



CITY COUNCIL STAFF REPORT

File No.	C19-002
Applicant:	Shishu Bedi
Location	Northeast corner of North Bascom Avenue and Forest Avenue
Existing Zoning	CP Commercial Pedestrian and R-1-8 Single-Family Residence
General Plan Land Use Designation	NCC Neighborhood/ Community Commercial
Council District	6
Historic Resource	No
Annexation Date:	December 8, 1925 (College Park/Burbank Sunol)
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 for a split zoned parcel, from the R-1-8 Single Family Residence Zoning District and CP Commercial Pedestrian Zoning District to the CP Commercial Pedestrian Zoning District on an approximately 0.46-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
2. Approve an ordinance rezoning an approximately 0.46-gross acre site, located at the northeast corner of North Bascom Avenue and Forest Avenue, from a split zoned site in the R-1-8 Single-Family Residence and CP Commercial Pedestrian Zoning Districts to the CP Commercial Pedestrian Zoning District.

PROJECT DATA

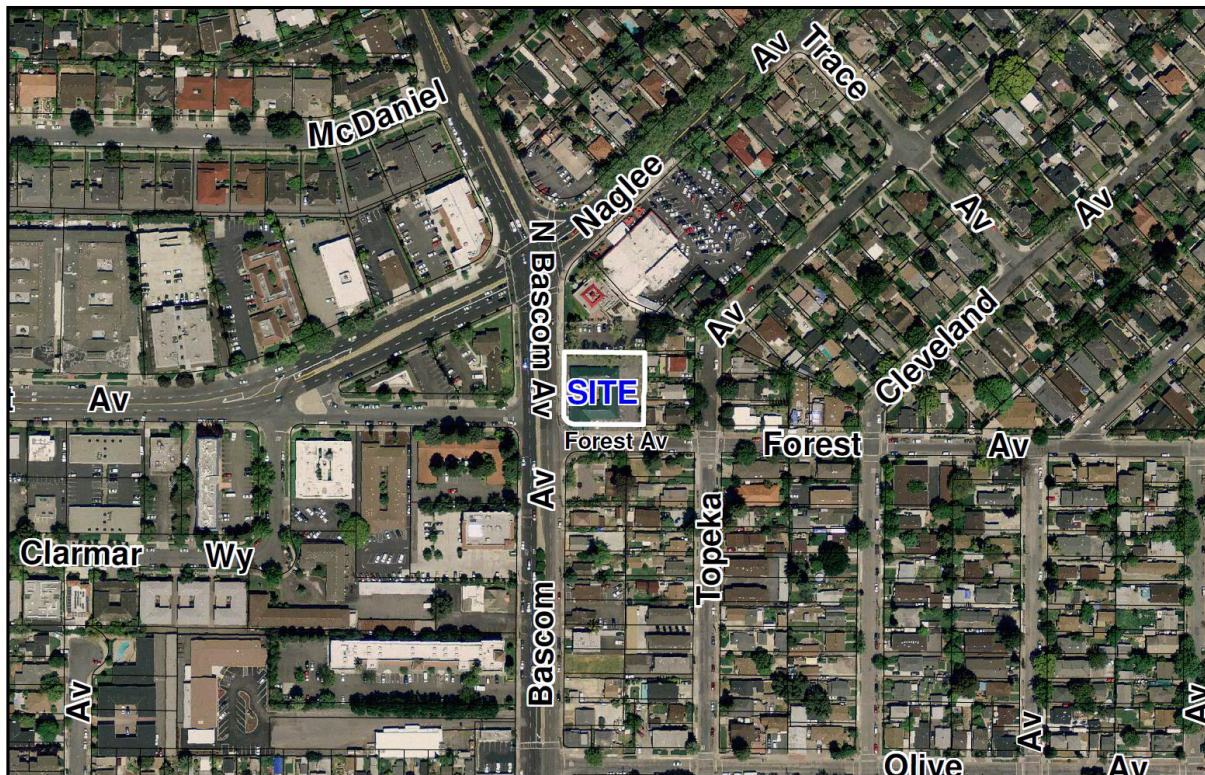
GENERAL PLAN CONSISTENCY			
General Plan Designation		Neighborhood/ Community Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.6, IP-1.7, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	NCC Neighborhood/Community Commercial and RN Residential Neighborhood	CP Commercial Pedestrian and R-1-8 Single-Family Residence	Public Eating Establishment (Fast-Food)
South	NCC Neighborhood/Community Commercial and RN Residential Neighborhood	CP Commercial Pedestrian and Unincorporated County Land	Smog Check Inspection Center
East	RN Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residences
West	NCC Neighborhood/Community Commercial	CP Commercial Pedestrian	Medical and Dental offices

PROJECT DESCRIPTION

On January 16, 2019, the applicant, Shishu Bedi, filed an application to rezone an approximately 0.46-gross acre split-zoned site from the CP Commercial Pedestrian and the R-1-8 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District.

Site Location:

The subject site is located at the northeast corner of North Bascom Avenue and Forest Avenue (see Figure 1). The subject site consists of one split-zoned lot with a vacant commercial building, a parking lot, and landscaping. Single-family residences are located to the east of the subject site and commercial uses are located on the north, south, and west of the subject site. Currently, there are no other active planning development permit applications on file for the subject site.



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AERIAL


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1/15/2019

Figure 1: Aerial image of the subject site

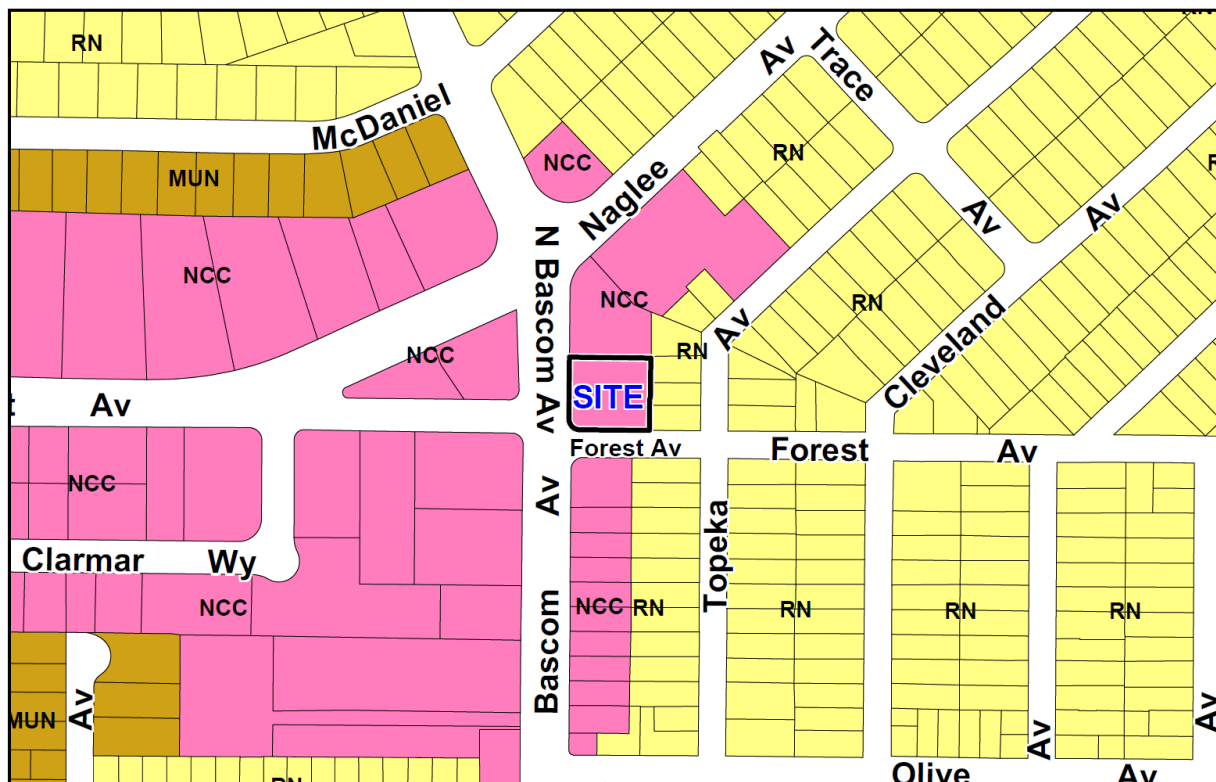
The subject property is currently located in the CP Commercial Pedestrian and R-1-8 Single Family Residence Zoning Districts. The applicant has requested a conforming rezoning to rezone the entire site to the CP Commercial Pedestrian Zoning District, which would further bring the site into conformance with the Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram land use designation.

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 NCC Neighborhood/Community Commercial (see Figure 2).



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GENERAL PLAN


 CITY OF
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Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood/Community Commercial designation is for a broad range of commercial uses that serve neighboring communities. The uses typically provide services and amenities to nearby communities. The proposed rezoning is consistent with the following General Plan policies:

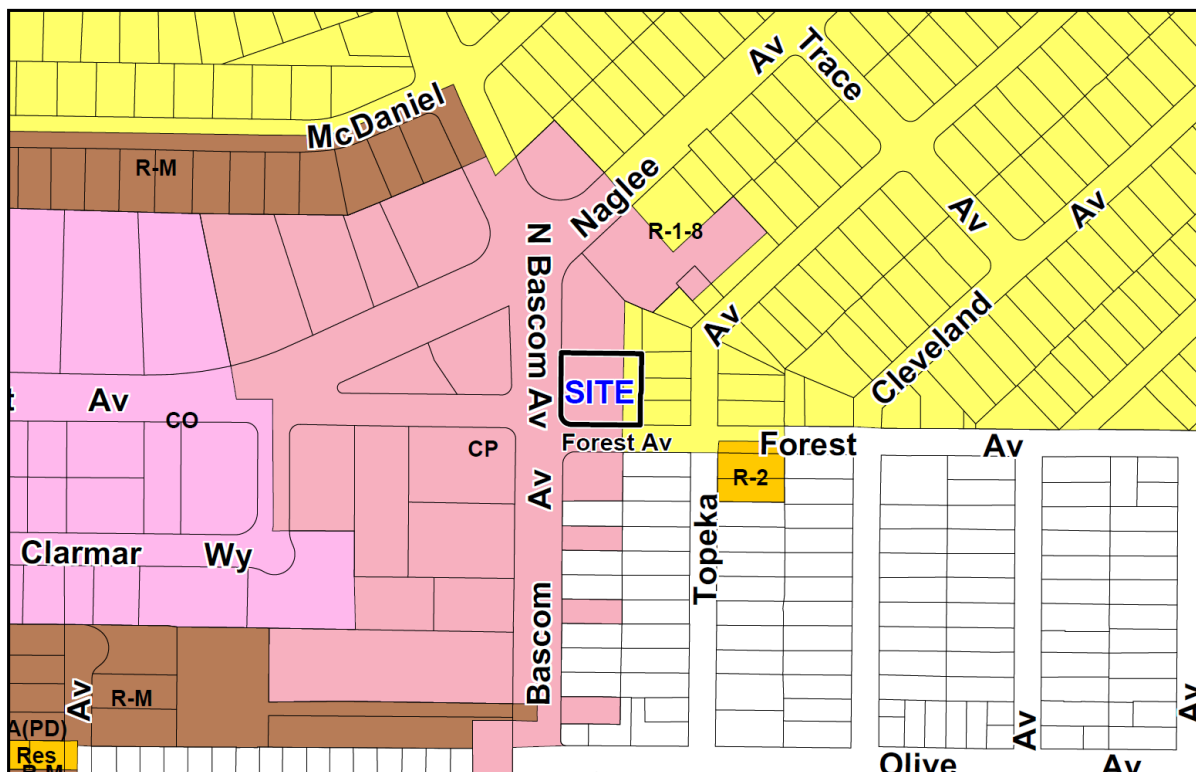
1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities, and development forms compatible with a wide variety 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-1.6 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-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, the CP Commercial Pedestrian Zoning District is listed as a conforming district for the General Plan Land Use Designation of Neighborhood/Community Commercial. The proposed rezoning would allow the future development of a commercial project in an urban form that supports walking, transit use, and public interaction.

Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-270, Section 20.120.110 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.



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ZONING

Figure 3: Zoning Map

The CP Commercial Pedestrian 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 commercial and retail uses. This District is intended to support intensive pedestrian-oriented

commercial activity, and new development in this District should orient buildings towards public streets and transit facilities. 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 20.40.100 of the San José Municipal Code establishes the following development standards for a CP Commercial Pedestrian Zoning District:

Standard	CP Zoning District
Front Setback	No minimum, 10 feet maximum, or as established in the approved Urban Village Plan
Side Setback	none, or as established in the approved Urban Village Plan
Rear Setback	25 feet minimum, or as established in the approved Urban Village Plan
Maximum Height	50 feet maximum

Future development would be evaluated for conformance to these development standards and all other municipal code regulations.

Existing Structure and Use

Should this Rezoning be approved, the existing building on the site would become a legal nonconforming structure and would be subject to the provisions for restoration or replacement in Municipal Code Section 20.150.020. The structure is currently vacant; any future use of the site would need to adhere to the allowed uses established in Table 20-90.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(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 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

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/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

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

Attachments: Legal Description and Plat map

LANDS OF 200 N. BASCOM AVE. LLC

Beginning at the Southerly common corner of Lots 13 and 23 in Block 1 on the Northerly line of Forest Street, as said Lots, Block and Street are shown upon the Map of Interurban Park Tract, recorded in Book "K" of Maps, at page 21, Santa Clara County Records, on December 5, 1904, hereinafter referred to;

Thence, from said point of beginning, along the Northerly line of Forest Street, North $89^{\circ}44'00''$ East, 33.70 feet;

Thence, parallel with the Westerly lines of Lots 20, 21, 22 and 23 in Block 1 as shown on said Map, North $00^{\circ}25'00''$ West, 139.34 feet to a point in a line drawn parallel to and 5.00 feet North $00^{\circ}25'00''$ West of the South line of said Lot 20;

Thence, along last said parallel line, South $89^{\circ}44'00''$ West, 33.70 feet to a point in the dividing line between Lots 10 and 20 in said Block 1, said point being 5.00 feet North $00^{\circ}25'00''$ West of the Southerly common corner of Lots 10 and 20;

Thence, along said dividing line, South $00^{\circ}25'00''$ East, 5.00 feet to the said Southerly common corner of Lots 10 and 20;

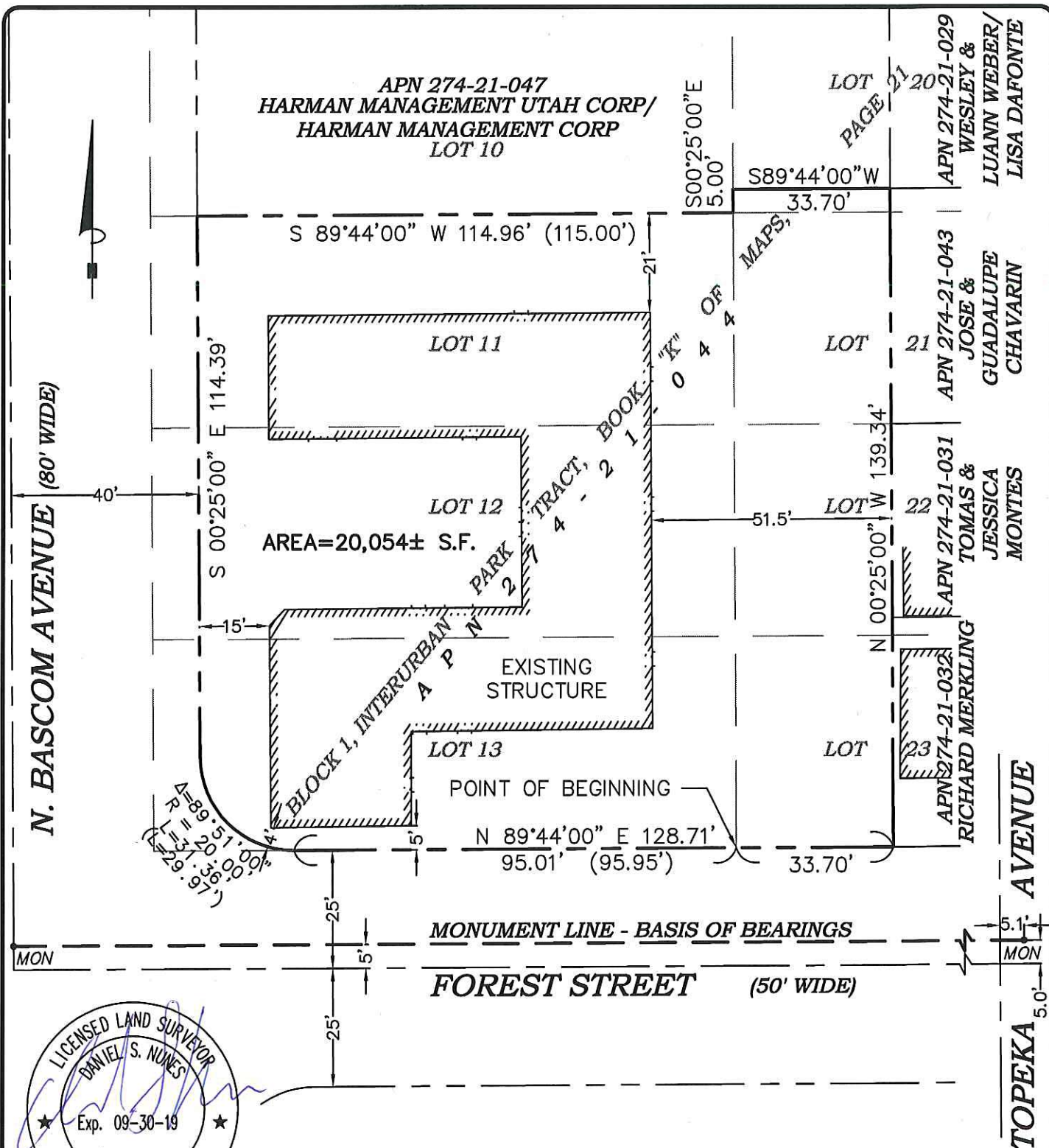
Thence, along said southerly boundary line of Lot 10, South $89^{\circ}44'00''$ West, 114.96 feet to a point in the Easterly line of North Bascom Avenue, 80 feet wide;

Thence, along last said line, South $00^{\circ}25'00''$ East, 114.39 feet;

Thence, along a tangent curve with a radius of 20.00 feet, deflecting to the left through an angle of $89^{\circ}51'00''$ an arc distance of 31.36 feet to a point in the Northerly line of Forest Street, 50 feet wide,

Thence, along said Northerly line of Forest Street, North $89^{\circ}44'00''$ East, 95.01 feet to the point of beginning and being a portion of Lots 11, 12, 13, 20, 21, 22, and 23 in Block 1 as shown on said Map, and containing 20,054 square feet, more or less.

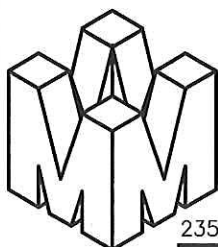




LANDS OF 200 N. BASCOM AVE. LLC

() RECORD DATA PER
DEED DOC # 18514884

EXHIBIT "B" PAGE 1 OF 1



MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953
2355 De La Cruz Blvd. Santa Clara, Calif 95050 (408) 727-8262 FAX: (408) 727-8285

SCALE:	1"=30'
DATE	02-21-19
DWN	JS ME16
CH'KD	
JOB NO.	18048
DWG. NO.	S14941