



## CITY COUNCIL STAFF REPORT

|  |   |
|--|---|
| <b>File No.</b>                          | C18-007   |
| <b>Applicant:</b>                        | The Stanley Group, Inc.   |
| <b>Location</b>                          | 840 The Alameda (APN: 261-33-021) and 10 Sunol Street (APN: 261-33-019)   |
| <b>Existing Zoning</b>                   | LI Light Industrial   |
| <b>General Plan Land Use Designation</b> | Neighborhood Community/Commercial   |
| <b>Council District</b>                  | 6   |
| <b>Historic Resource</b>                 | No  |
| <b>Annexation Date:</b>                  | December 8, 1925  |
| <b>CEQA:</b>                             | Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617), and Addenda thereto |

### APPLICATION SUMMARY:

Conforming Rezoning from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District on two parcels totaling 0.14-gross acres.

### RECOMMENDATION:

Staff recommends that the City Council approve the Conforming Rezoning to the CP Commercial Pedestrian Zoning District.

### PROJECT DATA

| GENERAL PLAN CONSISTENCY        |                                      |  |                         |
|---------------------------------|--------------------------------------|--|-------------------------|
| <b>General Plan Designation</b> |                                      | <b>Neighborhood Community/Commercial</b>   |                         |
|                                 |                                      | <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent |                         |
| <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>                    | Urban Village                        | CG Commercial<br>General   | Hotel                   |
| <b>South</b>                    | Urban Residential                    | LI Light Industrial  | Single-family residence |
| <b>East</b>                     | Neighborhood/Community<br>Commercial | CN Commercial<br>Neighborhood  | Office                  |
| <b>West</b>                     | Neighborhood/Community<br>Commercial | A(PD) Planned<br>Development   | Office                  |

## PROJECT DESCRIPTION

On February 15, 2018, the applicant, The Stanley Group, Inc., applied for a Conforming Rezoning from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District on two parcels totaling approximately 0.14 gross acres.

### Site Description and Surrounding Uses

The subject site is located approximately 50 feet east from the southeast corner of The Alameda and Sunol Street. The site is currently developed with a commercial building, formally occupied by a retail candy store fronting on The Alameda (Schurra's Fine Confections) and an industrial building occupied by a manufacturing business fronting on Sunol Street. A hotel is located to the north, single-family residences to the south, and offices to the east and west (Figure 1).



Figure 1: Aerial image of the subject site

### Background

The subject property is zoned LI Light Industrial. The applicant is requesting a conforming rezoning to the CP Commercial Pedestrian Zoning District to bring the zoning into conformance with the Neighborhood Community/Commercial General Plan Land Use/Transportation Diagram land use designation. The CP Commercial Pedestrian Zoning designation will help facilitate commercial uses to occupy the building, as very limited commercial uses are allowed in the LI Light Industrial Zoning District. While there has not been a formal project submitted in conjunction with this rezoning, the applicant has indicated the potential of allowing a restaurant use and/or an office use to locate at the project site.

## 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 (Figure 2).

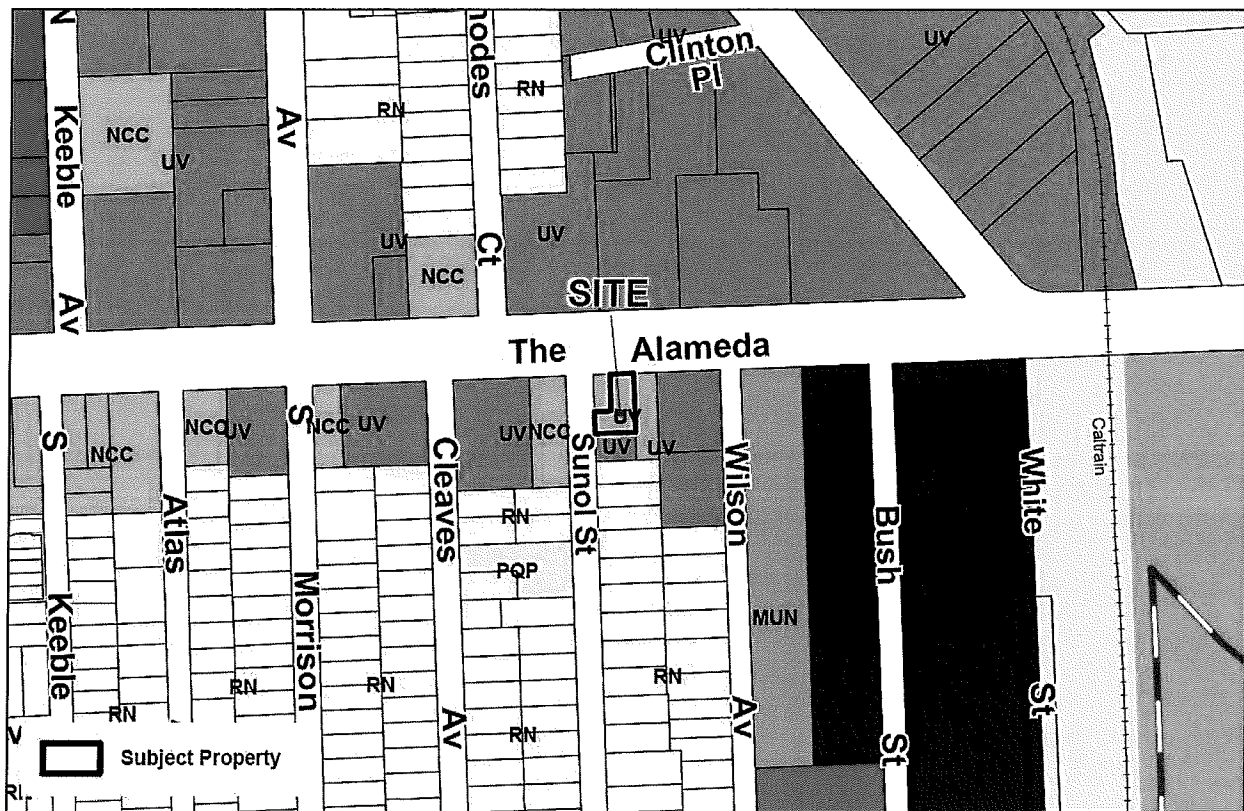


Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood Community/Commercial land use designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. The proposed CP Commercial Pedestrian Zoning District is consistent with this land use designation as it will allow a wide range of commercial uses, including, but not limited to pedestrian-oriented retail and office uses.

The project site is also located within The Alameda Urban Village boundary. The project site is designated as Neighborhood Community/Commercial in the Urban Village Plan, which allows a broad range of commercial activity, consistent with the General Plan.

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

1. Implementation Policy IP-1.1: 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.

2. Implementation Policy IP-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
3. Implementation Policy IP-1.7: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints
4. Implementation Policy IP-8.2: 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 for IP-1.1, IP-1.6, IP-1.7, and IP-8.2: Pursuant to Table 20-270 of the Zoning Ordinance, CP Commercial Pedestrian Zoning District conforms to the General Plan Land Use Designation of Neighborhood Community/Commercial. The proposed rezoning to the CP Commercial Pedestrian Zoning District allows future commercial uses to locate at the project site, consistent with the uses envisioned in the General Plan and the Urban Village Plan.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with Table 20-70 contained in Section 20.120.100 of the San José Municipal Code, which identifies the CP Commercial Pedestrian Zoning District as a conforming district to the Neighborhood Community/Commercial General Plan Land Use/Transportation Diagram land use designation.

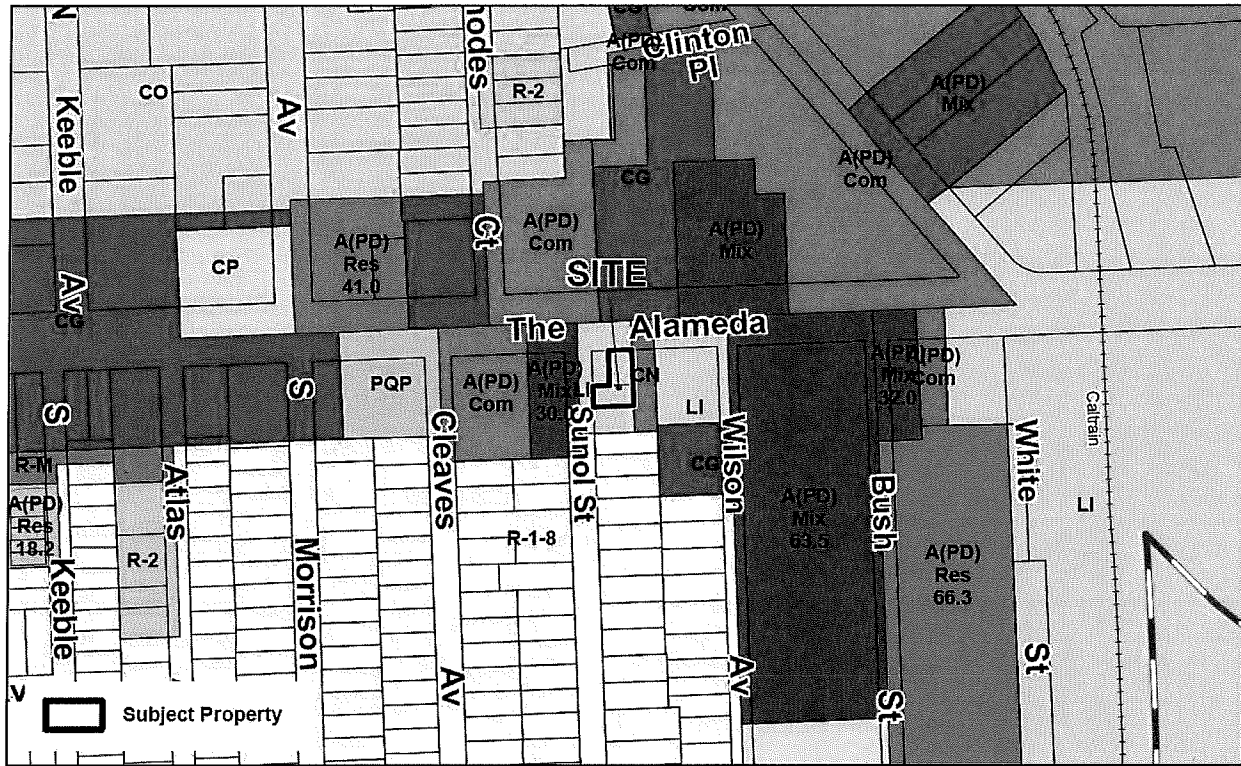


Figure 3: Zoning Map

The CP Commercial Pedestrian Zoning District will allow future commercial uses to locate at the project site, consistent with the commercial uses envisioned with the General Plan and Urban Village Plan. The site is surrounded by properties with Neighborhood Community/Commercial and Urban Village General Plan designations and with commercial zoning designations. The existing building fronting The Alameda (840 The Alameda) conforms to the development standards of the CP Commercial Pedestrian Zoning District, including minimum lot area, setbacks and height. However, rezoning the property located at 10 Sunol Street will create a legal nonconforming structure, in regards to setback requirements, as shown in the following table:

| Setbacks       | Existing  | Zoning Ordinance  | Urban Village Plan  |
|----------------|---|---|---|
| Front          | 0 feet front setback for 840 The Alameda, 55 foot front setback for 10 Sunol Street       | No minimum, 10 feet maximum; or as established in approved Urban Village Plan | 0 setback for non-residential buildings   |
| Side, interior | 0 feet side, interior setback for 840 The Alameda, and 3 feet setback for 10 Sunol Street | None; or as established in approved Urban Village Plan                        | 0 setback when a high-density commercial development abuts non-residential properties |
| Rear, interior | 0 feet rear, interior setback for 840 The Alameda and 10 Sunol Street                     | 25 feet; or as established in approved Urban Village Plan                     | 0 setback when a high-density commercial abuts non-residential properties             |

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

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to, or in furtherance of the Final Program Environmental Impact Report (Final Program EIR) and the Supplemental Program Environmental Impact Report (Supplemental Program EIR) for the Envision San José 2040 General Plan, and addenda thereto and does not involve new significant effects beyond those analyzed in the EIRs. Therefore, the City of San José may take action on the project as being within the scope of both the Final and Supplemental Program EIRs.

The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011, and addenda thereto; and Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The Final Program EIR and Supplemental Program EIR 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 2035.

The proposed project is within the scope of the Envision San José 2040 General Plan, General Plan EIR, General Plan Supplemental EIR, and addenda thereto, pursuant to CEQA and CEQA Guidelines Section 15168(c)(2). Also, it is determined that the proposed conforming rezoning does not involve any physical changes to the environment and no new significant impacts will occur pursuant to CEQA Guidelines 15162. The proposed rezoning from LI Light Industrial to CP Commercial Pedestrian conforms to the site's Envision San José 2040 General Plan land use designation of Neighborhood/Community Commercial. Any further action, such as a Site Development Permit, will require additional environmental review at the time such a permit application is submitted.

## **PUBLIC HEARING NOTIFICATION**

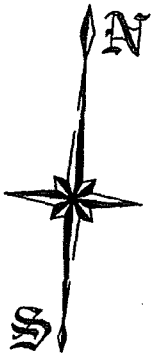
To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. The staff report is posted on the City's website. Staff has 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 Sylvia Do, Division Manager, at (408) 535-7907.

Attachment: Plat map



THE ALAMEDA

POB-PARCEL TWO

57.50'

WEST

PARCEL TWO  
2921+- SF

30.18

43.82

66.67

66.67

66.67

POB-PARCEL ONE

SUNOL STREET

SOUTH

30.18

43.82

74.00

NORTH

40.00

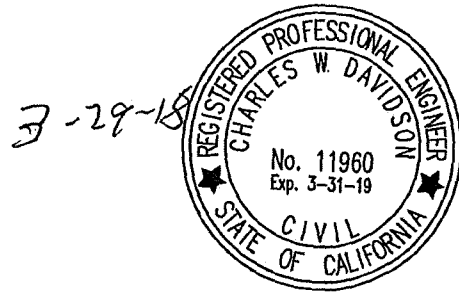
40.00

74.00

EAST

PARCEL ONE  
2960+- SF

25'



PLOTTED: SUE DILLON 3/29/2018 11:07 AM  
F:\1971\DRAWINGS\THE ALAMEDA & SUNOL AVE

REZONE PLAT  
LANDS OF MUNDY  
840 THE ALAMEDA & 10 SUNOL STREET  
SAN JOSE, CA

DATE: 3-28-18  
SCALE: 1"=40'  
DRAWN BY: SKD  
CHECKED BY:  
JOB NO.: 1971

Charles W. Davidson Co.  
A CALIFORNIA CORPORATION  
CONSULTING CIVIL ENGINEERS  
255 W. JULIAN ST. #200, SAN JOSE, CA.  
PH. (408) 295-9162  
BOE NO. 11960  
CHARLES W. DAVIDSON

Charles W. Davidson Co.  
Job No. 1971  
March 28, 2018

LEGAL DESCRIPTION  
PARCEL ONE  
Lands of Mundy

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a point in the easterly line of Sunol Street, distant thereon southerly 66.67 feet from the intersection of said line of Sunol Street with the southerly line of The Alameda; thence from said POINT OF BEGINNING along said line of Sunol Street south 40.00 feet; thence easterly and parallel with The Alameda 74.00 feet; thence northerly and parallel with Sunol Street 40.00; thence westerly and parallel with said line of The Alameda 74.00 feet to the POINT OF BEGINNING.

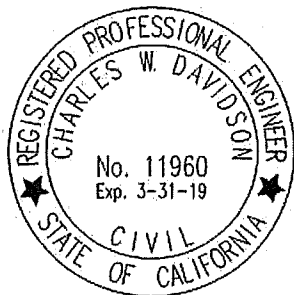
Containing 2,921 square feet, more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Charles W. Davidson Co.



Charles W. Davidson  
License Expires 3/31/19



3-29-18



Charles W. Davidson Co.  
Job No. 1971  
March 28, 2018

LEGAL DESCRIPTION  
PARCEL TWO  
Lands of Mundy

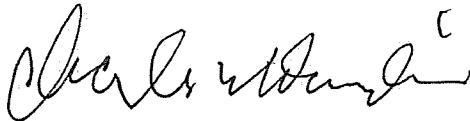
All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a point in the southerly line of The Alameda, distant thereon Easterly 30.18 feet from the point of intersection of said southerly line of The Alameda with the easterly line of Sunol Street; said point being the northeasterly corner of that certain parcel of land described in the Deed from Mary Martino to Albert Schurra, et ux, dated August 17, 1938 and recorded August 18, 1938 in Book 886 of Official Records at page 349, Santa Clara County Records; thence running from said point of beginning easterly along the said southerly line of The Alameda 43.82 feet; thence southerly at right angles thereto and parallel with said easterly line of Sunol Street 66.67 feet; thence westerly at right angles to the last named course and parallel with the southerly line of The Alameda 43.82 feet to the southeasterly corner of said parcel of land described in the Deed to Schurra, et ux; thence northerly along the easterly line of said land described in the Deed to Schurra, et ux, 66.67 feet to the POINT OF BEGINNING.

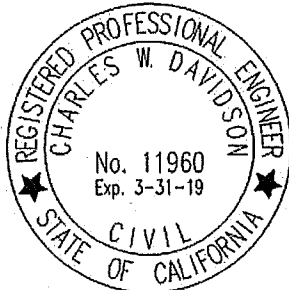
Containing 2,960 square feet, more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Charles W. Davidson Co.



Charles W. Davidson  
License Expires 3/31/19



3-29-18