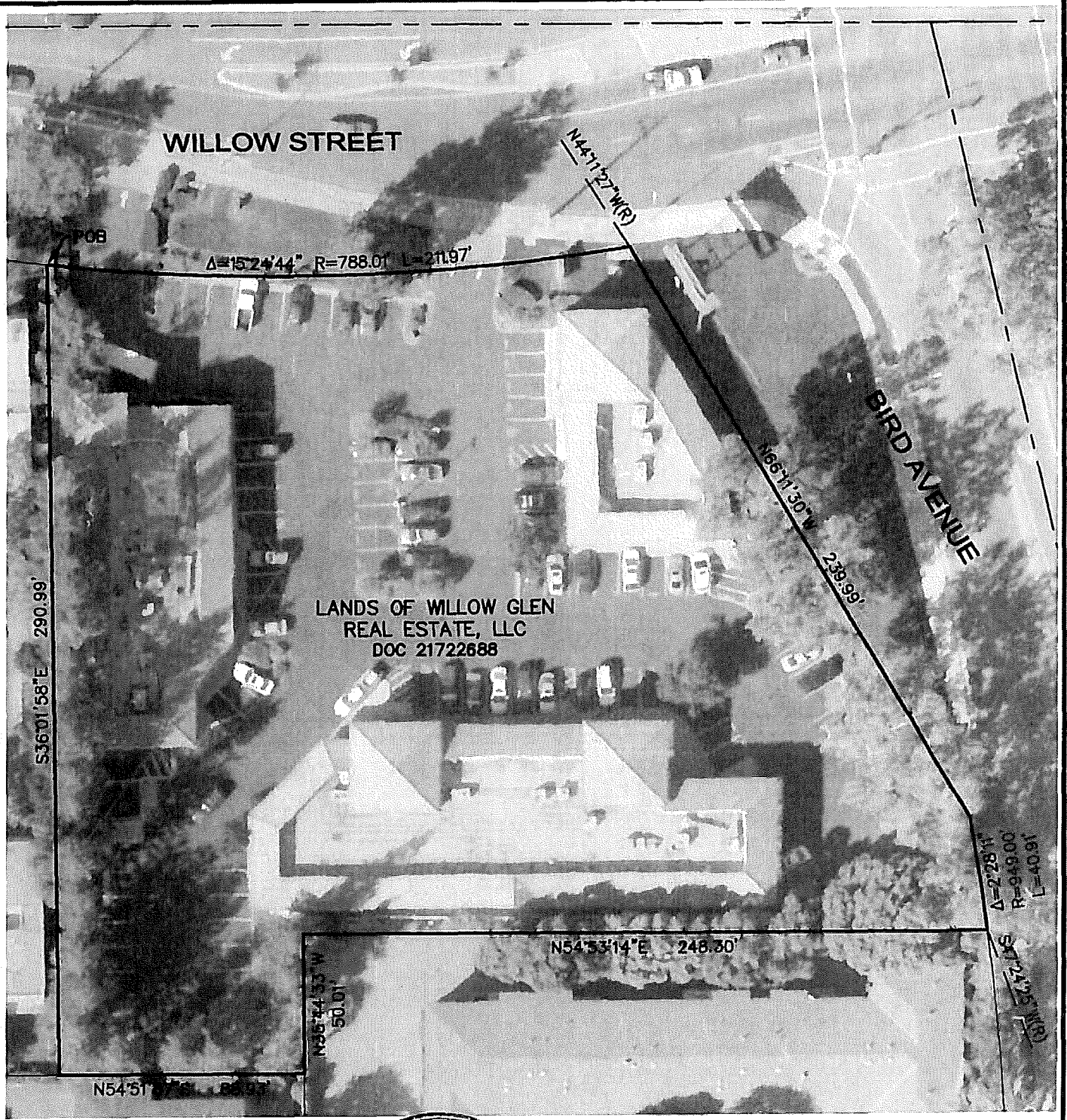
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 4-5-18

  
William J. Wagner RCE 28357







**LEGEND**  
 (R) RADIAL BEARING  
 POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2018-04-05
Designed:	—
Drawn:	RF
Checked:	TG
Proj. Engr.:	—
538500PL02	

1570 Oakland Road (408) 487-2200  
 San Jose, CA 95131 HMMca.com

**EXHIBIT "B"**  
 PLAT TO ACCOMPANY DESCRIPTION:  
 FOR ZONING PURPOSES

SAN JOSE

CALIFORNIA





Page 1 of 1

MAPCHECKS Wed March 07 15:30:51 2018

Parcel Map Check

Parcel name: 538500PL02

S 36-01-58 E 290.99

21850.2681, 21331.7230

N 54-51-57 E 88.93

21614.9502, 21502.8973

N 35-44-33 W 50.01

21666.1288, 21575.6248

N 54-53-14 E 248.30

21706.7194, 21546.4118

Arc 40.91 Rad 949.00  
S 47-24-25 W IN

Cen 2-28-11 Tan 20.46  
N 44-56-14 E OUT

Ch: 40.90  
Radius Point

21849.5385, 21749.5265  
N 43-49-41 W  
21207.2679, 21050.8925  
21879.0471, 21721.2012

N 66-11-30 W 239.99

Arc 211.97 Rad 788.01  
N 44-11-27 W IN

Cen 15-24-44 Tan 106.63  
S 28-46-43 E OUT

Ch: 211.33  
Radius Point

21975.9258, 21501.6341  
S 53-30-55 W  
22540.9465, 20952.3515  
21850.2664, 21331.7204

N 55-47-45 E 0.00

21850.2664, 21331.7204

Perimeter: 1171.10

Area: 72,289 Sq Ft 1.66 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Total: 0.0032 S 55-47-45 W

Error (N, E) -0.00178, -0.00262

Precision 1:365,968.75

