



CITY COUNCIL STAFF REPORT

File No.	C18-023
Applicant:	CAT Properties, LLC
Location	South side of The Alameda, approximately 140 feet east of Idaho Street (2137 The Alameda)
Existing Zoning	CO Commercial Office
General Plan Land Use Designation	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), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto

APPLICATION SUMMARY:

Conforming Rezoning from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District on a 0.75-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 0.75-gross acre site, located on the south side of The Alameda, approximately 140 feet east of Idaho Street (2137 The Alameda), from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY	
General Plan Designation	Neighborhood/Community Commercial; The Alameda (West) Urban Village (Horizon 3) <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent

Consistent Policies		Implementation Policies IP-1.1, IP-1.6, and IP-8.2, Community Design Policy CD-7.6	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Neighborhood/Community Commercial	CO Commercial Office	Commercial office uses
South	Neighborhood/Community Commercial	CP Commercial Pedestrian	Parking lot
East	Neighborhood/Community Commercial	CP Commercial Pedestrian	Commercial office use
West	Neighborhood/Community Commercial	CO Commercial Office	Office building on the northwest, single-family residences on the southwest

PROJECT DESCRIPTION

On August 3, 2018, the applicant, CAT Properties, LLC, submitted a Conforming Rezoning application to rezone a 0.75-gross acre site located at 2137 The Alameda from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District.

Site Description and Surrounding Uses

The subject site is located on the south side of The Alameda, approximately 140 feet east of Idaho Street (see Figure 1). The subject site includes an existing approximately 11,000 square foot commercial building and is surrounded by commercial buildings or parking lots on all sides, with the exception of the rear yards of single-family residences adjacent to the rear portion of the west side property line. The existing commercial building is currently occupied by a mix of office tenants, as well as an escape room business for which tenant improvements were performed without obtaining required building permits. There are no other active planning development permit applications on file for the subject site at this time.

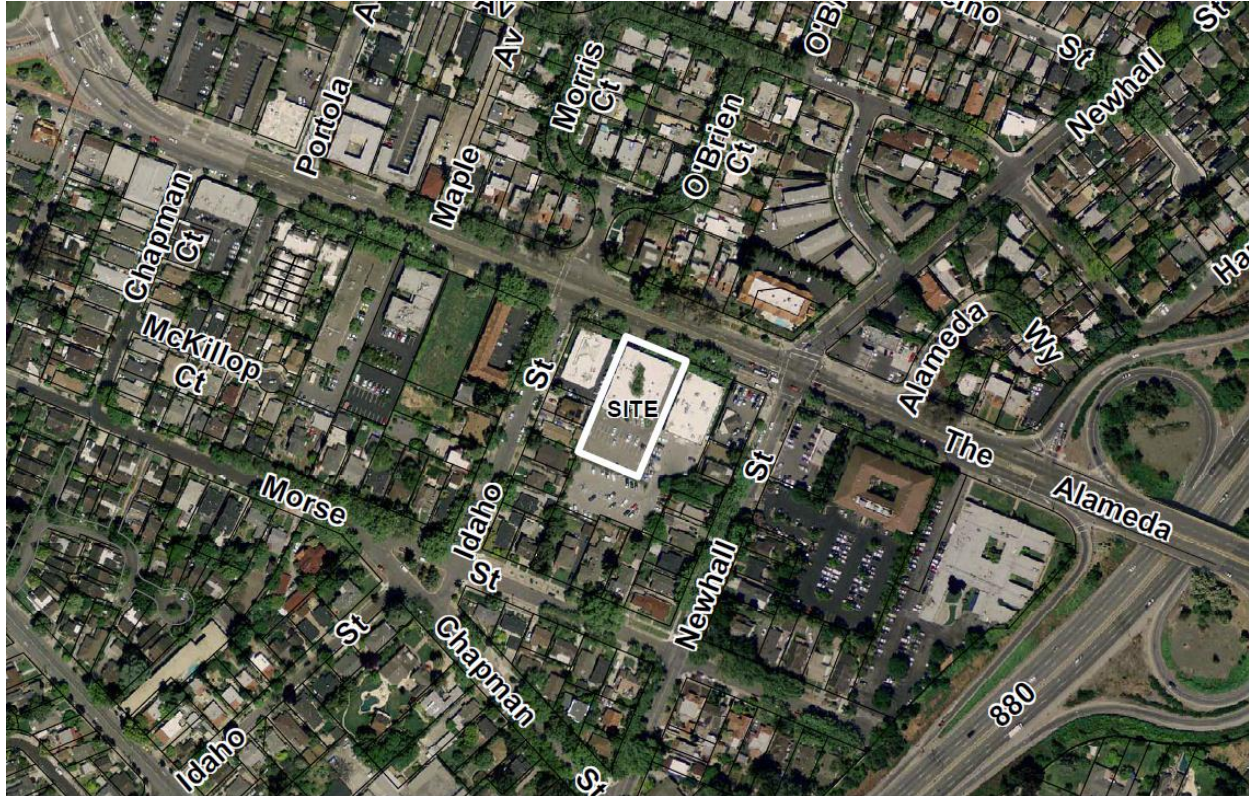


Figure 1: Aerial image of the subject site

Background

On January 26, 2017, a Code Enforcement Case (Case No. 201700897) was opened on the site regarding unpermitted construction within the existing building. Upon inspection, it was determined that the unpermitted work was a result of a new tenant, “Beat the Clock Live Escape Room.” Based on evaluation of this use, it was determined that it would be enumerated in the Zoning Ordinance as a “Commercial Indoor Recreation” use. The subject property is located in the CO Commercial Office Zoning District. Under Table 20-90 of the Zoning Ordinance, Commercial Indoor Recreation use is *not* a permitted use of the CO Commercial Office Zoning District. The applicant has therefore requested a conforming rezoning to the CN Commercial Neighborhood Zoning District, which would allow the use. Once the use is permitted, the applicant can pursue getting the tenant improvement building permits.

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 (see Figure 2) and is located within The Alameda (West) Urban Village.

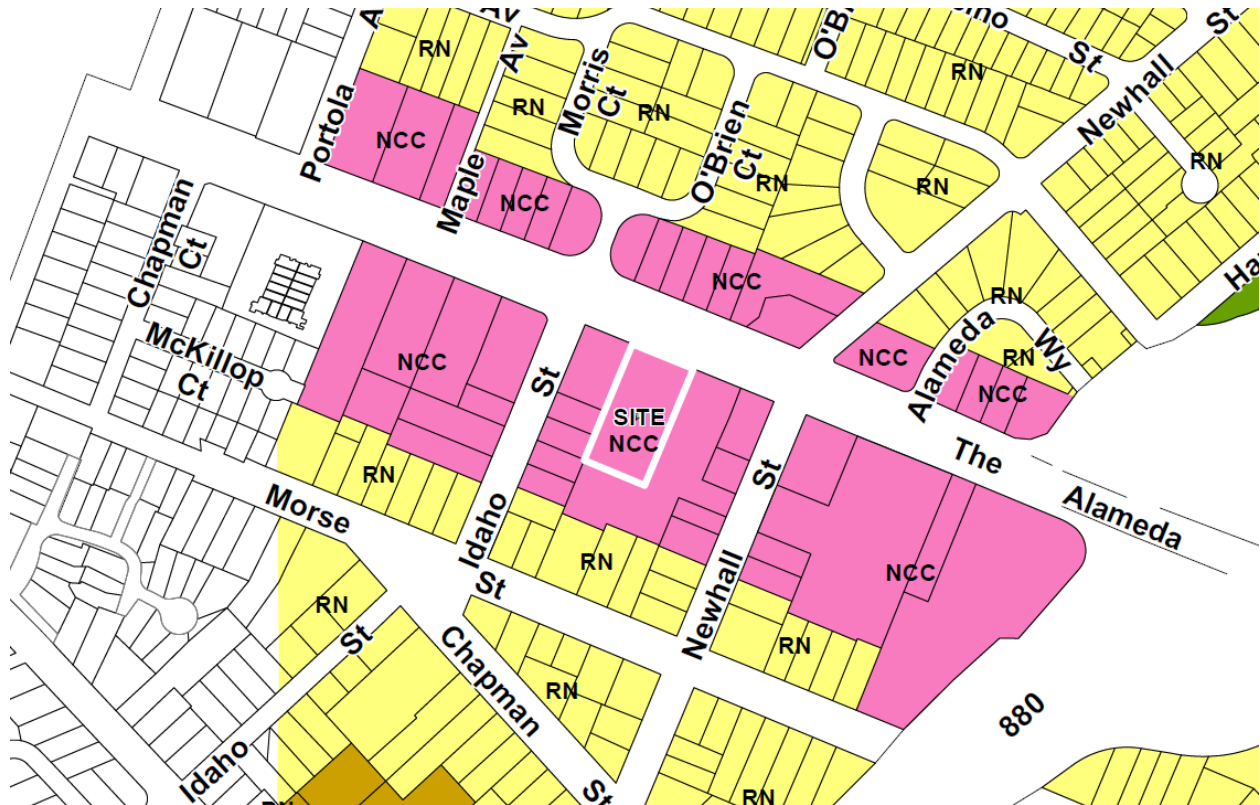


Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood/Community Commercial designation supports a very broad range of commercial activity, including commercial uses that serve 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. The proposed rezoning would allow the subject site to be developed with uses that are consistent with the General Plan land use designation of Neighborhood/Community Commercial as the Commercial Indoor Recreation use would serve the surrounding community.

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.
4. Community Design Policy CD-7.6 – Urban Villages Design: Incorporate a full range of uses in each Urban Village Plan to address daily needs of residents, businesses, and visitors in the area. Consider retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, private community gathering facilities, and other neighborhood-serving uses as part of the Urban Village planning process. Encourage multi-use spaces wherever possible to increase flexibility and responsiveness to community needs over time.

Analysis: Pursuant to [Table 20-270](#) of the Zoning Ordinance, the CN Commercial Neighborhood Zoning District is listed as a conforming district for the General Plan Land Use Designation of Neighborhood/Community Commercial. The Conforming Rezoning to the CN Commercial Neighborhood Zoning District would align the zoning district to the goals of the General Plan and facilitate future developments that are consistent with the General Plan land use designation. The CN Commercial Neighborhood Zoning District also aligns with the type of uses that would be envisioned in future Urban Village plans, as it allows a broader range of commercial uses than the existing CO Commercial Office Zoning District.

Zoning Ordinance Conformance

The proposed rezoning conforms with [Table 20-270 in Section 20.120.110](#) of the San José Municipal Code, which identifies the CP Commercial Pedestrian, CN Commercial Neighborhood and CG Commercial General as conforming districts to the Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram land use designation. The subject site is approximately 0.75 acres. The existing building is set back approximately 15 feet from the front property line, as are most surrounding properties on The Alameda between Maple Avenue and Interstate 880. The CP Commercial Pedestrian Zoning District has a maximum setback of 10 feet. Because of this, the CN Commercial Neighborhood Zoning District is the most appropriate conforming zoning district.

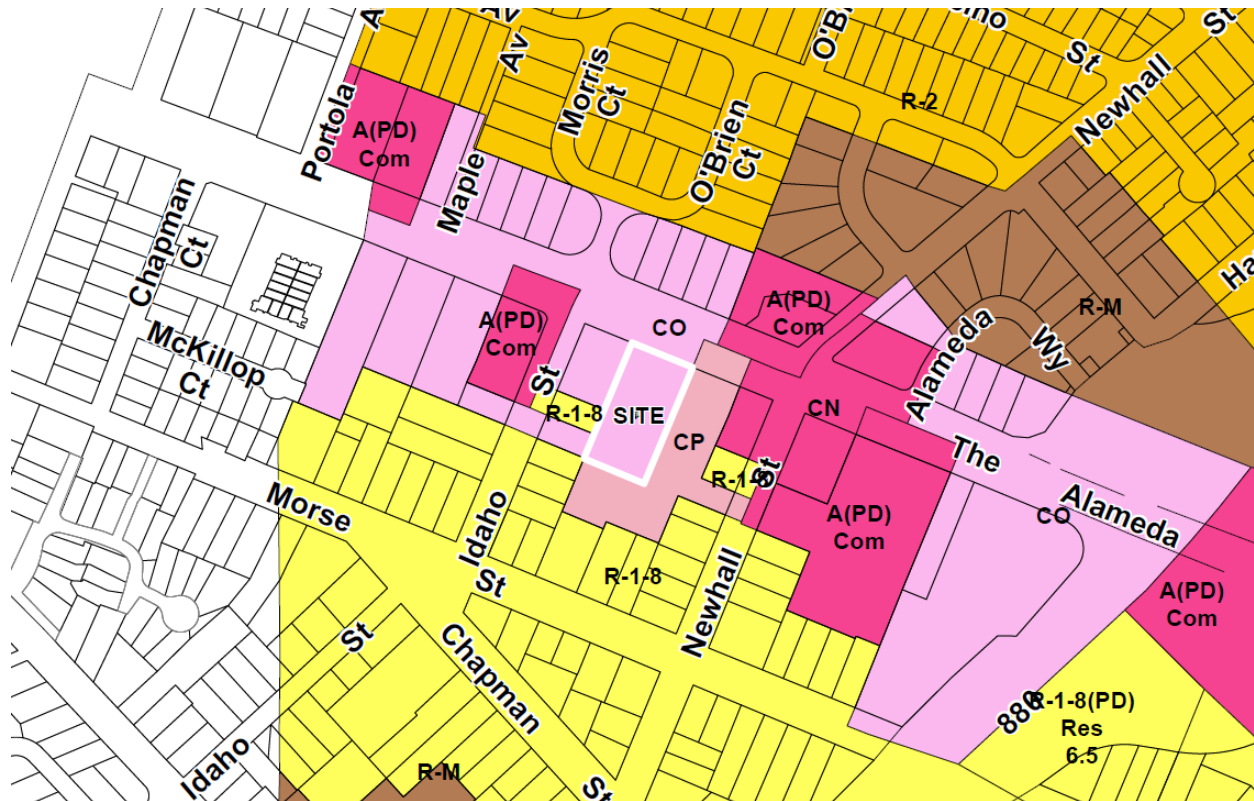


Figure 3: Zoning Map

The CN Commercial Neighborhood Zoning District would allow the property to be used and developed in accordance with the allowable uses in [Table 20-90](#). The uses on the subject site, which includes a mix of offices and a commercial indoor recreation use, are all permitted uses in the CN Commercial Neighborhood Zoning District.

Setbacks and Heights

Under the CN Commercial Neighborhood Zoning District, the subject site is required to maintain a 10-foot front setback, and there are no minimum rear or side setbacks. The existing building has a 15-foot front setback. The maximum height allowed is 50 feet. The existing structure is approximately 20 feet in height. Therefore, the existing building conforms to the development standards of the CN Commercial Neighborhood Zoning District.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed Conforming Rezoning will change the current CO Commercial Office Zoning District to CN Commercial Neighborhood Zoning District. It will allow existing and future compatible commercial development.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Supplemental EIR (Resolution 77617) have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the Final Program EIR or Supplemental EIR been identified.

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 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. The Final PEIR and Supplemental 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 2040.

The proposed rezoning does not involve new significant effects beyond those analyzed in the Final and Supplemental EIRs for the Envision San José 2040 General Plan Program EIR and SEIR.

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.

/s/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

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

Attachment: Legal Description
Plat Map



EXHIBIT "A"
LEGAL DESCRIPTION FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcels One and Two described in the Grant Deed recorded March 7, 2014, in Document No. 22538732 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel Two, being on the southwesterly line of The Alameda;

Thence along said southwesterly line, South 67°27'51" East, 130.00 feet;

Thence South 22°32'09" West, 250.00 feet;

Thence North 67°27'51" West, 130.00 feet;

Thence North 22°32'09" East, 250.00 feet, to the POINT OF BEGINNING.

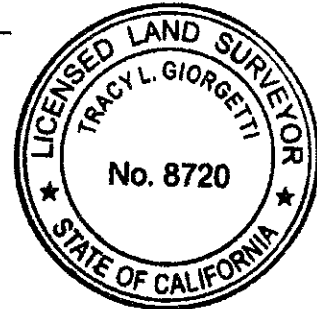
Containing 0.75 acres, more or less.

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

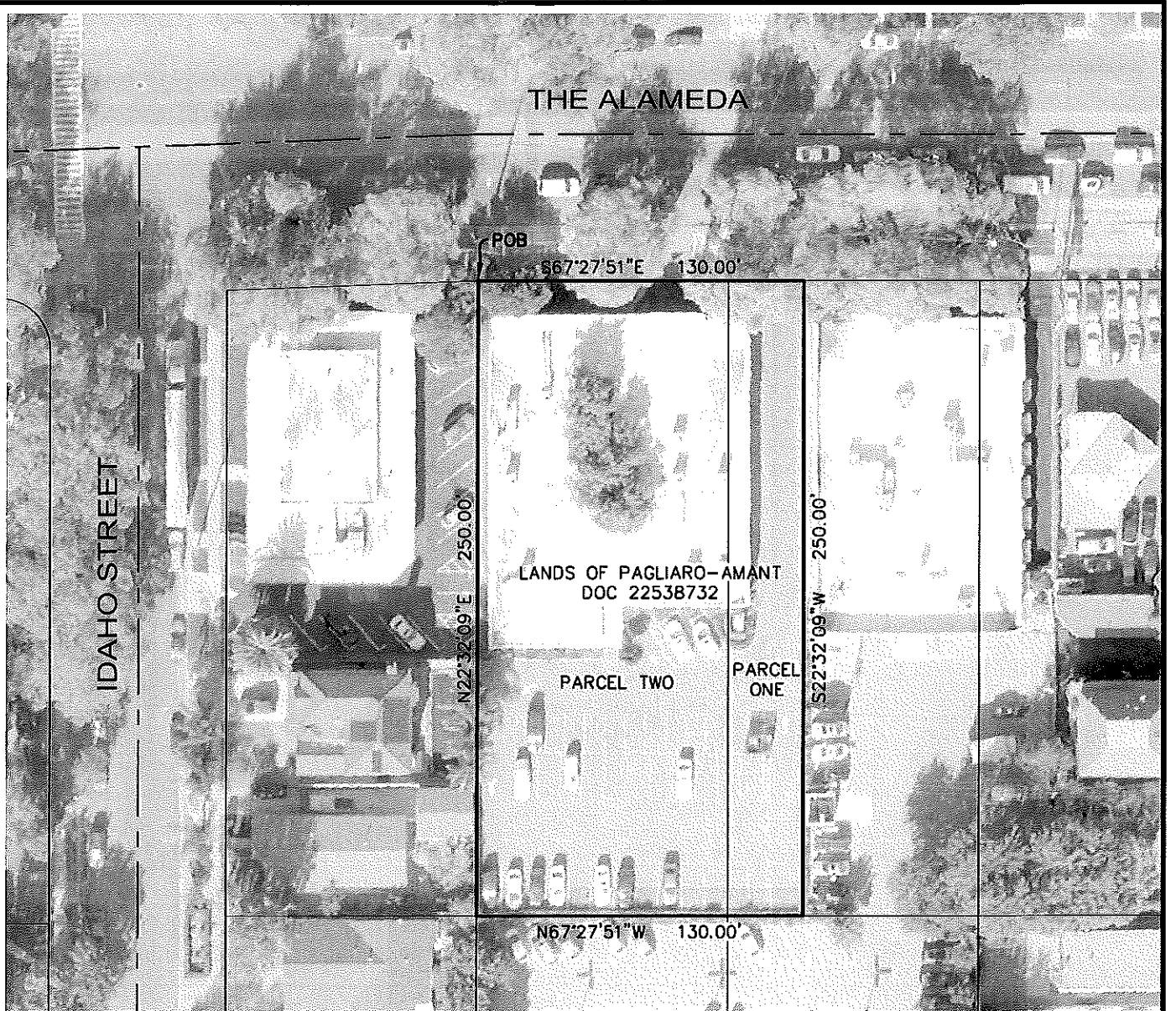
This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 7-26-18

Tracy L. Giorgetti, LS 8720

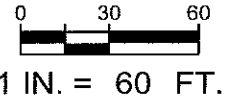


THE ALAMEDA



LEGEND

POB POINT OF BEGINNING



SHEET 1 OF 1

Date:	2018-07-26
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Eng.:	-
547600PL01	



1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMMHca.com

EXHIBIT "B"
 PLOT PLAN

SAN JOSE

CALIFORNIA