CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

CITY COUNCIL STAFF REPORT

File No.	C18-001
Applicant:	Henry Cord
Location	375 and 383 South Baywood Avenue
Existing Zoning	CG Commercial General
General Plan Land Use Designation	Urban Village
Council District	6
Historic Resource	No
Annexation Date:	February 18, 1954 (Maypark No. 1)
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 the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District on a 0.30-gross acre site located at 375 and 383 South Baywood Avenue.

RECOMMENDATION:
Consider adoption of an ordinance of the City of San José rezoning on an approximately 0.3-gross acre site located at 375 and 383 South Baywood Avenue from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		**Urban Village** ☒ **Consistent** ☐ **Inconsistent**	
Consistent Policies		**Major Strategy 5; Implementation Policies IP-1.1, IP-1.6, and IP-8.2**	
SURROUNDING USES			
	General Plan Land Use	**Zoning**	**Existing Use**
North	Urban Village	CG Commercial General	Single-family residences and Professional Offices
South	Urban Village	A (PD) Planned Development	Multi-family residence development
East	Urban Village	CG Commercial General	Single-family residences and Professional Offices
West	Urban Village	CG Commercial General	Single-family residences and Professional Offices

PROJECT DESCRIPTION

On January 16, 2018, the applicant, Henry Cord, applied for a Conforming Rezoning from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District on a 0.30-gross acre site located at 375 and 383 South Baywood Avenue. The applicant submitted a Preliminary Review Request, File No. PRE17-201, on November 13, 2017 to explore the possibility of developing a hotel on-site.

Site Description and Surrounding Uses

The subject site is located at the northwest corner of South Baywood Avenue and Hemlock Avenue. The site consists of two lots and is currently developed with two detached single-family residences and one detached garage. To the north, east, and west of the site are existing single-family residences and professional offices, and south of the site is an existing multi-family residence development. (See Figure 1).

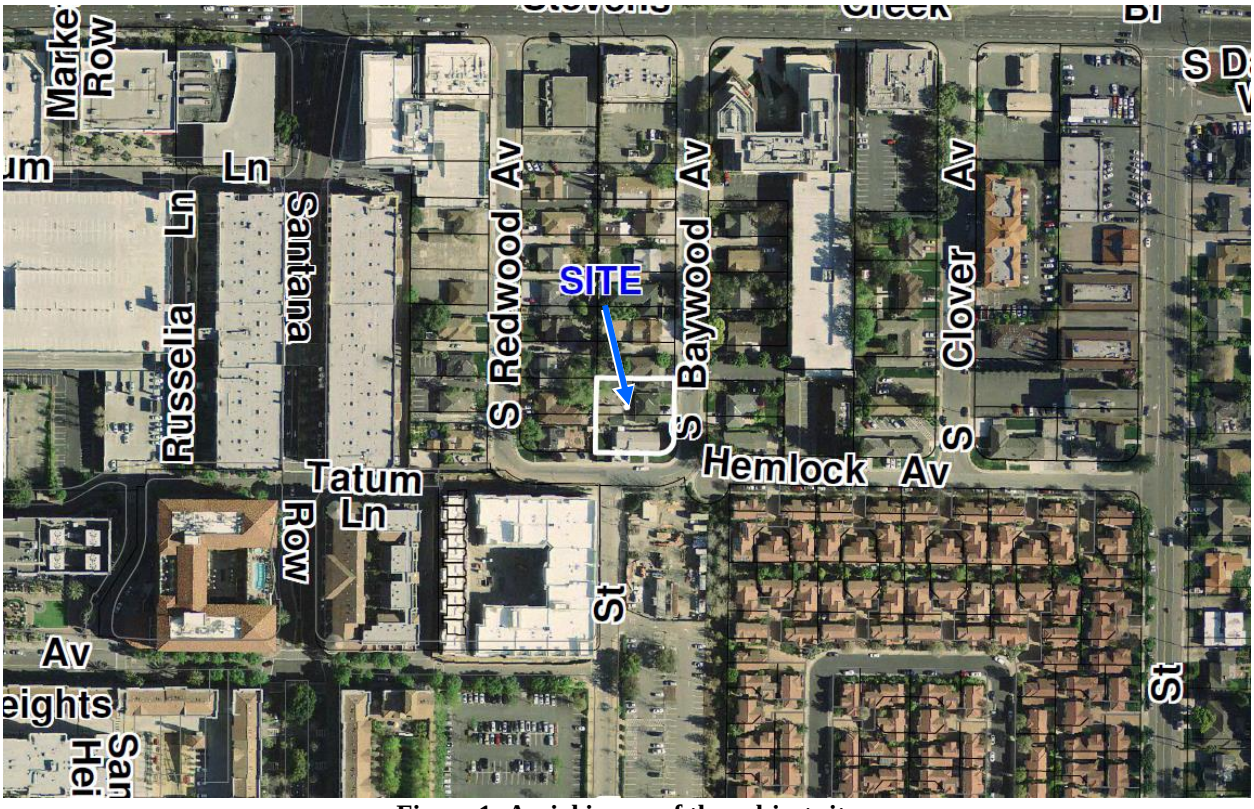


Figure 1: Aerial image of the subject site

Background

The subject property is currently in the CG Commercial General Zoning District. The applicant is requesting a conforming rezoning to the CP Commercial Pedestrian Zoning District to further bring the zoning into conformance with the General Plan Land Use/Transportation Diagram land use designation of Urban Village and the adopted Santana Row/Valley Fair Urban Village Plan. The existing Commercial General Zoning District requires a 15-foot minimum front setback and a 12.5-foot side corner setback, while the Commercial Pedestrian Zoning District does not require a front or side corner setback unless required by the Urban Village Plan. The Santana Row/Valley Fair Urban Village has setback standards as indicated in Table 5-1 of the Plan to ensure a continuously active and engaging street frontage. (The applicable setback standards are depicted below).

Table 5-1: Building Placement and Bulk Standards	
Front Setback, Non-residential ground floor use	0-10 feet
Front Setback, Residential ground floor use	2-5 feet
Street Side Setback	0-10 feet
Side Setback	0 feet
Rear Setback	Minimum 10 feet

These reduced front and side corner setbacks are not consistent with the surrounding existing development; however, the setbacks are consistent with the Urban Village plan design guidelines and will further the plan's goal to allow a more pedestrian-oriented site design. The Urban Village designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as stand-alone uses or in a mixed use format.

ANALYSIS

The proposed project was analyzed for conformance with: 1) the Envision San José 2040 General Plan; 2) the Santana Row/Valley Fair Urban Village Plan; 3) the Zoning Ordinance; 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 Urban Village (Figure 2).

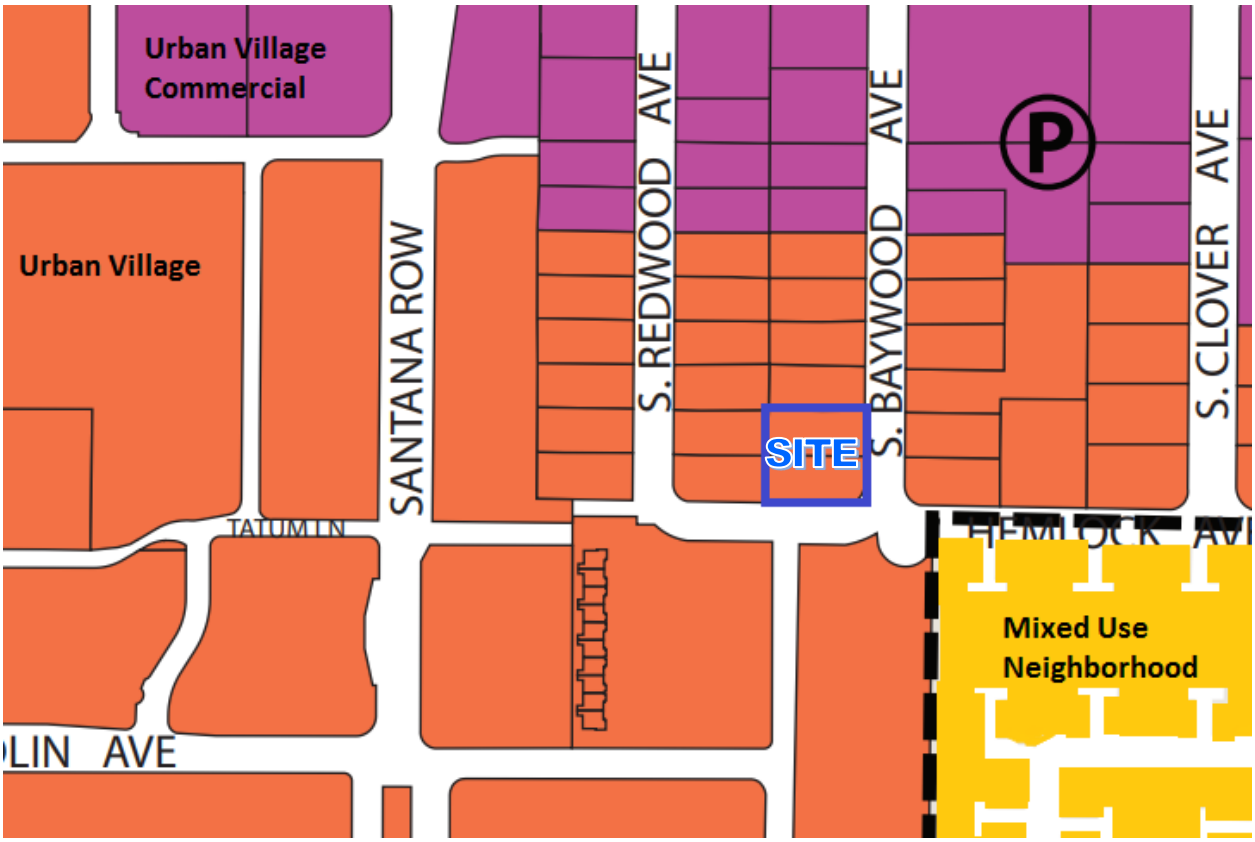


Figure 2: General Plan Land Use/Transportation Diagram

The Urban Village designation supports a wide variety of commercial, residential, and institutional or other land uses with an emphasis on establishing an attractive urban form. Development within the Urban Village designation should conform to land use and design standards established with an adopted Urban Village Plan, which specifies how each Urban Village will accommodate the planned housing and job growth capacity within the identified Urban Village Growth Area. Although the City Council has adopted the Santana Row/Valley Fair Urban Village Plan, residential development is not allowed until the City Council approves an Implementation Financing Plan. Development proposals for commercial, office and other non-residential uses that are consistent with the General Plan and Urban Village Plan may be permitted prior to the adoption of an Implementation Financing Plan.

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 with reduced setbacks in conformance with the design standards established in the adopted Urban Village Plan. In addition, the proposed rezoning would conform with the following General Plan policies:

1. Major Strategy #5-Urban Village: Promote the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.

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.

   The site is located within the boundaries of the Council-approved Santana Row/Valley Fair Urban Village. The Urban Village designation promotes commercial and mixed use developments with buildings designed at a more pedestrian scale in terms of height and setbacks. The CP Commercial Pedestrian Zoning District conforms to the General Plan Land Use/ Transportation designation of Urban Village, as indicated in Section 20.120.110 of the Zoning Ordinance. The CP designation would allow future developments to promote pedestrian-oriented buildings that can provide additional job growth and provide convenient commercial uses and amenities to the surrounding neighborhood.

   Staff is recommending the CP Commercial Pedestrian District as it provides a variety of uses and development standards that are compatible with the goals and objectives of the adopted Santana Row/Valley Fair Urban Village. The CP Commercial Pedestrian Zoning District does not have a minimum front or side setback and requires adherence to the adopted Urban Village Plan. With minimal front and side setbacks requiring conformance to the adopted Urban Village Plan, the CP Commercial Pedestrian Zoning district would facilitate the creation of an active and walkable environment which is one of the goals of the Urban Village strategy. The ability to provide a zero front setback can create a continuous street wall and buildings that frame the street, creating a sense of place by being closer to the street.

Santana Row/Valley Fair Urban Village Plan

The property is within the Santana Row/Valley Fair Urban Village with a land use designation of Urban Village (See Figure 3).



Figure 3: Santana Row/ Valley Fair Urban Village Plan Land Use Map

The primary objectives of the Santana Row/Valley Fair Urban Village Plan are to retain the existing amount of commercial space within the Urban Village and to increase the job generating commercial uses. Additionally, the Urban Village Plan focuses on creating a rich and inviting pedestrian environment. The CP Zoning District supports pedestrian-oriented retail activity at a scale compatible with surrounding neighborhoods and encourages mixed residential/commercial development where appropriate.

Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-70, 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.

As indicated in Table 20-100 below, the CP Commercial Pedestrian Zoning District does not require front and side setbacks. These less restrictive setbacks provide more flexibility for future redevelopment projects in terms of location and size of the building, pedestrian comfort and connection, and conforming to the adopted Urban Village standards.

Table 20-100
Commercial Zoning Districts
Development Standards

Zoning Setback Requirements		
	Commercial Pedestrian Zoning District (Proposed)	**Commercial General Zoning District (Existing)**
Front	No minimum, 10 feet maximum; or as established in approved Urban Village Plan	15
Side, interior	None; or as established in approved Urban Village Plan	none
Side, corner	None; or as established in approved Urban Village Plan	12.5
Rear, interior	25; or as established in approved Urban Village Plan	none
Rear, corner	25; or as established in approved Urban Village Plan	none

The existing residential dwellings on the subject properties would become legal non-conforming uses under the proposed CP Commercial Pedestrian Zoning District. Any expansion of a non-conforming use would require issuance of a Special Use Permit. The proposed rezoning would, however, 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 and Urban Village Plan. Allowed uses include retail establishments, restaurants, as well as office and medical services.

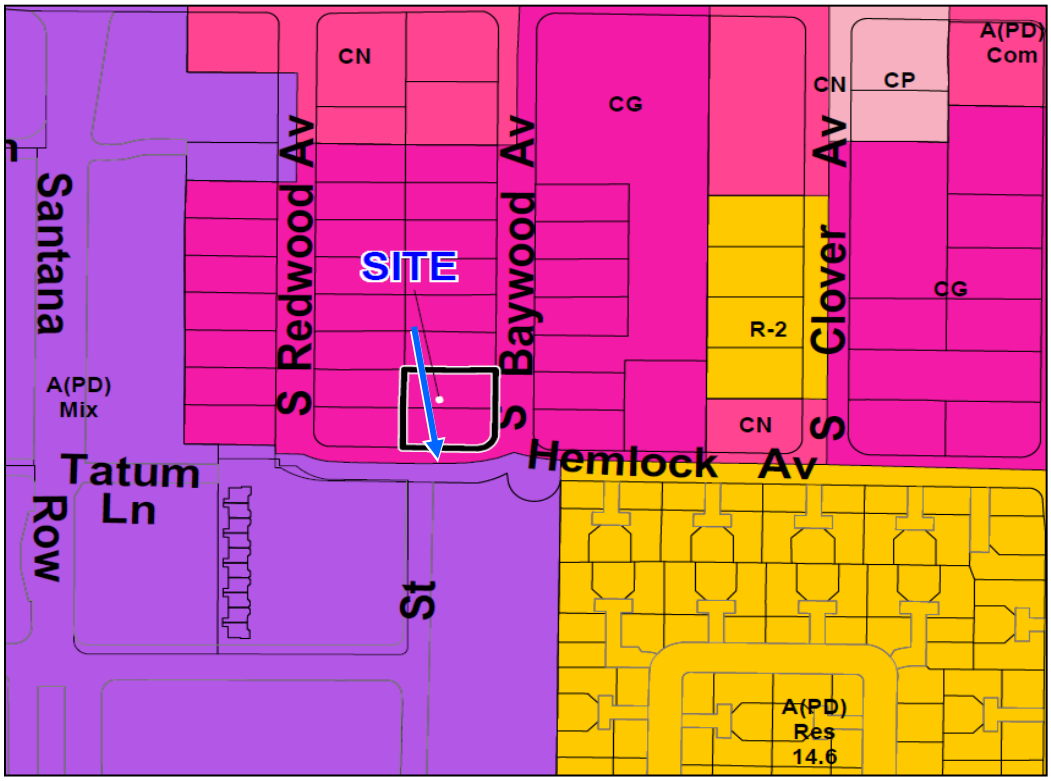


Figure 4: Zoning Map

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 (FPEIR) 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 (SEIR) 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, Supplemental EIR, 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

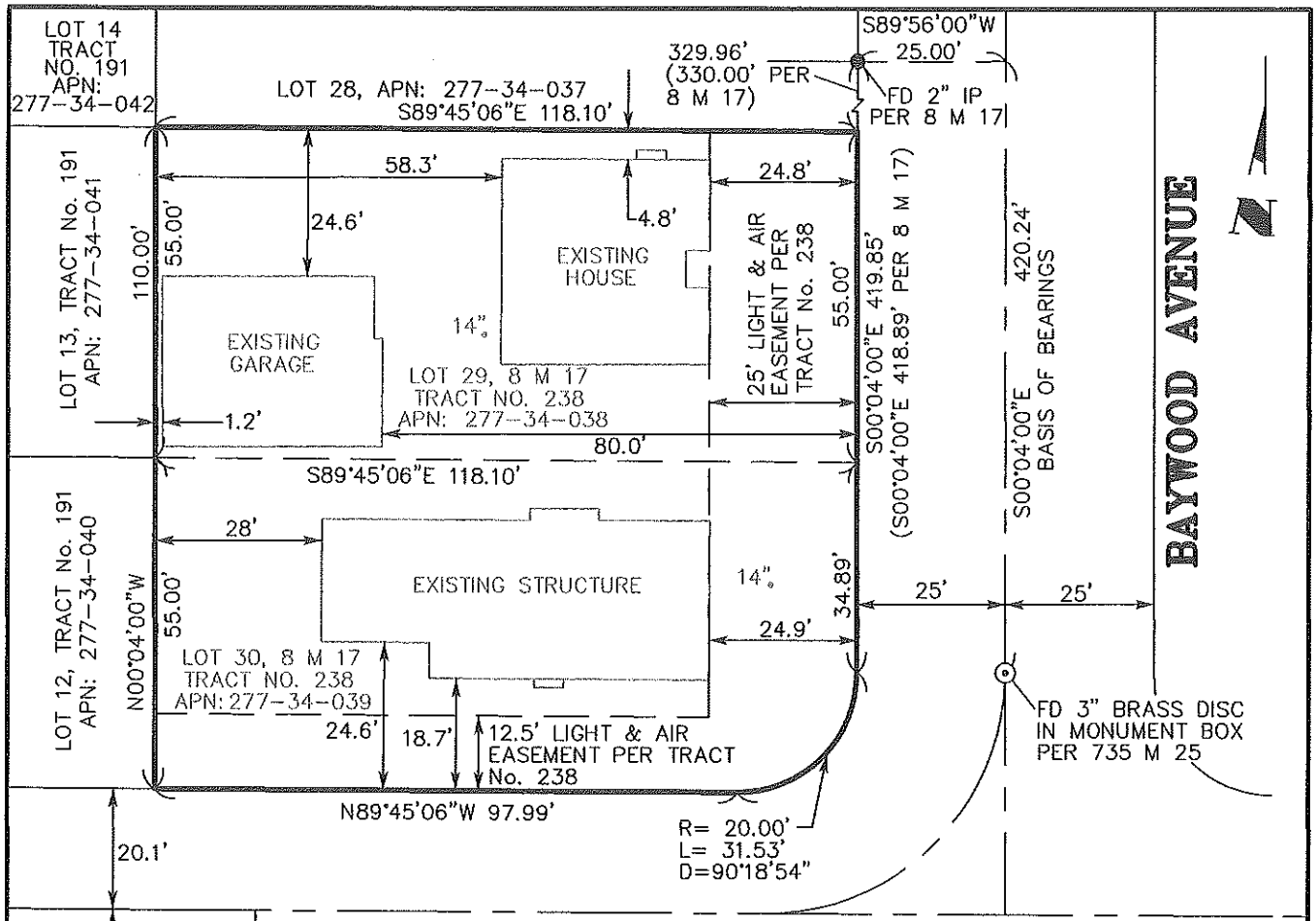
To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted 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.

Approved by: /s/ Rosalynn Hughey, Acting Director of Planning, Building and Code Enforcement

For questions, please contact Planning Official, Steve McHarris, at (408)535-7819

Attachment: Plat map

Exhibit A



GRAPHIC SCALE

0 15 30 45 60

1"=30'

NOTES

(1) PLANNING REZONING FILE No. _____

(2) APN: 277-34-038 & APN: 277-34-039

(3) SITE ADDRESSES: 375 BAYWOOD AVENUE, SAN JOSE, CA AND 383 BAYWOOD AVENUE, SAN JOSE, CA

(4) OWNER: YISREAL 26, LLC

(5) WELLS: THERE ARE NO EXISTING WELLS ON-SITE.

(6) BASIS OF BEARINGS: THE BEARINGS ON THIS PLAT ARE BASED ON THE CENTERLINE OF BAYWOOD AVENUE AS FOUND MONUMENTED AND RECORDED AS N00°04'00"W IN BOOK 735 OF MAPS, AT PAGE 25, SANTA CLARA COUNTY RECORDS.

(7) TREES: TRUNK LOCATIONS & SIZES SHOWN ABOVE.

PROFESSIONAL LAND SURVEYOR
GARY D. CARNES
No. 4516
STATE OF CALIFORNIA

CP REZONING PLAN

LANDS OF YISRAEL 26, LLC

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DRAWN BY:	DATE:	PAGE:
D.E.	1-9-18	1 OF 1
PROJECT MANAGER: G.C.	SCALE: 1" = 30'	JOB NO.: 1744

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