



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C17-053
<b>Applicant:</b>	John Ha
<b>Location</b>	951 Saratoga Avenue
<b>Existing Zoning</b>	A(PD) Planned Development (File No. PDC98-101) and R-1-8 Single-Family Residence
<b>General Plan Land Use Designation</b>	Neighborhood/ Community Commercial
<b>Council District</b>	1
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	May 5, 1955 (Moreland No 2-A)
<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 from the A(PD) Planned Development (File No. PDC98-101) and R-1-8 Single-Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District on an approximately 0.84-gross acre site located at 951 Saratoga Avenue.

**RECOMMENDATION:**

Consider the Determination of Consistency in accordance with the California Environmental Quality Act (CEQA) and consider adoption of an ordinance of the City of San José rezoning an approximately 0.84-gross acre site located at 951 Saratoga Avenue from the A(PD) (File No. PDC98-101) Planned Development and R-1-8 Single-Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY			
<b>General Plan Designation</b>		Urban Village <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
<b>Consistent Policies</b>		<b>Implementation Policies IP-1.1, IP-1.6, IP-1.7, and IP-8.2</b>	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
<b>North</b>	Residential Neighborhood and Neighborhood/Community Commercial	A(PD) (File No. PDC98-101) Planned Development and R-1-8 Single-Family Residence District	Single-family residences

<b>South</b>	Residential Neighborhood and Neighborhood/Community Commercial	CP Commercial Pedestrian	Commercial Retail Buildings and Vacant Lot
<b>East</b>	Neighborhood/Community Commercial	CP Commercial Pedestrian	Restaurant and Professional Offices
<b>West</b>	Residential Neighborhood	R-2 Two-Family Residence District	Single-family residences

**PROJECT DESCRIPTION**

On January 5, 2018, the applicant, John Ha, applied for a Conforming Rezoning from the A (PD) (File No. PDC98-101) Planned Development Zoning and R-1-8 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on an approximately 0.84-gross acre site located at 951 Saratoga Avenue. No formal development applications have been filed at this time.

**Site Description and Surrounding Uses**

The subject site is located at the southwest corner of Saratoga Avenue and Borina Drive. The site consists of two lots and is currently developed with a detached single-family residence and two detached structures. To the north and west of the site are existing single-family residences, south of the site is a vacant lot and commercial retail buildings, and to the east of the site are professional offices and a restaurant. (See Figure 1).

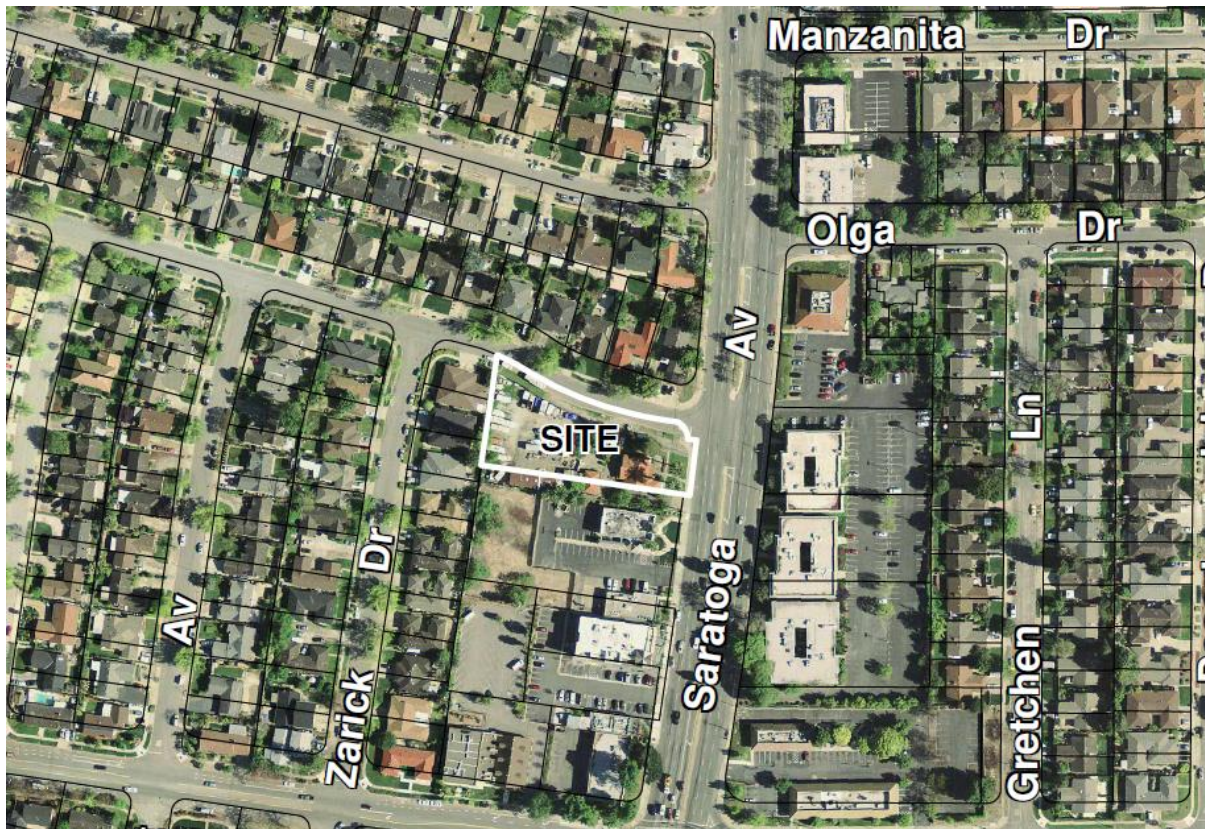


Figure 1: Aerial image of the subject site

## ANALYSIS

The proposed project was analyzed for conformance with: 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 and is located in the Saratoga Avenue Urban Village boundary (See Figure 2).

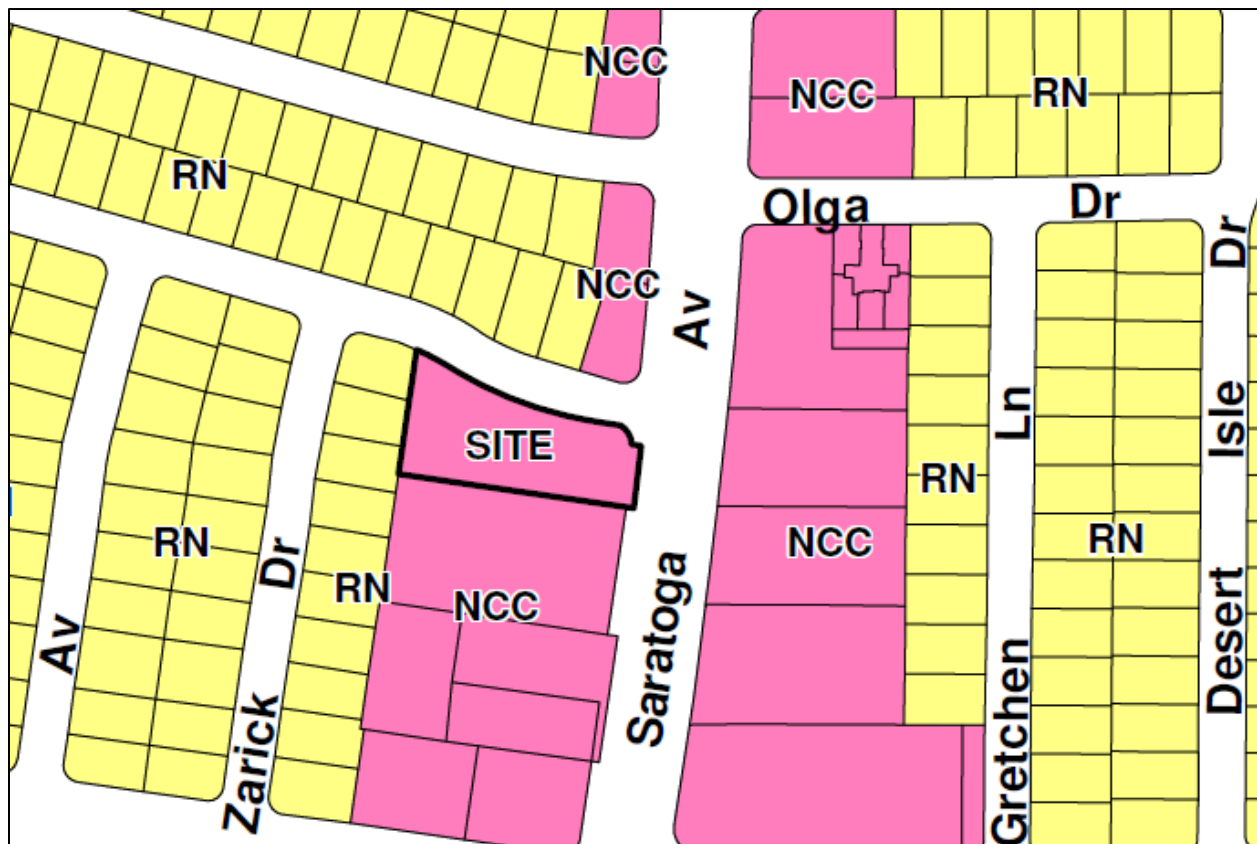


Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood/Community Commercial designation supports a very broad range of commercial activity, including commercial uses that serve communities in neighboring areas, such as neighborhood-serving retail and services and commercial/professional office development. Commercial uses typically have a strong connection to 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.

The proposed rezoning is consistent with the General Plan, as the allowed land uses and development standards of the CP Commercial Pedestrian Zoning District would facilitate a commercial development that conforms to the General Plan policies for Urban Village, including reduced setbacks to provide a pedestrian-focused site layout. In addition, the proposed rezoning would conform 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-1.6 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.
3. Implementation Policy IP-1.7: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit the 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 considerations due to those constraints.
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 generally correspond 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 purpose of the existing R-1-8 Zoning District is to reserve land for single-family subdivisions. The existing A(PD) Planned Development Zoning District limits the site to single-family detached residential structures and commercial uses only if compatible with the surrounding residential uses. The existing Zoning Districts are both incompatible with the Neighborhood/Community Commercial Land Use Designation. Rezoning the property to a conventional zoning district would allow the owner to follow the established development standards of the CP Commercial Pedestrian Zoning District and conform to the Neighborhood/Community Commercial land use designation outlined in the General Plan.*

*The proposed rezoning to the CP Commercial Pedestrian District is intended to support pedestrian-oriented retail at a scale compatible with surrounding residential neighborhoods. The rezoning to CP Commercial Pedestrian Zoning District would remove a split zoning and further promote a consistent development pattern with the surrounding commercial sites.*

### Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-70 in Section 20.120.100 of the San José Municipal Code. The Zoning Ordinance identifies the CP Commercial Pedestrian Zoning District as a conforming zoning district to the Neighborhood/Community Commercial land use designation of the General Plan Land Use/Transportation Diagram. Rezoning the subject site from the A(PD) Planned Development and R-1-8 Single-Family Residential Zoning Districts would remove a split zoning and clarify the permitted, special and conditional land uses for the subject site.

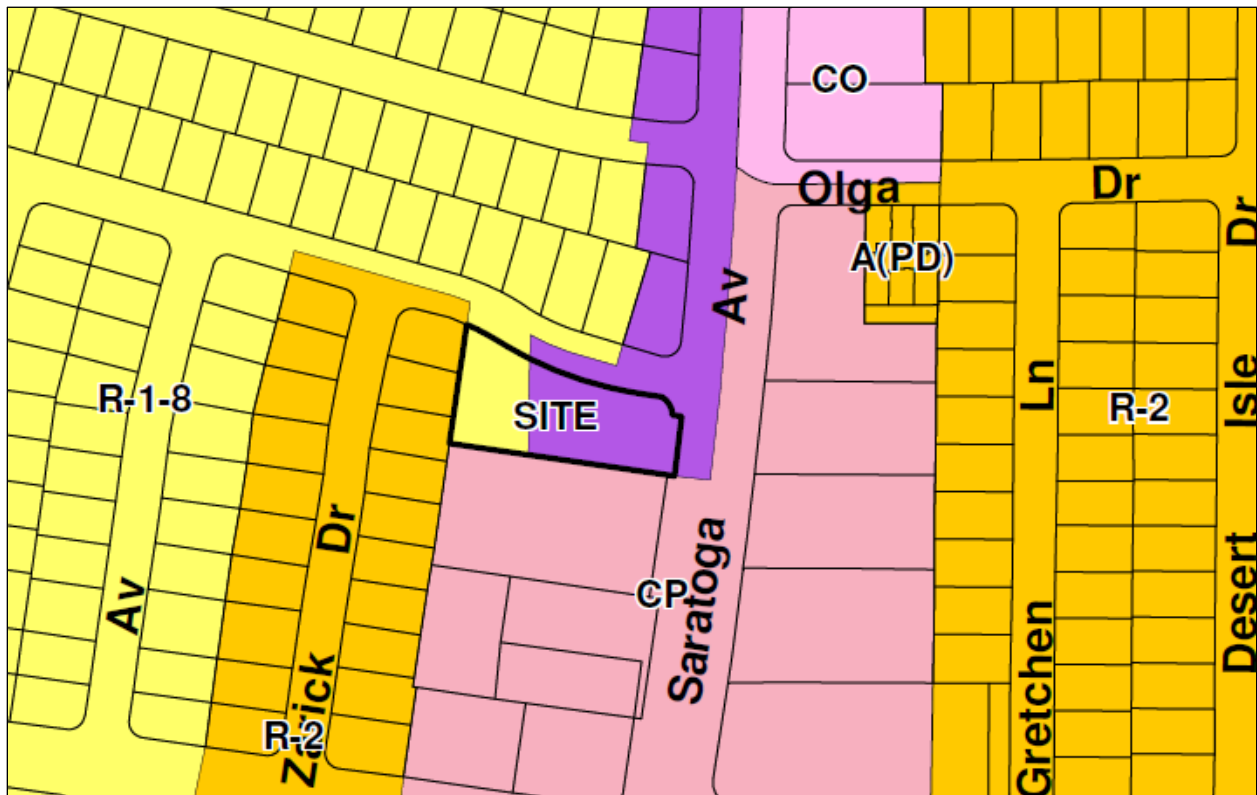


Figure 3: Zoning Map

The existing residential dwelling on the subject property would become a legal non-conforming use and structure under the proposed CP Commercial Pedestrian Zoning District. Any expansion of a non-conforming use would require approval of a Special Use Permit. The proposed rezoning would bring the site in conformance with the General Plan designation and would allow possible future redevelopment with permitted uses as envisioned by the General Plan. Allowed uses include retail establishments, restaurants, as well as office and medical services.

### 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

April 5, 2018

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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 Jose 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 was 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 Steve McHarris, Planning Official, at (408) 535-7819.

Attachment: Plat map

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

C17-053

(E) HOUSE  
APN: 381-12-121  
VENKAT & SHANTHI RAMAN

APN: 381-12-120  
MARION & LINDA FEIST LINDA

APN: 381-12-119  
KEGHAM & ROXANNE A  
BOGHOSSIAN

R= 247.50'  
Δ= 12°53'24"  
L= 55.68'

R= 307.50'  
Δ= 18°55'29"  
L= 101.57'

R= 20.00'  
Δ= 66°50'33"  
L= 23.34'

R= 6993.62'  
Δ= 0°40'21"  
L= 82.10'

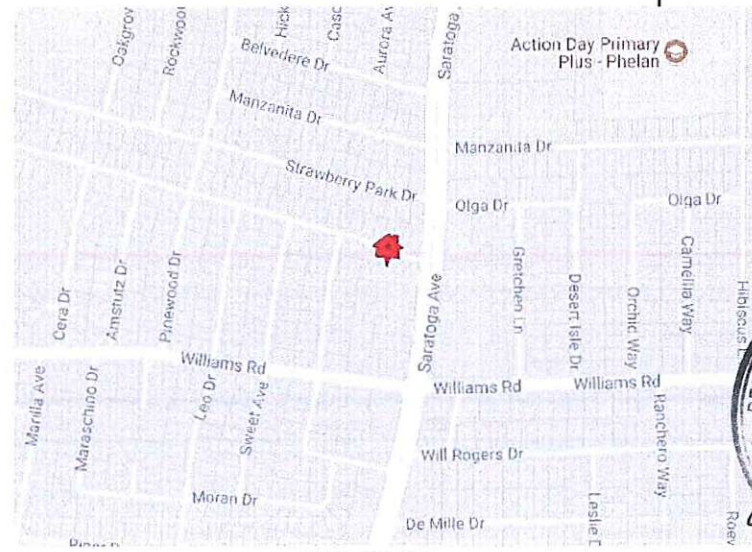
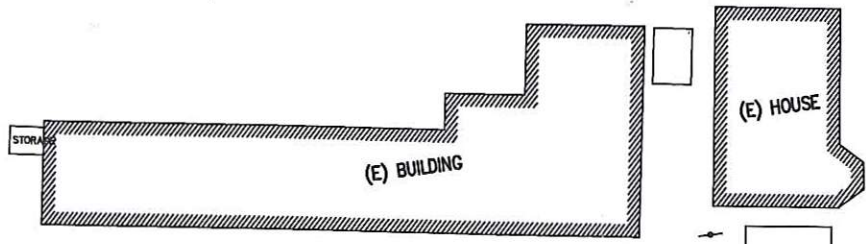
BORINA DR. (60' WIDE)

SARATOGA AVE. (WIDTH VARIES)

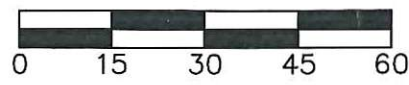
N 7°25'57" E 163.73'

N 82°30'00" W 310.22'

APN: 381-12-128  
ANKA BORINA



LOCATION MAP



SCALE : 1"=30 Feet



NOTE:  
-ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

- LEGEND
- (E) BOUNDARY LINE
  - ..... EASEMENT LINE
  - - - - - OTHER LOTS
  - - - - - S.S.E. SANITARY SERVICE EASEMENT

<b>EXHIBIT "B"</b>	
DRAWN BY:	S.P.
DATE:	1/3/2018
APPROVED BY:	
JOBNAME:	SARATOGA

PLAT MAP-REZONING  
951 SARATOGA AVE.  
SAN JOSE, CA  
APN: 381-12-127



**SMP ENGINEERS**  
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