



CITY COUNCIL STAFF REPORT

File No.	C22-004
Applicant:	Snoopy Ventures LLC
Location	West corner of the intersection of Realm Drive and Bernal Road (APN 706-01-016)
Existing Zoning	IP(PD) Planned Development (File No. PDC77-168)
Proposed Zoning	CG Commercial General
Council District	10
Historic Resource	No
Annexation Date:	July 17, 1968
CEQA:	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 from an IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District on an approximately 0.87-gross acre site.

RECOMMENDATION:

1. Consider the 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.
2. Approve an ordinance rezoning an approximately 0.87-gross acre site located on the northwest corner of the intersection of Realm Drive and Bernal Road (155 Bernal Road) from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Neighborhood/Community Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.1, IP-1.7, IP-8.2, and IP-8.3	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Neighborhood/Community Commercial	IP Industrial Park	Medical office, general office
South	Neighborhood/Community Commercial	IP Industrial Park, R-1-8(PD) Planned Development (File No. PDC66-035)	Public eating establishments
East	Neighborhood/Community Commercial, Mixed Use Neighborhood, Public/Quasi-Public	R-1-8(PD) Planned Development (File No. PDC66-035), A(PD) Planned Development (File No. PDC81-083)	Public eating establishments, personal services, church
West	Neighborhood/Community Commercial	IP Industrial Park	Instructional art studio, private instruction school, general office

RELATED APPROVALS

Date	Action
10/18/1977	Planned Development Rezoning from the I Industrial Zoning District to an IP(PD) Planned Development Zoning District (File No. PDC77-168) to allow neighborhood commercial on an approximately 0.87-gross acre site.
04/03/1979	Planned Development Permit (File No. PD78-051) to allow the construction of a retail bank on an approximately 0.87-gross acre site.

PROJECT DESCRIPTION

On March 24, 2022, the applicant, Snoopy Ventures LLC, filed an application to rezone an approximately 0.87-gross acre site from an IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District.

Background

The subject site is located on the west corner of the intersection of Realm Drive and Bernal Road (see Figure 1). The subject site is an approximately 0.87-gross acre lot occupied by a retail bank. The site is surrounded by medical and general offices to the north, public eating establishments to the south, public eating establishments, personal services, and a church to the east, and an

instructional art studio, private instruction school, and general office to the west. There are no other active planning development permit applications on file for the subject site.

As shown in the related approvals table above, a previous rezoning was approved at the subject site. In 1977, the site was rezoned from the I Industrial Park Zoning District to an IP(PD) Planned Development Zoning District (File No. PDC77-168) to allow for neighborhood commercial at the subject site. A Planned Development Permit (File No. PD78-051) was approved on April 3, 1979, which allowed the construction of a retail bank.

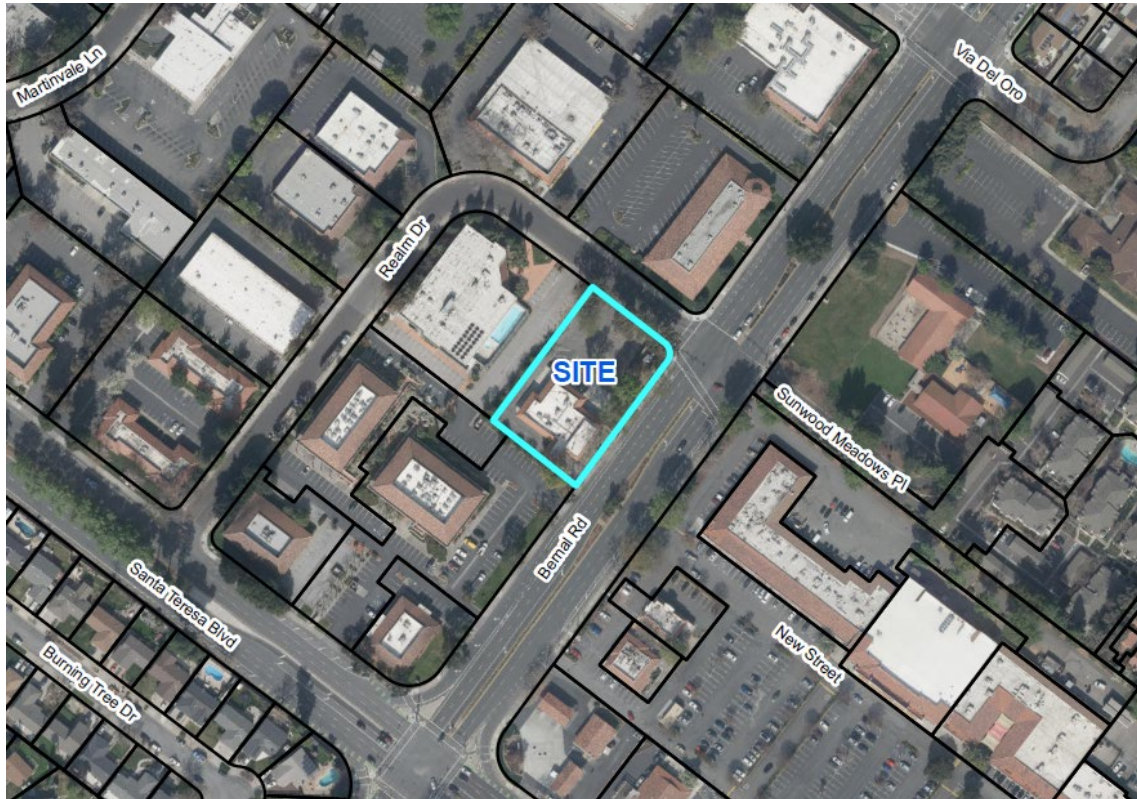


Figure 1: Aerial image of the subject site

As previously discussed, the subject property is currently located in an IP(PD) Planned Development Zoning District. The applicant has requested a conforming rezoning to rezone the site to the CG Commercial General Zoning District, which would further bring the site into conformance with the General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial.

ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the *Envision San José 2040 General Plan*, 2) the Zoning Ordinance, 3) Senate Bill 330 Compliance, and 4) 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).

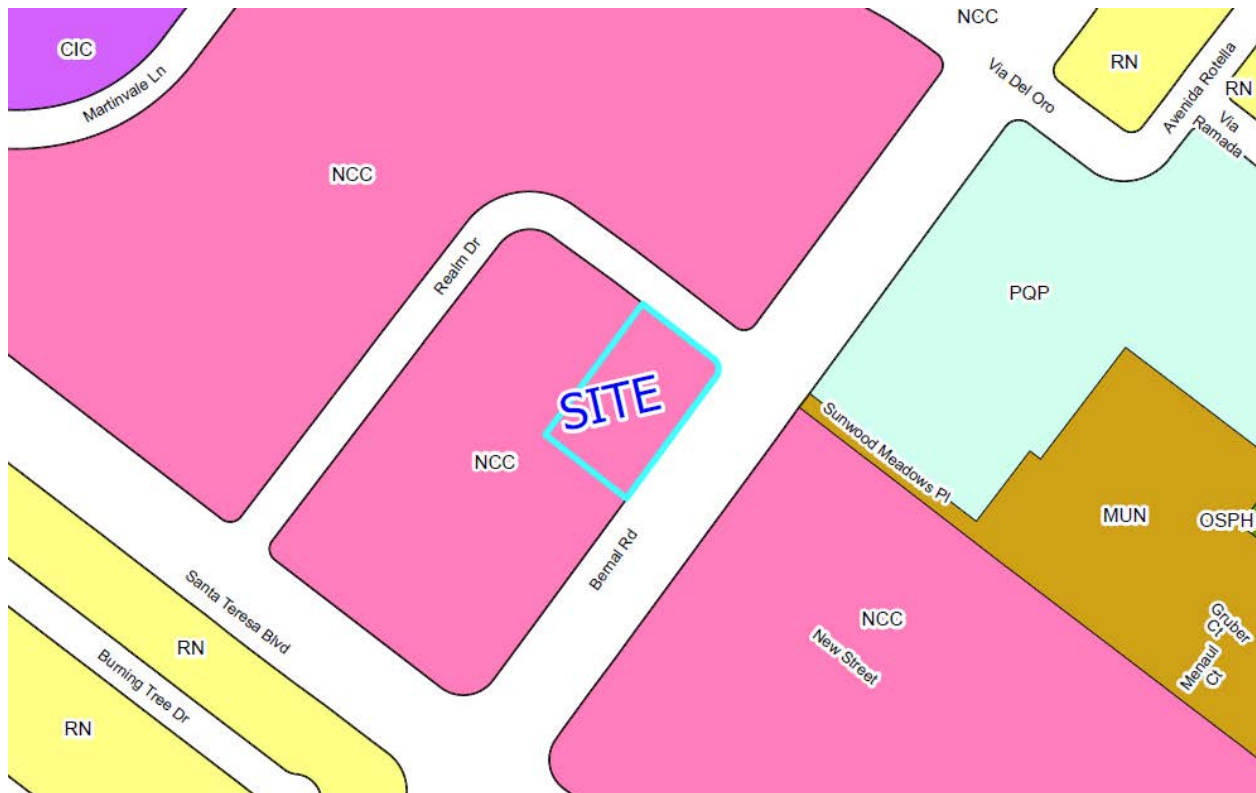


Figure 2: General Plan Land Use/Transportation Diagram

This designation supports a very 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. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. This designation also supports one hundred percent (100%) deed restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IP-5.12.

The rezoning is consistent with the following General Plan policies:

1. 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.
2. Implementation Policy IP-1.7 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.

3. 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.
4. Implementation Policy IP-8.3 – Zoning: For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the *Envision General Plan* goals and policies as follows:
 - a. Align with the *Envision General Plan Land Use/Transportation Diagram*
 - b. Retain or expand existing employment capacity
 - c. Preserve existing retail activity
 - d. Avoid adverse land use incompatibilities
 - e. Implement the *Envision General Plan* goals and policies including those for Urban Design.
 - f. Support higher density land uses consistent with the City's transition to a more urban environment.
 - g. Facilitate the intensification of Villages and other growth areas consistent with the goal of creating walkable, mixed-use communities
 - h. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.

Analysis: The project consists of a conforming rezoning of the property from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District. This would bring the site into conformance to the existing General Plan land use designation of Neighborhood/Community Commercial. As previously discussed, the site is currently a retail bank. However, any future development would still be required to be consistent with the General Plan Land Use Designation of Neighborhood/Community Commercial. Rezoning the site to CG Commercial General would allow for development that is consistent with the surrounding neighborhood. Furthermore, any future development of the site would provide commercial uses and amenities that serve the communities in neighboring areas, consistent with the Neighborhood/Community Commercial land use designation. As discussed in more detail in the Zoning section below, the maximum allowed height at the subject site would be 120 feet. Any future development would also be required to conform with the development standards of the CG Commercial General Zoning District and applicable design guidelines.

Zoning Ordinance Conformance

The proposed rezoning conforms with [Table 20-270, Section 20.120.110](#) of the San José Municipal Code, which identifies the CG Commercial General Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial.



Figure 3: Proposed Zoning Map

The CG Commercial General Zoning District would allow the property to be used and developed in accordance with the allowable uses in [Table 20-90](#), which includes a range of retail, commercial, and office uses. This rezoning would facilitate the future redevelopment of the site to be consistent with the General Plan land use designation.

Setbacks and Heights

[Table 20-100](#) in [Section 20.40.200](#) of the San José Municipal Code establishes the following development standards for the CG Commercial General Zoning District.

Standard	CG Zoning District
Minimum lot area	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)
Front setback	15 feet
Side, interior setback	0 feet
Side, corner setback	12.5 feet
Rear, interior setback	0 feet
Rear, corner setback	0 feet
Maximum height	120 feet (pursuant to Section 20.85.020E)

The Rezoning of the property from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District would require any future development to adhere to the development standards set forth in [Table 20-100](#) of the San José Municipal Zoning Code. The subject site is located within the boundaries of the Santa Teresa Boulevard/Bernal Road Urban

Village. Therefore, the maximum allowed height is 120 feet pursuant to [Section 20.85.020.E](#) of the San José Municipal Zoning Code for Specific Height Restrictions. All future development would be evaluated for conformance with the above development standards and all other Municipal Code regulations. The environmental impacts of future development on the site may also need to be evaluated under CEQA.

Allowed Uses

Any future use of the site would be required to adhere to the allowed uses established in the CG Commercial General Zoning District pursuant to [Table 20-90](#) of the San José Municipal Zoning Code.

Senate Bill 330 Compliance

The Housing Crisis Act of 2019 (SB 330, 2019) limits the manner in which local governments may reduce the capacity for residential units that can be built on within the local agency's jurisdiction, including actions such as downzoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements that work to reduce the amount of housing capacity in the jurisdiction. An exception to this limitation is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere in the jurisdiction ensure there is no net loss in residential capacity within the jurisdiction.

The proposed rezoning (File No. C22-004) does not reduce the intensity of residential uses. The existing IP(PD) Planned Development Zoning District (File No. PDC77-168) does not allow any residential units. As such, approval of the proposed rezoning from IP(PD) Planned Development to CG Commercial General would not decrease residential capacity.

CONCLUSION

Should the rezoning be approved by the City Council, the property would be rezoned from an IP(PD) Planned Development Zoning District (File No. PDC77-168) to the CG Commercial General Zoning District. Should the rezoning be approved by City Council, the applicant would be able to apply for development of the site consistent with the allowed uses of the Neighborhood/Community Commercial General Plan Land Use Designation and CG Commercial General Zoning District. There is currently no development project associated with this proposed rezoning.

CLIMATE SMART SAN JOSÉ

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168©(2) 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

FEIR, 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

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.

/s/

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachments:

1. Legal Description & Plat Map
2. Draft Rezoning Ordinance

EXHIBIT "A"

LEGAL DESCRIPTION

Being that property situated in the City of San Jose, Santa Clara County, State of California, described as follows:

All of Parcel 6 as shown on that certain Parcel Map entitled Lands of Wolverine Development Inc., Bank of America & Great Oaks Water Co., and recorded in Book 364 of Maps at Pages 10 and 11, Santa Clara County, California Recorder's Office.

Address: 155 Bernal Rd., San Jose, CA 95119
Santa Clara County Tax Parcel No. (APN): 706-01-016

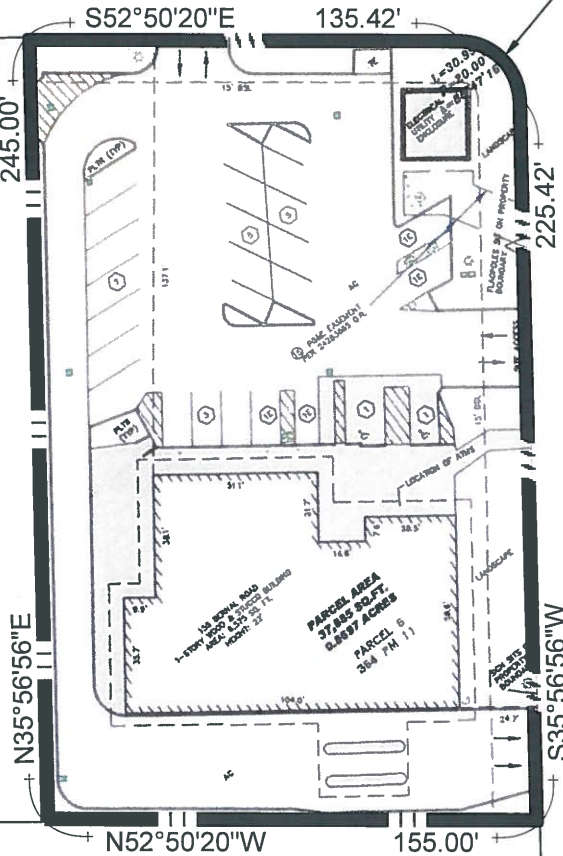
Parcel 3
414 -M- 5

Realm Drive

R = 20.00'
Δ = 88°47'16"
L = 30.99'

Parcel 5
364 -M- 10 & 11

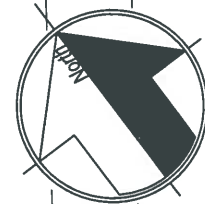
Bernal Road



Parcel D

Parcel Map
509 -M- 14 & 15

Parcel C



SCALE: 1"=60'



Exhibit "B" Plat

for: Planning Purposes
City of San Jose, State of California



MH engineering Co.

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 779-7381

SCALE: 1" = 60'

JOB #: 222016

SHEET

DRAWN BY: miguelm

DATE: February 2022

1 of 1

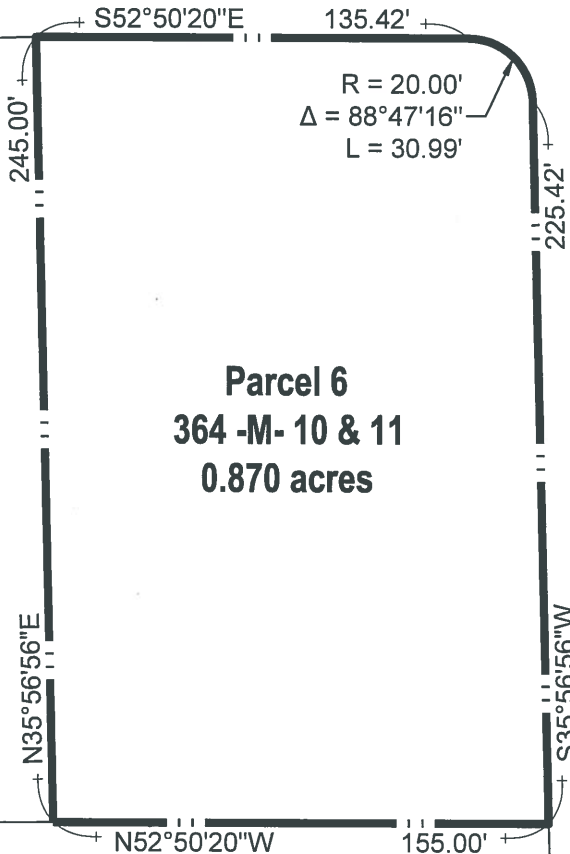
Parcel 3
414 -M- 5

Realm Drive

Parcel 5
364 -M- 10 & 11

Parcel 6
364 -M- 10 & 11
0.870 acres

Bernal Road

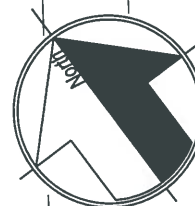


$R = 20.00'$
 $\Delta = 88^\circ 47' 16''$
 $L = 30.99'$

Parcel D

Parcel Map
509 -M- 14 & 15

Parcel C



SCALE: 1"=60'



Exhibit "B" Plat

for: Planning Purposes
City of San Jose, State of California



L:\Projects\B111222016 Ghuman Zoning Exhibit\dwg\222016 Zoning Plat.dwg - 2/7/2022 3:34 PM - Plotted 2/7/2022 3:36 PM by Miguel Morfin

Xrefs:



MH engineering Co.

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 778-7381

SCALE: 1" = 60'

JOB #: 222016

SHEET

DRAWN BY: miguelm

DATE: February 2022

1 of 1



Parcel Map Check Report

Client: Ghuman

Prepared by: MH Engineering, Co.

Date: 2/7/2022 3: 44: 02 PM

Parcel Name: Site 1 - Parcel 6		N: 1,908,209.3748'	E: 6,190,278.7975'
Seg# 1: Line	Brg: S35° 56' 56"W	Len: 225.42'	N: 1,908,026.8881' E: 6,190,146.4616'
Seg# 2: Line	Brg: N52° 50' 20"W	Len: 155.00'	N: 1,908,120.5171' E: 6,190,022.9359'
Seg# 3: Line	Brg: N35° 56' 56"E	Len: 245.00'	N: 1,908,318.8547' E: 6,190,166.7664'
Seg# 4: Line	Brg: S52° 50' 20"E	Len: 135.42'	N: 1,908,237.0531' E: 6,190,274.6881'
Seg# 5: Curve	Radius: 20.00'	Delta: 88°47'16"	Len: 30.99' Tan. Len.: 19.58'
	Chord: 27.98'	Chord Brg: S8° 26' 42"E	Radial In: S37° 09' 40"W Radial Out: S54° 03' 04"E
	RP N: 1,908,221.1143'	RP E: 6,190,262.6069'	End N: 1,908,209.3730' End E: 6,190,278.7977'

Perimeter: 791.83' Area: 37,884.80 Sq. Ft.
 0.0018 Error Brg: S8° 26' 42"E
 Error N : -0.00179 Error E: 0.00027

Precision 1: 439,905.56



DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.87 GROSS ACRE SITUATED ON THE WEST CORNER OF THE INTERSECTION OF REALM DRIVE AND BERNAL ROAD (APN: 706-01-016) FROM THE IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CG COMMERCIAL GENERAL ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the

determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C22-004) does not reduce the intensity of residential uses because the proposed rezoning does not allow for lesser residential density than the existing IP(PD) Planned Development Zoning District (File No. PDC77-168); the rezoning would not decrease residential capacity.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned to the CG Commercial General Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C22-004 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has

determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk