



CITY COUNCIL STAFF REPORT

File No.	C17-042
Applicant:	Marnette Atkinson
Location *	1087 Meridian Avenue
Existing Zoning	CO Commercial Office
General Plan Land Use Designation	Neighborhood/Community Commercial
Council District	6
Historic Resource	No
Annexation Date:	January 3, 1962
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 CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District on a 0.2-acre portion of a larger 1.13-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council approve the Conforming Rezoning 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-1.1, IP-1.6, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Neighborhood/Community Commercial	CO Commercial Office	Multifamily residences
South	Neighborhood/Community Commercial	CP Commercial Pedestrian	Commercial shopping center
East	Neighborhood/Community Commercial and Residential Neighborhood	CP Commercial Pedestrian and R-1-8 Single-Family Residential	Commercial uses and single-family residences
West	Neighborhood/Community Commercial	CO Commercial Office	Multifamily residences

PROJECT DESCRIPTION

On October 11, 2017, the applicant, Marnette Atkinson, applied for a Conforming Rezoning from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District on a 0.2-acre portion of a larger 1.13-gross acre site. There are no other permits associated with this site currently on file.

Site Description and Surrounding Uses

The subject site is located at the northwest corner of Meridian Avenue and Willow Street. The site is currently developed with an existing commercial shopping center called Meridian Glen Center. Multifamily residences are located to the north and west, a commercial shopping center to the south, and commercial uses and single-family residences to the east across Meridian Avenue (Figure 1, red box encircles portion to be rezoned).



Figure 1: Aerial image of the subject site

Background

The subject portion of the large site is zoned CO Commercial Office. The applicant is requesting a conforming rezoning to CP Commercial Pedestrian Zoning District to align the zoning of this portion of an existing commercial shopping center to be the same zoning district as the remainder of the shopping center. One tenant space is bifurcated by the two Zoning Districts,

which makes it difficult to least that tenant space. The rezoning will create flexibility in the range of allowable commercial uses already in a majority of the shopping center.

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 (Figure 2).

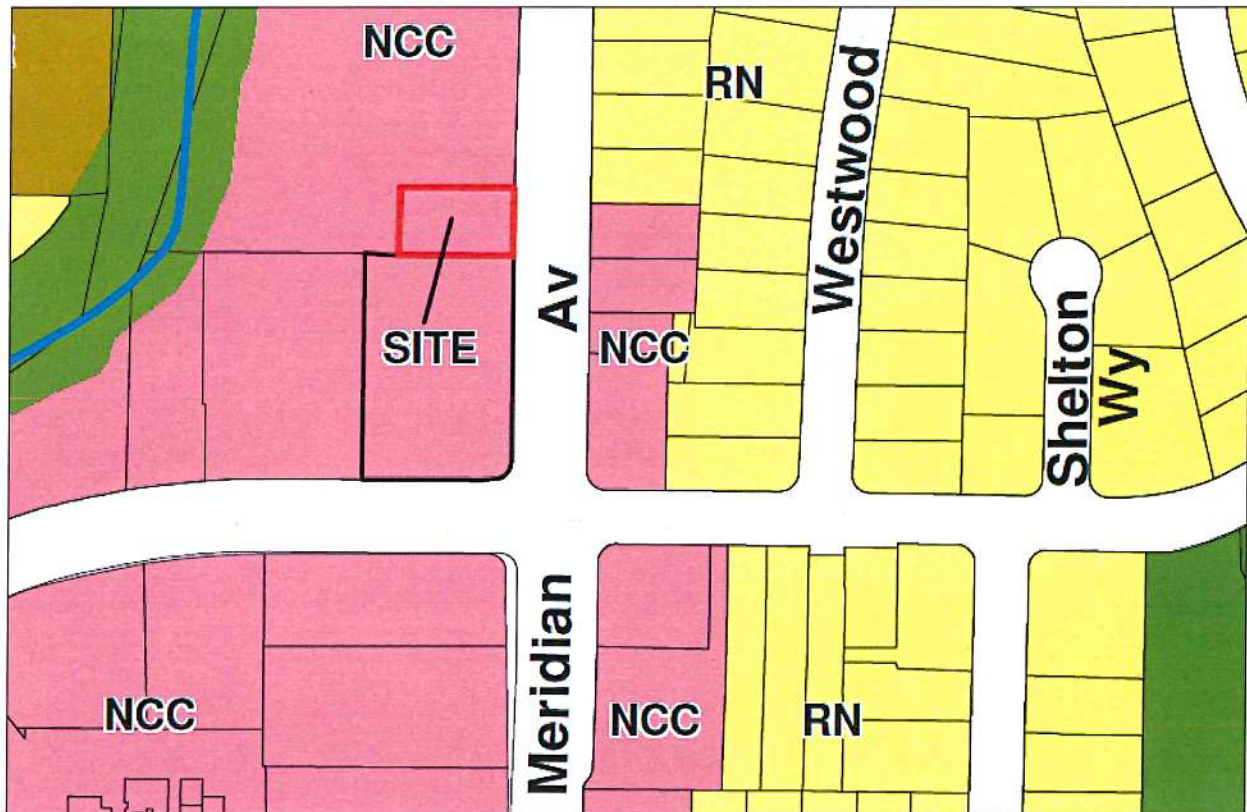


Figure 2: General Plan Land Use/Transportation Diagram

The Neighborhood/Community Commercial land use designation supports a broad range of commercial activities that serve the communities in neighboring areas. The proposed CP Commercial Pedestrian Zoning District is consistent with this land use designation as it will allow a wide range of commercial uses on the site. Additionally, the proposed rezoning will align the allowed uses of this portion of an existing commercial shopping center with the remainder of the existing shopping center of which this site is a part.

The proposed rezoning is consistent with the following General Plan goal and policies:

1. Goal LU-5 – Neighborhood Serving Commercial: Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.
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.

Analysis: Pursuant to Table 20-270 of the Zoning Ordinance, CP Commercial Pedestrian, CN Commercial Neighborhood and CG Commercial General Zoning Districts all conform to the General Plan Land Use Designation of Neighborhood/Community Commercial. The proposed rezoning to the CP Commercial Pedestrian Zoning District provides more flexibility in the development standards consistent with the goals and policies of the General Plan and allows the property to be used or developed with a range of commercial uses in the future. Also, the rezoning to the CP Commercial Pedestrian Zoning District will bring the entire shopping center site under the same zoning district and allows a consistent range of commercial uses. The existing CO Commercial Office Zoning District prevents the tenant space from being occupied by numerous commercial uses that are allowed in the CP Commercial Pedestrian Zoning District, which further limits the ability for the project site to conform to the General Plan's goal of creating neighborhood-serving commercial uses throughout the City.

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 Zoning District as a conforming District to the Neighborhood/Community Commercial General Plan Land Use/Transportation Diagram land use designation. The CP Commercial Pedestrian Zoning District will require less restrictive setbacks in comparison to the other conforming Commercial Zoning Districts and it discourages auto oriented uses. With the alignment of the subject site's Zoning District with that of the remainder of the commercial shopping center, the site will have the same development standards and use allowances if and when it is redeveloped or when new

uses occupy the site. The CO Commercial Office Zoning District does not allow retail sales, off-sale of alcohol, bakeries, grocery stores, private instruction, nor public eating establishments, while many of these uses are allowed in the CP Commercial Pedestrian Zoning District by-right or with a Use Permit.

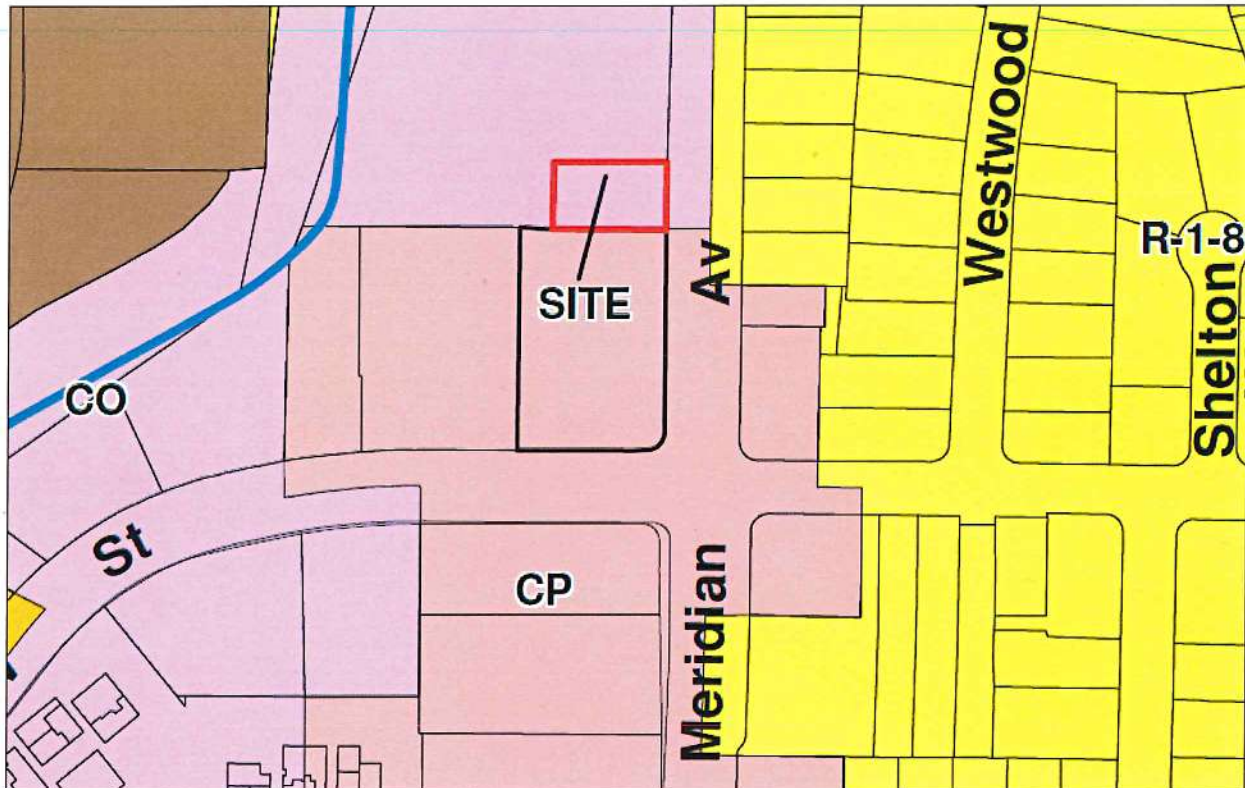


Figure 3: Zoning Map

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 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

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, Interim Director, Planning Building and Code Enforcement

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

Attachments: Legal Description and Plat Map

EXHIBIT "A"
LEGAL DESCRIPTION
REZONING AREA



ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2, AS SAID PARCEL IS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON JANUARY 16, 1990, IN BOOK 609 OF MAPS AT PAGE 26, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 2, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY OF MERIDIAN AVENUE (86 FEET WIDE);

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 89° 35' 30" WEST, 125.00 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL 2;

THENCE ALONG THE GENERAL WEST LINE OF SAID PARCEL 2, SOUTH 00° 20' 30" EAST, 72.00 FEET;

THENCE LEAVING SAID GENERAL WEST LINE PER SAID MAP, NORTH 89° 35' 30" EAST, 125.00 FEET, TO A POINT ON THE WEST RIGHT OF WAY OF MERIDIAN AVENUE (86 FEET IN WIDTH);

THENCE ALONG SAID WEST RIGHT OF WAY LINE, NORTH 00° 20' 30" WEST, 72.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 9,000 SQUARE FEET OF LAND, MORE OR LESS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

SETH H. IRISH, PLS 5922
LICENSE EXPIRES: 12/31/2018

SEPTEMBER 21, 2017

DATE



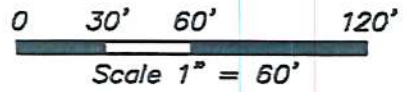
C17-042

PARCEL 24
BOOK "N" OF MAPS
PAGE 52

PARCEL 1
BOOK 609 OF MAPS
PAGE 26

PARCEL 2
BOOK 609 MAPS,
PAGE 26
AREA = 1.151±
ACRES

AREA TO BE
REZONED
9,000 ± S.F.



9/21/2017

LEGEND

P.O.B.

MERIDIAN AVENUE
(86' WIDE)

P.O.B. POINT OF BEGINNING

WILLOW STREET
(80' WIDE)

 **KIER & WRIGHT**
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road Phone (925) 245-8788
Livermore, California 94551 Fax (925) 245-8796

"EXHIBIT - B"
PLAT OF DESCRIPTION
1087 MERIDIAN AVENUE - REZONING
CITY OF SAN JOSE, SANTA CLARA COUNTY CALIFORNIA

DATE	SEPTEMBER, 2017
SCALE	1" = 60'
BY	SHI
JOB NO.	A17172
SHEET	1 OF 1

C17-042