



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C20-006
<b>Applicant:</b>	Shabdiz Sharif
<b>Location</b>	West side of Meridian Avenue, approximately 470 feet south of Fruitdale Avenue (931 Meridian Avenue)
<b>Existing Zoning District</b>	R-M Multiple Residence
<b>Proposed Zoning District</b>	CP Commercial Pedestrian
<b>APN</b>	284-03-011
<b>General Plan Land Use Designation</b>	Neighborhood/Community Commercial
<b>Council District</b>	6
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	December 31, 1980 (Hamilton No. 48)
<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 R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District on an approximately 0.16-gross acre site.

**RECOMMENDATION:**

Approve an ordinance rezoning an approximately 0.16-gross acre site, located on the west side of Meridian Avenue, approximately 470 feet south of Fruitdale Avenue (931 Meridian Avenue), from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	<b>Neighborhood/Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>Implementation Policies IP-1.1, IP-1.6, and IP-8.2</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood/ Community Commercial	A(PD) Planned Development	Single-family residence
<b>South</b>	Neighborhood/ Community Commercial	R-M Multiple Residence	Single-family residence
<b>East</b>	Mixed Use Neighborhood	R-M Multiple Residence	Multiple-family residences
<b>West</b>	Neighborhood/ Community Commercial	A(PD) Planned Development	Multiple-family residences

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>12/31/1980</b>	Hamilton No. 48 annexation
<b>3/19/2019</b>	Building Permit File No.110866 to allow re-roofing of the building

**PROJECT DESCRIPTION**

On February 19, 2020, the owner/applicant, Shabdiz Sharif, filed an application to rezone an approximately 0.16-gross acre site from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District.

**Site Location:**

The subject site is located on the west side of Meridian Avenue, approximately 470 feet south of Fruitdale Avenue, at 931 Meridian Avenue (see Figure 1). The rectangular-shaped lot contains an existing 1,078-square foot single-family house built in 1936. The proposed use for the house on the site is commercial office uses. The site is surrounded with single-family homes to the north and south and multiple residences to the east and west, across Meridian Avenue. There are no other active planning development review applications on file for the subject site.

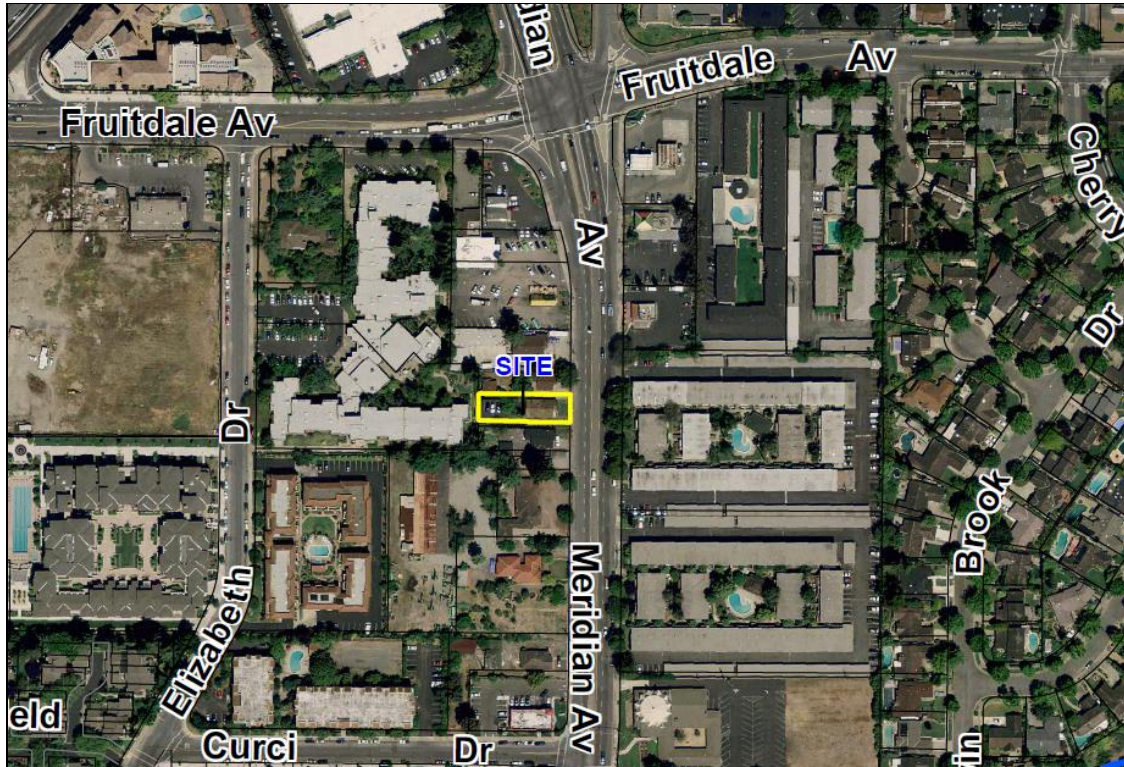


Figure 1: Aerial Map of the subject site

## ANALYSIS

The proposed rezoning 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 is designated Neighborhood/Community Commercial on the Land Use/Transportation Diagram of the *Envision San José 2040 General Plan*. This designation is to serve a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail, office and services and commercial/professional office development. The allowable FAR is up to 3.5 (1 to 5 stories).

The subject site is in the Southwest Expressway Urban Village boundary, Horizon 2; however, an urban village has not been completed for this area. The urban village concept promotes vibrant, walkable, mixed-use urban communities that are bicycle and transit friendly. Commercial uses on the subject site can be implemented ahead of the completion of an urban village plan with Council approval to rezone the property to the CP Commercial Pedestrian Zoning District.

*Analysis: The property owner has requested a zone change from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District. The property owner may apply for a future conversion of the single-family residence to an office use on the site. This*

would require an application of a Special Use Permit which would conform to the General Plan Land Use designation of Neighborhood/Community Commercial.

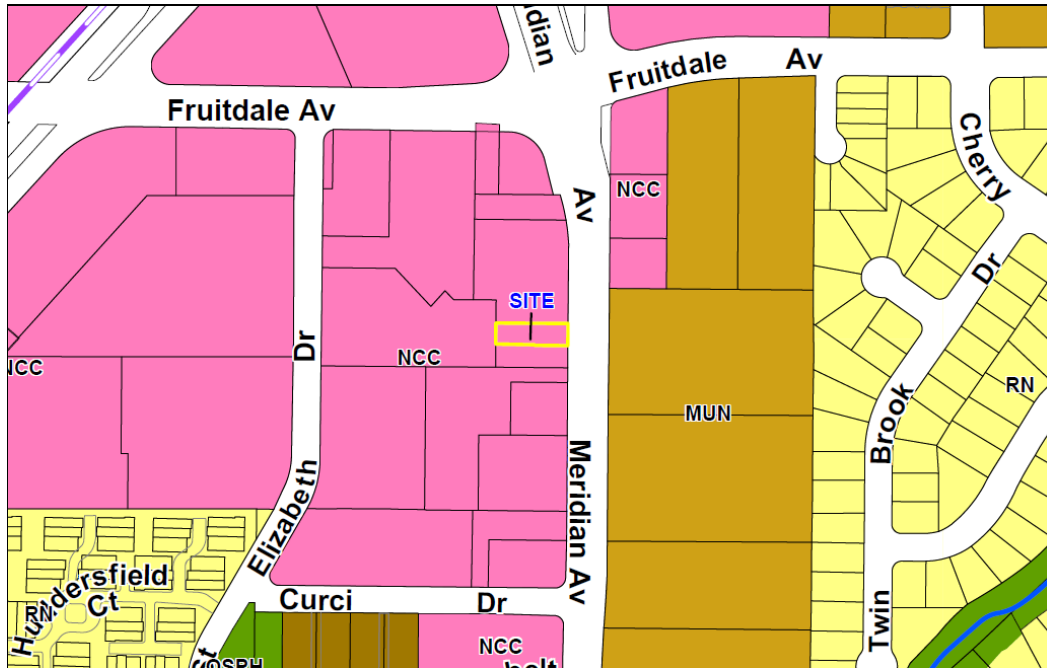


Figure 2: General Plan Map

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:* The subject 0.16-gross acre site is currently in the R-M Multiple Residence Zoning District, which does not allow commercial (office) uses, unless incidental to a primary residential use. The current residential use is a permitted use under the R-M Multiple Residence Zoning District; however, it is not consistent with the General Plan land use designation. Pursuant to Table 20-270 and Section 20.120.110 of the Zoning Ordinance, the CP Commercial Pedestrian Zoning District is listed as a conforming zoning district for the General Plan Land Use Designation of Neighborhood/Community Commercial. The proposed rezoning from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District would bring the zoning into conformance with the General Plan and allow future office use to be consistent with the zoning district as well as the General Plan. Future development would have to be consistent with the development standards of CP Commercial Pedestrian Zoning District, as discussed in the Zoning Conformance Section of this report.

### Zoning Ordinance Conformance

The subject 0.16-gross acre site is currently within the R-M Multiple Residence Zoning District (see Figure 3). The proposed rezoning of the site to the CP Commercial Pedestrian Zoning District (see Figure 4) will allow future commercial uses as permitted uses on site. There are no other applications currently on file with the Planning Division. Conversion of the existing single-family residence to a future commercial office use would require an application of a Special Use Permit.

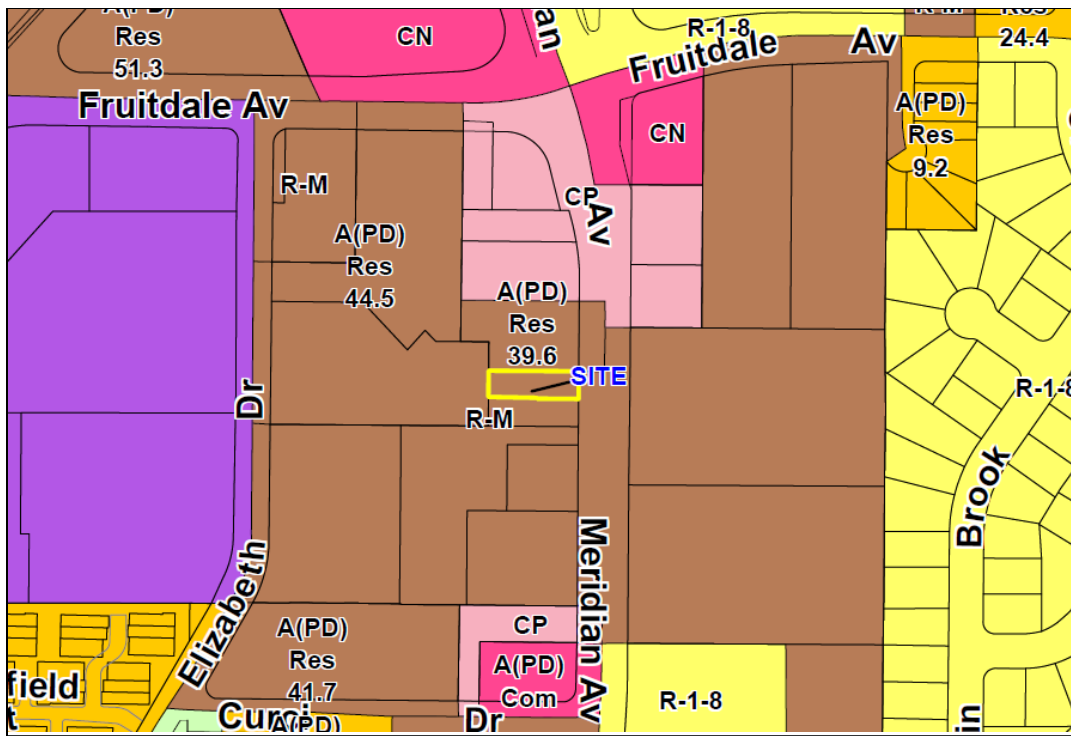


Figure 3: Existing Zoning Map

The proposed rezoning conforms with Table 20-270, Section 20.120.110 of the San José Municipal Code identifies the CP Commercial Pedestrian Zoning District as a conforming district to the Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram designation. The existing multi-family residential zoning does not allow commercial uses. Therefore, a conforming rezoning is required for the site to be consistent with the existing General Plan land use designation.

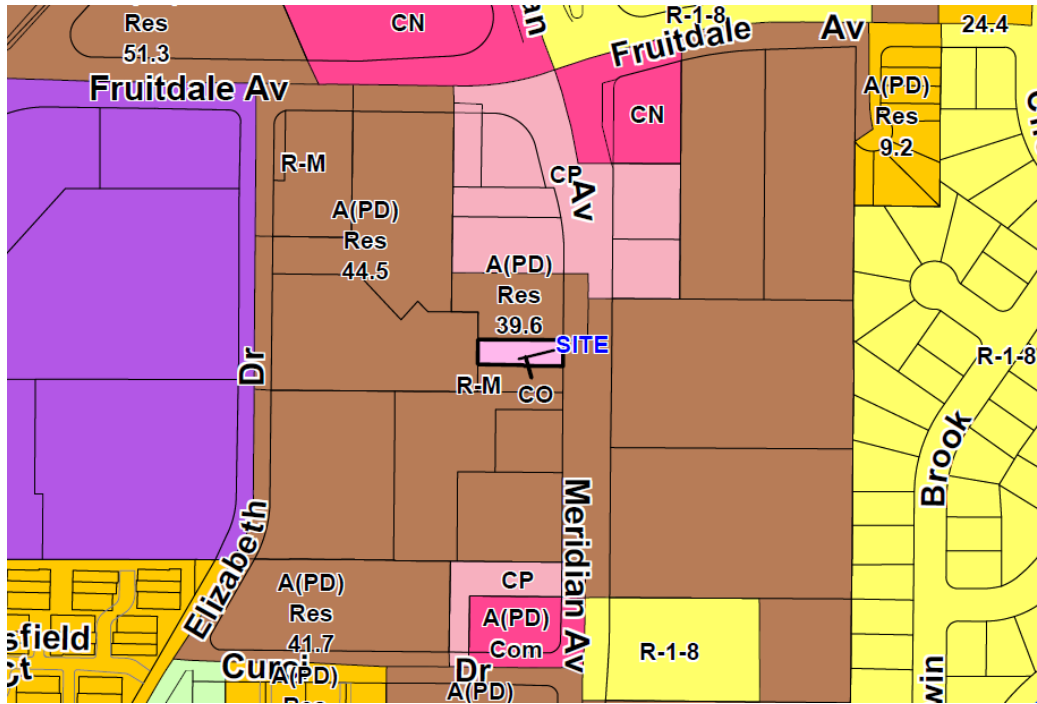


Figure 4: Proposed Zoning Map

Table 20-100 in Section 20.40.200 of the San José Municipal Code establishes the following development standards for CP Commercial Pedestrian Zoning District (see Table 1):

Development Standards	CP Commercial Pedestrian Zoning District
Lot Size (Minimum)	6,000 square feet (0.13-acre)
Front Building Setback (Maximum)	10 feet maximum
Side Setback (Minimum)	Zero from property line
Rear Setback (Minimum)	25 feet from property line
Height (Maximum)	50 feet

Table 1: Setbacks and Height

Analysis: The 0.16-acre lot size of the subject site conforms to the minimum 0.13-acre lot size requirement in the CP Commercial Pedestrian Zoning District.

- a. **Setbacks and height:** The existing one-story building has a front building setback of approximately 18 feet where 10-foot is the maximum requirement, side setbacks are zero and 20 feet, where zero feet is the requirement, and rear setback is approximately 80 feet where minimum 25 feet is the requirement, from the respective property lines. The front setback does not conform to the development standards; however, Section 20.40.260 allows a front setback exception in the CP district if the adjacent lots have a greater setback and the allowance of a greater setback on the subject lot would promote a more consistent pattern of development. The existing building on the site, therefore, conforms to the front, side and rear setback requirement. The existing building is approximately 15 feet tall and conforms to the maximum height requirement of 50 feet.
- b. **Required Parking Ratio:** The future commercial (office) uses would require parking at a minimum rate of one space per 250 square feet of floor area.

*The proposed rezoning conforms to the setbacks and height requirement within the context of the existing building on the site. Any future redevelopment at the site would require conformance with the development standards of the CP Commercial Pedestrian Zoning District (see Table 1).*

#### **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.

#### **CONCLUSION**

The proposed rezoning from the R-M Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District is consistent with the General Plan policies IP-1.1, IP-1.6, and IP-8.2. The rezoning also conforms to the General Plan Land Use designation of Neighborhood/Community Commercial pursuant to Table 20-270 of the Zoning Code.

## **CLIMATE SMART SAN JOSE**

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

## **PUBLIC HEARING NOTIFICATION**

To inform the public of the proposed rezoning, staff followed Council Policy 6-30: Public Outreach Policy. Notices of the proposed rezoning application were posted on the site's three frontages. 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 Robert Manford, Deputy Director, at [robert.manford@sanjoseca.gov](mailto:robert.manford@sanjoseca.gov).

Attachments: Draft Ordinance  
Legal Description and Plat Map



EXHIBIT "A"  
Legal Description for Conforming Rezoning  
Lands of Shariff  
APN 284-03-011  
931 Meridian Avenue, San Jose, Ca.

Situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed, conveyed to Amirhossein Karbalaeinematmoeini and Seyedehshaboiz Sharif recorded February 5, 2020 as Document No. 24396380, Official Records of Santa Clara County, more particularly described as follows:

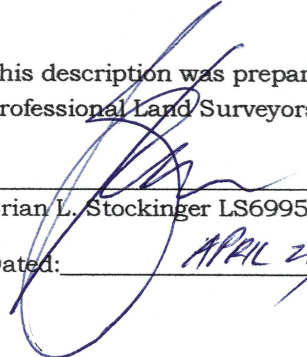
BEGINNING at a point on the westerly line of Meridian Avenue distant thereon 428.06 feet southerly from the point of intersection of the southerly line of Fruitdale Avenue with the westerly line of Meridian Avenue; Thence continuing Southerly along the westerly line of Meridian Avenue South 00°39'27" East, 46.67 feet; thence South 89°20'33" West, 150.00 feet; thence at right angles Northerly and parallel with westerly line of Meridian Avenue North 00°39'27" West 46.99 feet; thence North 89°27'55" East, 150.00 feet to the POINT OF BEGINNING.

Containing an area of 7,025 square feet (0.1612ac), more or less.

As shown on plat attached hereto as EXHIBIT "B" and made a part hereof.

BASIS OF BEARINGS: The bearing North 00°39'27" West being the center line of St Elizabeth Avenue as shown on the parcel map filed September 26th, 1984 at the Santa Clara County Recorders office in Book 534 of Maps at page 35. Records of Santa Clara County

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.

  
\_\_\_\_\_  
Brian L. Stockinger LS6995

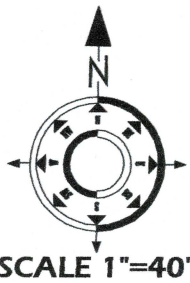
Dated: \_\_\_\_\_

APRIL 21, 2020



# EXHIBIT "B"

## PLAT MAP



### LEGEND

P.O.B.	POINT OF BEGINNING
PROPERTY LINE	—————
MONUMENT LINE	-----
RIGHT OF WAY	.....
SUBJECT PARCEL	—————

KOTHARY FAMILY TRUST  
 LOT LINE ADJUSTMENT/MERGER  
 DOC. 24049812

33.00'

10'

POINT OF BEGINNING

S89°27'55"W  
 150.00'

LANDS OF SHARIF  
 DOC. 24396380  
 APN 284-03-011  
 AREA = 0.1612ac.

S89°20'33"W  
 150.00'

ROSSO CASTRO  
 FAMILY TRUST  
 DOC. 23808729

150.00'  
 S89°20'41"W

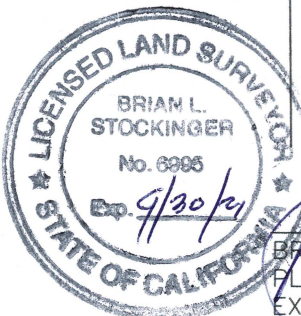
534 M 35  
 PARCEL 2

S00°39'27"E  
 MONUMENT LINE

S00°39'27"E  
 CENTER LINE

MERIDIAN AVENUE

43.00'



BRIAN L. STOCKINGER  
 PLS 6995  
 EXPIRES 9-30-21

DATED: APRIL 21, 2020

CONFORMING REZONING PLAT MAP - FILE #C20-006  
 931 MERIDIAN AVENUE (APN 284-03-011),

SAN JOSE SANTA CLARA COUNTY CALIFORNIA

DRAWN BY  
 BLS

DATE  
 4/21/20

**NNR ENGINEERING**  
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