



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	<b>C17-048</b>
<b>Applicant</b>	<b>Deepak Patankar</b>
<b>Location</b>	<b>923 &amp; 927 Meridian Avenue</b>
<b>Existing Zoning</b>	<b>A(PD) Planned Development Zoning District</b>
<b>General Plan Land Use Designation</b>	<b>Neighborhood/Community Commercial within an Urban Village boundary</b>
<b>Council District</b>	<b>6</b>
<b>Historic Resource</b>	<b>No</b>
<b>Annexation Date</b>	<b>December 31, 1980</b>
<b>CEQA</b>	<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</b>

**APPLICATION SUMMARY:**

Conforming Rezoning from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District on a 0.48-gross acre site.

**RECOMMENDATION:**

Staff recommends that the City Council adopt the Conforming Rezoning to the CP Commercial Pedestrian Zoning District.

**PROJECT DATA**

<b>GENERAL PLAN CONSISTENCY</b>			
<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</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood/Community Commercial	CP Commercial Pedestrian	Restaurant
<b>South</b>	Neighborhood/Community Commercial	R-M Multiple Residence	Single-family residence
<b>East</b>	Mixed Use Neighborhood	R-M Multiple Residence	Multi-family residences
<b>West</b>	Neighborhood/Community Commercial	A(PD) Planned Development	Senior Housing

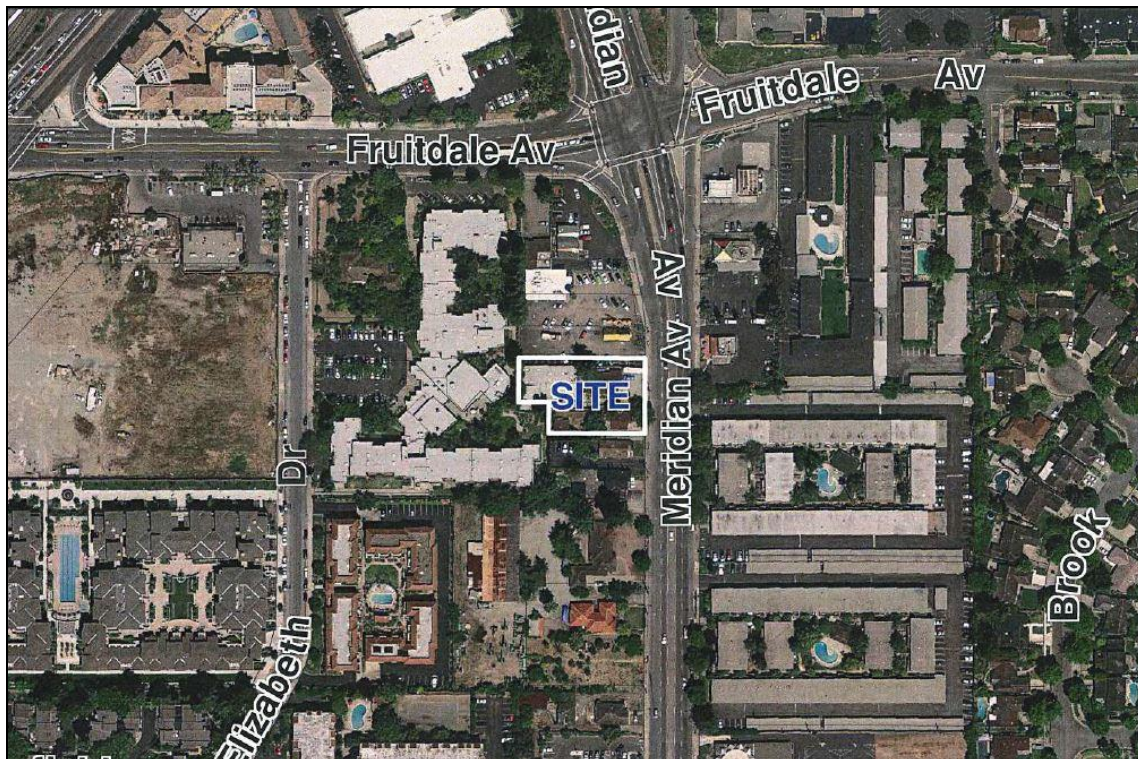
<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>12/31/1980</b>	Site annexed into the City of San José
<b>08/29/2006</b>	File Number PDC05-082 – Approved (Planned Development Rezoning from CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to A(PD) Residential Zoning District to allow up to 19 single-family attached residences in five three-story buildings constructed on a podium, on a 0.32 gross acre site.)
<b>04/27/2007</b>	File Number PD06-038 – Approved, not constructed, and expired on October 26, 2013 (Planned Development Permit to demolish two existing single-family houses and construct 19 single-family attached residences in five three-story buildings constructed on a podium, on a 0.48 gross acre site.)

## **PROJECT DESCRIPTION**

On November 2, 2017, the applicant, Deepak Patankar, applied for a Conforming Rezoning from the A(PD) Zoning District to the CP Commercial Pedestrian Zoning District on a 0.48-gross acre site. Currently, there is no development permit on file with the City.

### **Site Location and Description**

The subject site is located on the westside of Meridian Avenue, approximately 370 feet southerly of Fruitdale Avenue. The site consists of two parcels, which are currently developed with two single-family residences. A restaurant is located to the north of the site, a senior living community to the west, a single-family residence to the south and a multi-family residential development to the east across Meridian Avenue.



**Figure 1: Aerial Image of the Subject Site and Surrounding Area**

## 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 designation of Neighborhood/Community Commercial within the Southwest Expressway Urban Village (See Figure 2). This land use designation supports a very broad range of commercial activity, such as commercial uses that serve the communities in neighboring areas and has a maximum floor area ratio (FAR) of 3.5.

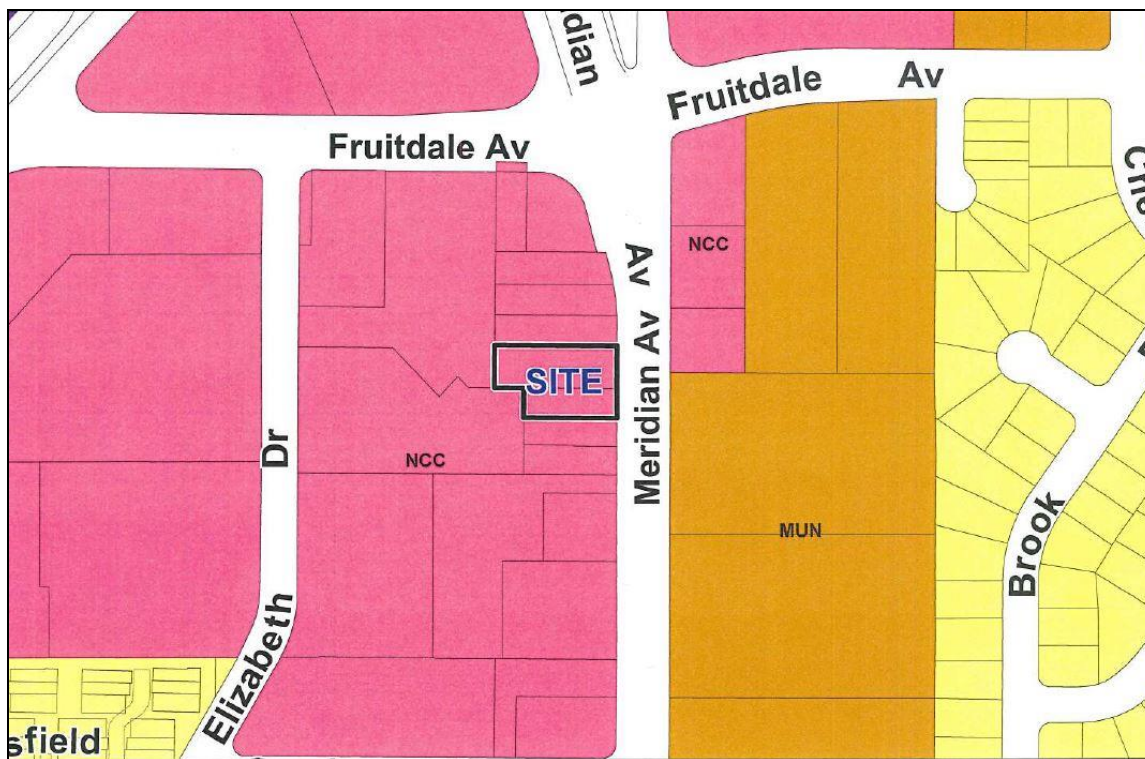


Figure 2: General Plan Land Use/Transportation Diagram

Additionally, the proposed rezoning is located within the Southwest Expressway Urban Village boundary. This Urban Village is one of several Local Transit Urban Villages. The General Plan's Urban Village strategy creates a policy framework which directs the majority of new job and housing growth to occur within walkable, bike-friendly, mixed-use environments. Urban Villages. The Southwest Expressway Urban Village is designated a Horizon 2 urban village, which means that new residential development may occur at a future date when the City commences the Horizon's-phased development strategy. Currently, the General Plan supports commercial or other non-residential uses at this site.

This conforming rezoning is also consistent with the following General Plan policies:

1. Implementation Policy IP-1.1: 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: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram and advance *Envision General Plan* Vision, goals, and policies.
3. Implementation Policy 8.2: 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 CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Zoning Districts all conform to the General Plan Land Use/Transportation designation of Neighborhood/Community Commercial, as indicated in Section 20.120.110 of the Zoning Ordinance. Staff is recommending the CP Commercial Pedestrian Zoning District as it is the most appropriate for this site. The CP Zoning District provides greater flexibility in terms of development standards consistent with the goals and policies of the General Plan which will facilitate the development of a range of commercial uses in the future. The CP Zoning District will allow 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.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with Table 20-70, Section 20.120.100 of the San José Municipal Code, which identifies the CP Commercial Pedestrian as a conforming Zoning District to the Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram land use designation. CP Commercial Pedestrian is the most appropriate conforming zoning designation, as it requires less restrictive setbacks in comparison to other Commercial Zoning Districts and can help implement the General Plan goals of Urban Villages.

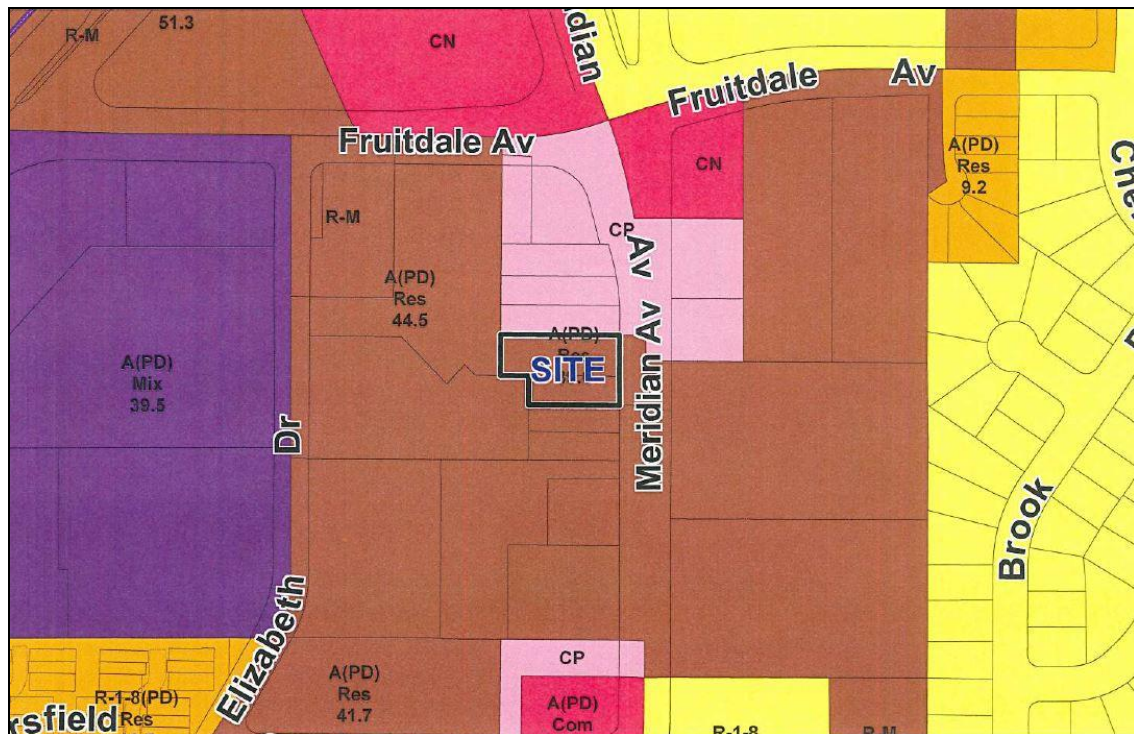
As indicated in table 20-100 below, the CP Commercial Pedestrian Zoning District does not require front and side setbacks. These less restrictive setbacks provide more flexibility for future redevelopment projects in terms of location and size of the buildings and prioritize pedestrian comfort and connectivity.

**Table 20-100  
 Commercial Zoning Districts  
 Development Standards**

<b>Setback Requirements</b>			
	<b>CP</b>	<b>CN</b>	<b>CG</b>
<b>Front</b>	no minimum, 10 feet maximum; or as established in approved Urban Village Plan	10	15
<b>Side, interior</b>	none; or as established in approved Urban Village Plan	none	none
<b>Side, corner</b>	none; or as established in approved Urban Village Plan	12.5	12.5
<b>Rear, interior</b>	25; or as established in approved	none	none
<b>Rear, corner</b>	25; or as established in approved Urban Village Plan	none	none

*Uses Allowed*

The existing residential dwellings on the subject properties are not allowed uses in the CP Commercial Pedestrian Zoning District. The proposed rezoning will therefore result in legal non-conforming residential uses. Any expansion of a legal non-conforming use would require review of a Special Use or Conditional Use Permits. The proposed rezoning will bring the properties into conformance with the General Plan and will 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.



**Figure 3: Zoning Map**

## **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 rezoning is within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Program Environmental Impact Report (EIR) and Supplemental EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Resolution No. 77617 on December 15, 2015, respectively, and all Addenda thereto. The 2011 Program EIR and a 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 Program EIRs, Supplemental EIR, and Addenda thereto.

## **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. Staff has not received any public comments on the proposed project.

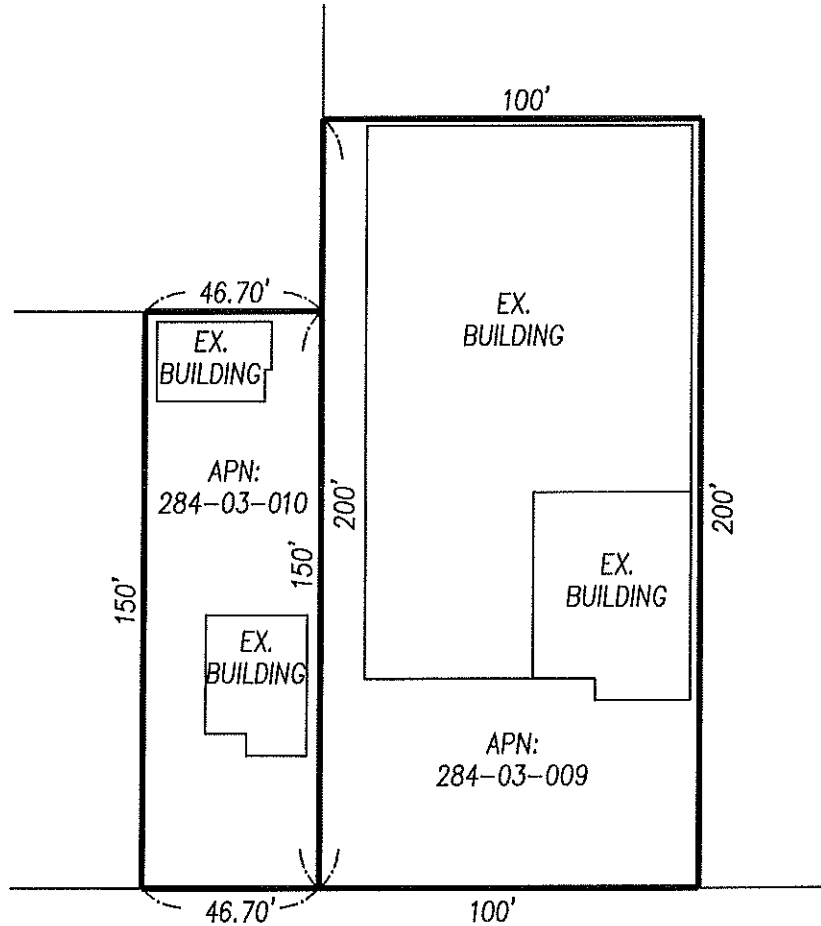
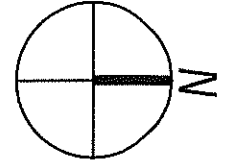
/s/

Rosalynn Hughey, Acting Director  
Planning, Building and Code Enforcement

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

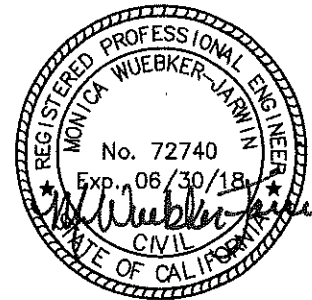
**Attachment:** Plat Map

FOR PLANNING PURPOSES ONLY



MERIDIAN AVE

ZONING	284-03-010	284-03-009
EXISTING	A(PD)	A(PD)
PROPOSED	CP	CP



REZONE PLAT, EXHIBIT "A"

TITLE OF PLAT MERIDIAN AVE MOB REZONE PLAT  
 ENGINEERING COMPANY CARTWRIGHT NORCAL  
 ADDRESS 4180 DOUGLAS BLVD, SUITE 200 GRANITE BAY, CA 95746  
 PHONE NUMBER (916) 978-4001  
 ENGINEER'S LICENSE NO. SEAL 72740

DATE 11/01/17  
 SCALE 1" = 50'  
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