



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	<b>C22-002 &amp; SP21-043</b>
<b>Applicant:</b>	<b>Aldon Wayne Scott, on behalf of Indian Health Center of Santa Clara Valley, Inc.</b>
<b>Location</b>	<b>Southwest side of the intersection of Meridian Avenue and Camino Monde</b>
<b>Existing Zoning</b>	<b>CO Commercial Office</b>
<b>Proposed Zoning</b>	<b>CP Commercial Pedestrian</b>
<b>Council District</b>	<b>6</b>
<b>Historic Resource</b>	<b>N/A</b>
<b>Annexation Date:</b>	<b>August 23, 1967 (Hamilton No. 2)</b>
<b>CEQA:</b>	<b>Exemption per Section 15301(e)</b>

### APPLICATION SUMMARY:

City-Initiated Conforming Rezoning (File No. C22-002) to rezone the property from the CO Commercial Office zoning district to the CP Commercial Pedestrian zoning district; and a Special Use Permit (File No. SP21-043) to allow the addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on an approximately 1.35 gross acre site.

### RECOMMENDATION:

1. Approve an ordinance rezoning an approximately 1.35 gross acre site located on the southwest side of the intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue) from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District; and
2. Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on an approximately 1.35 gross acre site located on the southwest side of the intersection Meridian Avenue and Camino Monde (1333 Meridian Avenue).

**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>IP-1.1, IP-8.2, and ES-6.1</b>	
<b>Inconsistent Policies</b>		<b>N/A</b>	
<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood/Community Commercial	CO Commercial Office	Medical Office (Trauma Recovery)
<b>South</b>	Residential Neighborhood	R-1-5 Single-Family Residential	Single-Family Residential
<b>East</b>	Neighborhood/Community Commercial	CO Commercial Office	Medical Office (Dentist)
<b>West</b>	Residential Neighborhood	R-1-5 Single-Family Residential	Single-Family Residential

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>9/21/2012</b>	Lot Line Adjustment to reconfigure three lots into one lot (no other planning permits found – constructed prior to 1965)

**PROJECT DESCRIPTION**

**Site Description and Surrounding Uses**

The 1.35 gross acre site is generally located on the southwest side of the intersection of Meridian Avenue and Camino Monde. The subject site is developed with three existing medical office buildings totaling approximately 12,790 square feet and is surrounded to the west and south by single-family residential uses, and to the north and east by medical office uses. Vehicle access to the site is by three driveways from Meridian Avenue.

**Background**

The subject Special Use Permit application was filed by the applicant, Aldon Wayne Scott, on behalf of Indian Health Center of Santa Clara Valley, Inc., on December 22, 2021, to allow the addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building located at 1333 Meridian Avenue. The mobile unit is an RV that has been designed to accommodate an exam room and will be used for simple medical screening, including COVID-19 testing and vaccination. It will be occasionally moved but will be primarily on-site. There will not be a generator and the engine will not be running except when it leaves or arrives on occasion. The mobile clinic vehicle is 8.5 feet wide by 36.3 feet long and 12 feet in height and will be parked such that two of the 45 existing parking spaces will be removed to accommodate the project. The parking lot will be repaved and restriped. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday through Saturday and closed on Sunday. There will be three employees staffing the clinic during operating hours.

The City-initiated Rezoning file was created on February 4, 2022, to rezone the 1.35 gross acre site from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District to allow the mobile clinic vehicle use delineated in Section 20.40.100 of the Zoning Code as “Outdoor Vending.” Per Section 20.100.140, the concurrent review of the Special Use Permit and Rezoning shall be a unified process using the public hearing procedure for the Rezoning before the City Council as the decision-maker, which is the highest level approval.

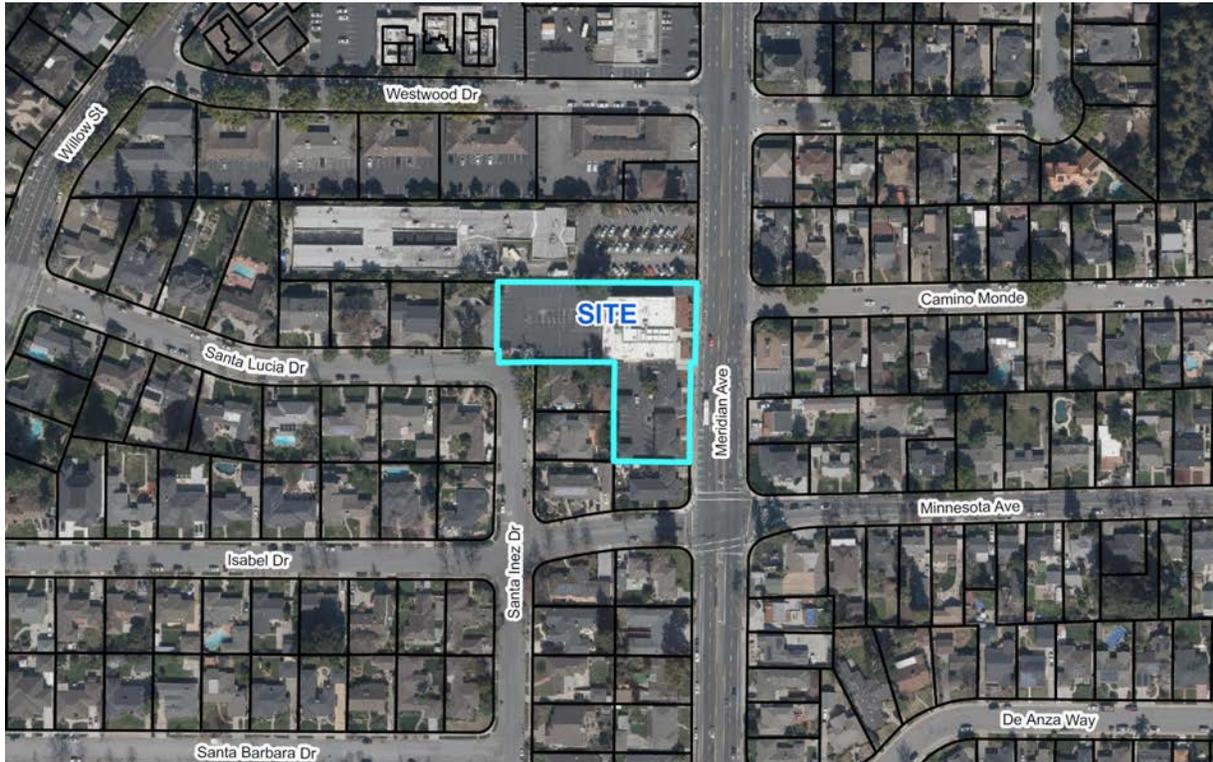


Figure 1: Aerial image of the subject site

## ANALYSIS

### Envision San José 2040 General Plan Conformance

The project site has an Envision San José 2040 General Plan land use designation of Neighborhood/Community Commercial. This designation is intended for a wide variety of commercial uses such as medical offices, hospitals, and private community gathering facilities, which are allowed in this designation.

*Analysis: The project is consistent with the Envision San José 2040 General Plan land use designation, as the project is considered as an outdoor vending facility offering medical services incidental to existing medical offices operating on-site. This use is allowed within the Neighborhood Community/Commercial land use designation.*

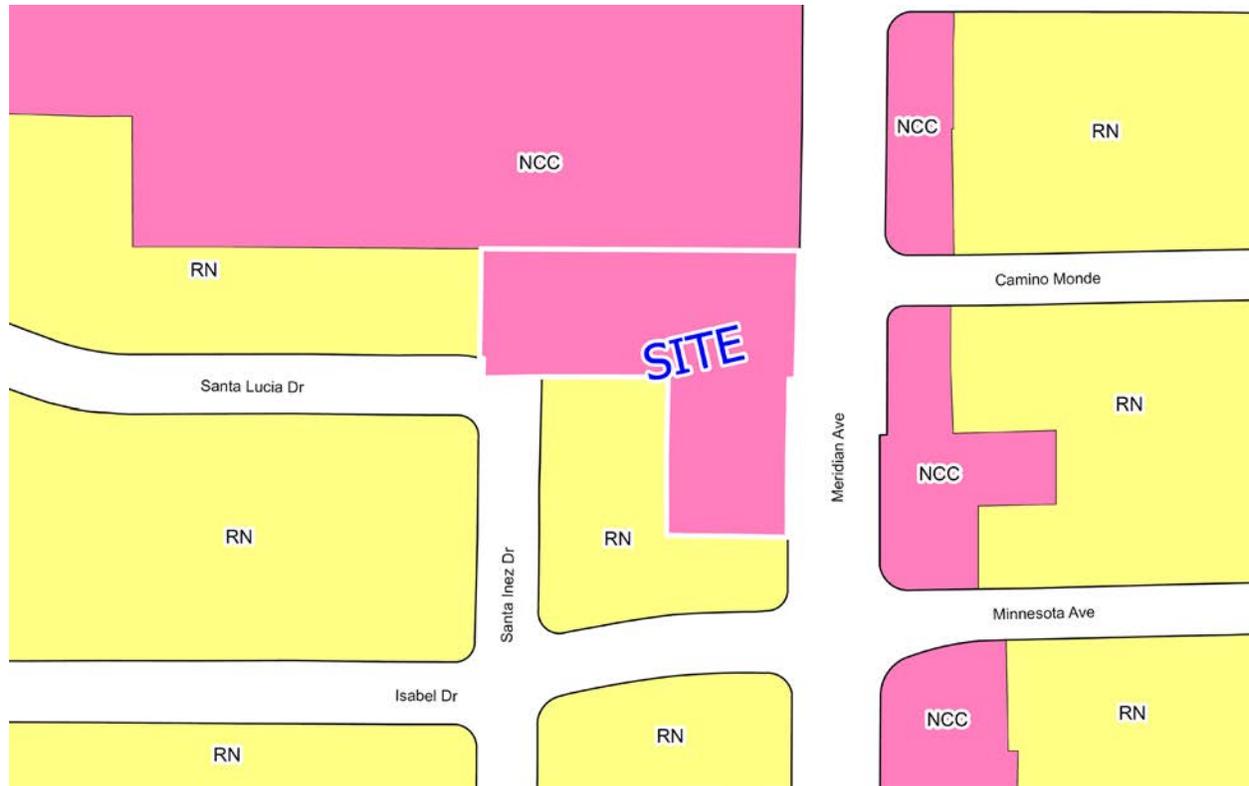


Figure 2: Envision San José 2040 General Plan Land Use/Transportation Diagram

The project is consistent with the following Envision San José 2040 General Plan Policies:

Implementation Policy IP-1.1: Use the Envision San Jose 2040 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 San José 2040 General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision San José 2040 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 San José 2040 General Plan land use designations while providing greater detail as to the appropriate land uses and form of development.

*Analysis for Policies IP-1.1 and IP-8.2: The existing CO Commercial Office zoning district prohibits Outdoor Vending Facility uses. Therefore, a conforming rezoning is required to allow this use. Government Code Section 65860 (amended in 2018 by Senate Bill 1333) requires properties to be zoned in conformance with the Envision San José 2040 General Plan land use designation. Pursuant to Zoning Code Section 20.40.100, the proposed rezoning to the CP Commercial Pedestrian Zoning District is a conforming district to the Neighborhood/Community Commercial land use designation. The project is therefore consistent with these policies.*

Education and Services Policy ES-6.1: Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet all the needs of the entire San José community.

*Analysis: This project is to allow an expansion of the existing health care/medical office use on the site. The existing use will be preserved. Founded in 1977, the Indian Health Center has been serving the community for over 40 years. The project would, therefore, be consistent with the policy.*

### Zoning Ordinance Conformance

The existing CO Commercial Office zoning district prohibits Outdoor Vending Facility uses. Therefore, a conforming rezoning is required to allow this use. Government Code Section 65860 (amended in 2018 by Senate Bill 1333) requires properties to be zoned in conformance with the Envision San José 2040 General Plan land use designation. Pursuant to Zoning Code Section 20.40.100, the proposed rezoning to the CP Commercial Pedestrian Zoning District is a conforming district to the Neighborhood/Community Commercial land use designation.

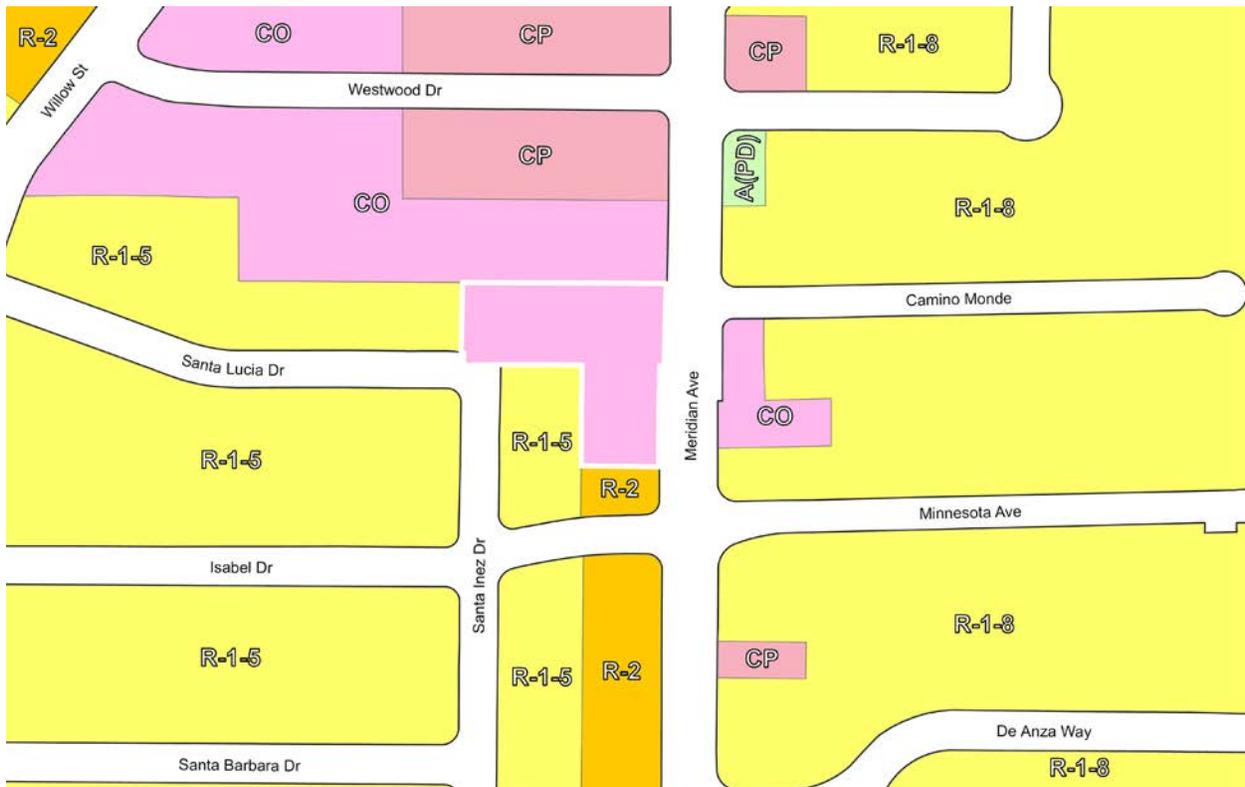


Figure 3: Zoning District Map

The project is consistent with the development standards as set forth in the CP Commercial Pedestrian Zoning District. This zoning district is intended to support pedestrian-oriented commercial activity at a scale compatible with surrounding residential neighborhoods.

### Allowable Uses:

The mobile clinic vehicle meets the definition of an Outdoor Vending Facility per Section 20.200.1320 of the Zoning Code. Per Table 20-90. Outdoor vending facilities require an Administrative Permit in the CP Zoning District. The proposed outdoor vending facility exceeds

the maximum dimensions for vending facilities required per Section 20.80.850, which requires a maximum height of ten feet, a maximum width of ten feet, and a maximum length of 24 feet. The project proposes a height of 12 feet, a width of 8.5 feet, and a length of 36.3 feet. Section 20.100.120 states that project applicants may seek a Special Use Permit if an Administrative Permit is denied. On December 22, 2021, the applicant applied for the subject Special Use Permit for an outdoor vending facility that exceeds the maximum dimensions allowed through an Administrative Permit.

The following summary outlines the development standards for Zoning District:

Setbacks and Height: The project is consistent with the setbacks and height as required by Section 20.40.200 of the Zoning Ordinance, with the exception of the front setback, which becomes a Legal Non-Conforming condition with this approval, per the following analysis:

Zoning Regulation	Required	Project
Front Setback	10 feet maximum	34 feet
Side Setback	0 feet	6.3 feet
Rear Setback	25 feet minimum	148 feet
Height	50 feet minimum	12 feet

*Analysis: The City-initiated rezoning to CP Commercial Pedestrian will result in a Legal Non-Conforming front setback condition per Section 20.150.020. This means that in the future, as a non-conforming structure, any expansion of the main building can be approved if it does not increase the non-conforming aspect. So, the main structure can be expanded into the front setback but cannot be modified to increase the front setback (set the building back even further from the street) per Section 20.150.060 of the Zoning Code. Since the project is not proposing to make any changes to the Legal Non-Conforming structure and only includes the addition of a mobile clinic vehicle to the rear parking lot of the site, the project is consistent with the requirements of the Zoning Ordinance.*

Vehicle Parking: Per Table 20-200 of the Zoning Code, outdoor vending uses require three parking spaces, and the medical office requires one space per 250 square feet of net floor area. Net floor area is defined as 85% of the gross floor area per Section 20.90.050 of the Zoning Code, which results in a net floor area of 8,832 square feet. This results in 36 required parking spaces. The project site is therefore required to provide a total of 39 spaces, together with the parking spaces required for the mobile clinic.

*Analysis: The project includes 45 existing parking spaces but will eliminate two spaces from the rear parking area to accommodate the project, and 43 parking spaces will remain. This is consistent with the requirement.*

Bicycle Parking: Per Section 20.90.060 of the Zoning Code, outdoor vending facilities require two bicycle parking spaces, located within 100 feet of the mobile clinic vehicle.

*Analysis: As shown on the approved project plans, the project has three bicycle parking spaces in a short-term bike rack within 20 feet of the mobile vehicle entrance. The project is consistent with the requirement.*

Noise: Per Section 20.40.600 of the Zoning Code, projects within the CP Commercial Pedestrian Zoning District and which are adjacent to property used or zoned for residential purposes must have a maximum noise level of 55 decibels at the property line shared with the residential uses.

*Analysis: The mobile clinic vehicle is an RV that has been designed to accommodate an exam room and will be used for simple medical screening, including COVID-19 testing and vaccinations. It will be occasionally moved but will be primarily on-site. There will not be a generator and the engine will not be running except when it leaves or arrives on occasion. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday through Saturday and closed on Sunday. The project, therefore, does not include any noise-generating activities and is consistent with this requirement.*

### **Special Use Permit Findings**

Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Special Use Permit, as follows:

- a. The special use permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

*Analysis: As analyzed above, the mobile clinic vehicle is consistent with the Neighborhood Community/Commercial General Plan Land Use Designation and Envision San José 2040 General Plan Policies. The use is allowed within the land use designation, and the project site is not within a specific plan or development policy area.*

- b. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: The mobile clinic vehicle meets the definition of an Outdoor Vending Facility per Section 20.80.800 of the Zoning Code. Per Table 20-90, outdoor vending facilities are permitted in the CP Commercial Pedestrian Zoning District. The project outdoor vending facility exceeds the maximum dimensions for vending facilities required per Section 20.80.850, which requires a maximum height of ten feet, a maximum width of ten feet, and a maximum length of 24 feet. The project proposes a height of 12 feet, a width of 8.5 feet, and a length of 36.3 feet. Section 20.100.120 states that project applicants may seek a Special Use Permit if an Administrative Permit is denied. The project is consistent with the development standards of the zone pursuant to the analysis above.*

- c. The special use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

*Analysis: The project is subject to and conforms to Development Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. The on-site sign has been posted at the site since March 23, 2022, to inform the neighborhood of the project. Public Notices of the public hearing were distributed to the owners and tenants of all properties located within 300 feet of the project site and posted on the City website. Staff has been available to respond to questions from the public.*

- d. The proposed use at the location requested will not:
  - i. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area.
  - ii. Impair the utility or value of the property of other persons located in the vicinity of the site.

- iii. Be detrimental to public health, safety, or general welfare.

*Analysis: The subject site is currently developed with three existing 12,790 square foot medical office buildings and is surrounded to the west and south by single-family residential uses, and to the north and east by medical office use. The project would not negatively affect the utility or value of surrounding properties in the neighborhood and has been designed to be compatible with the surroundings, including maintaining the side setback to the south adjacent to single-family residences and locating the mobile clinic vehicle behind the main medical office structure in the rear parking lot area. The mobile clinic vehicle will not have a generator, will not produce any noise, and will not be visible from the street.*

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this title, or as is otherwise required to integrate the use with existing and planned uses in the surrounding area.

*Analysis: The Special Use Permit would authorize the addition of a 300 square foot mobile clinic vehicle on the approximately 1.35-gross acre site. The subject site is physically suitable for the project because all project components are designed within the project site, and the parking and all other development features are in conformance with the development standards of the Zoning Ordinance.*

- f. The proposed site is adequately served:
  - i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, or by other forms of transit adequate to carry the kind and quantity of individuals, such use would generate.
  - ii. By other public or private service facilities as are required.

*Analysis: The subject site is well-served by Meridian Avenue, as well as by VTA Route 64B which runs along Meridian Avenue north to routes along Fruitdale Avenue and south to routes along Hamilton Avenue, Curtner Avenue, Hillsdale Avenue, and Camden Avenue. The existing streets and utilities are of sufficient capacity to serve the mobile clinic vehicle. All public utilities are adequate as evidenced by the issuance of the Final Public Works Memo dated January 21, 2022.*

- g. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: The project does not have any significant environmental impacts regarding noise, vibration, dust, drainage, erosion, stormwater runoff, or odor. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday through Saturday and closed on Sunday. All activities will be held inside the medical clinic vehicle. The project will not result in a significant effect on the environment, and it is exempt from further environmental review under CEQA.*

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code,

implementing the California Environmental Quality Act of 1970, as amended. This section exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects, which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Section 15301(e) specifically applies to additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structure before the addition. The addition of the mobile clinic vehicle to the existing medical office facility constitutes a 2.3% increase in square footage. Therefore, pursuant to Public Resources Code Section 21083 and categories of exemptions adopted pursuant to the Public Resources Code Section 21084, the Director of Planning Building and Code Enforcement determined that the project qualifies for the Class 1, Section 15301(e), Additions to Existing Facilities exemption, that the project will not result in a significant effect on the environment, and that it is exempt for further environmental review under CEQA.

## **CONCLUSION**

The City-Initiated Conforming Rezoning to rezone the property from the CO Commercial Office zoning district to the CP Commercial Pedestrian zoning district and Special Use Permit to allow the addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on an approximately 1.35 gross acre site is consistent with the Envision San José 2040 General Plan policies IP-1.1, IP-8.2, and ES-6.1.

The project is consistent with the General Plan Land Use designation of Neighborhood/Community Commercial, the development standards of the zoning ordinance, and all relevant Council Development Policies.

## **CLIMATE SMART SAN JOSE**

The recommendation in this staff report aligns with one or more Climate Smart San José energy, water, or mobility goals.

- It increases the density of new development (persons/jobs/acre)
- It facilitates job creation within City limits

## **PUBLIC HEARING NOTIFICATION**

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. Under this policy, the project is considered to be a “Standard” development. Standard development projects are required to provide Early Notification by website, email, and by on-site signage. The on-site sign has been posted at the site since March 23, 2022, to inform the neighborhood of the project. Public Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. Staff has been available to respond to questions from the public.

/s/

Christopher Burton, Director  
Planning, Building and Code Enforcement

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

**Attachments:**

Exhibit A: Legal Description

Exhibit B: Parcel Map

Exhibit C: Special Use Permit SP21-043 Plan Set

Exhibit D: City-initiated Conforming Rezoning C22-002 Ordinance

Exhibit E: Special Use Permit SP21-043 Resolution

Exhibit F: Statement of CEQA Exemption

## EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Being a merger of three contiguous parcels of land, as said parcels being Lots 59 and 60 of Tract No. 523 entitled "Western Gardens", filed for record on July 6, 1948 in Book 18 of Maps at Pages 48 and 49, Records of Santa Clara County and the lands described in that certain Grant Deed, conveyed to The Indian Health Center of Santa Clara Valley Incorporated, a California corporation, recorded January 2, 2002 as Document Number 16038239 of Official Records of Santa Clara County, more particularly described as follows:

Beginning at the Southeasterly corner of said Lot 59, said corner being also a point on the Westerly line of Meridian Avenue as shown on said map of Tract No. 523;

Thence leaving said corner and said point, along said Westerly line of Meridian Avenue, North, 150.00 feet to the Northeast corner of said Lot 60, said corner being also a point on the Southerly line of said lands of Indian Health Center (Doc. 16038239);

Thence along said Southerly line of said lands, North  $89^{\circ} 51' 36''$  East, 10.00 feet to the Southeasterly corner of said lands of Indian Health Center, said corner being also a point on the Westerly line of Meridian Avenue, being 66.00 feet in width;

Thence along said Westerly line of Meridian Avenue, North, 125.40 feet to the Northeast corner of said lands of Indian Health Center;

Thence leaving said corner of said Westerly line of Meridian Avenue, South  $89^{\circ} 51' 36''$  West, 318.36 feet to the Northwesterly corner of said lands of Indian Health Center;

Thence leaving said corner, South, 105.40 feet to the Northerly line of Santa Lucia Drive, being 60.00 feet in width;

Thence along said Northerly line of Santa Lucia Drive, North  $89^{\circ} 51' 36''$  East, 1.00 feet;

Thence South, 19.00 feet;

Thence North  $89^{\circ} 51' 36''$  East, 57.36 feet to the Easterly line of Santa Inez Drive, being 60.00 feet in width;

Thence South, 1.00 feet to said Southerly line of said lands of Indian Health Center;

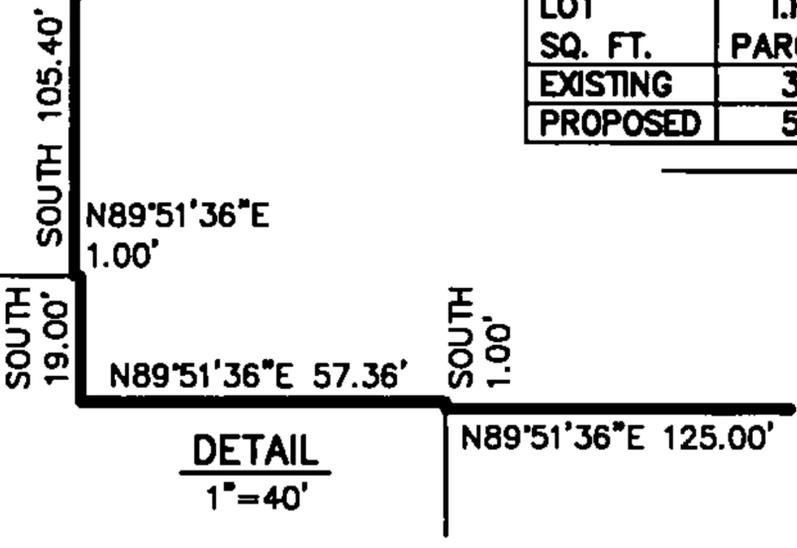
Thence along said Southerly line of said lands, North  $89^{\circ} 51' 36''$  East, 125.00 feet to the Northwesterly corner of said Lot 60;

Thence leaving said corner and along the Westerly line of said Lot 60, South, 150.00 feet to the Southwesterly corner of said Lot 59;

Thence leaving said corner and along the Southerly line of said Lot 59, North 89° 51' 36" East, 125.00 feet to the point of beginning and being Parcel A described in that certain Lot Line Adjustment Permit recorded September 26, 2012 in Official Records, as Document No. 21875622, Santa Clara County Records.

APN: 284-14-044

LOT SQ. FT.	I.H.S. PARCEL A	LOT 60 TR.NO.523	LOT 59 TR.NO.523
EXISTING	39,845	9,375	9,375
PROPOSED	58,595	0	0



ZIEGLER PROPERTIES  
DOC. 13906744

BACKHOUSE (TRUSTEE)  
DOC. 15979904

ANH VAN LE (TRUSTEE)  
DOC. 20397510

INDIAN HEALTH CENTER  
DOC. 16038239  
APN 284-14-009

**PARCEL A**  
58,595 SQ. FT. ±  
1.345 ACRES ±

SEE DETAIL ABOVE

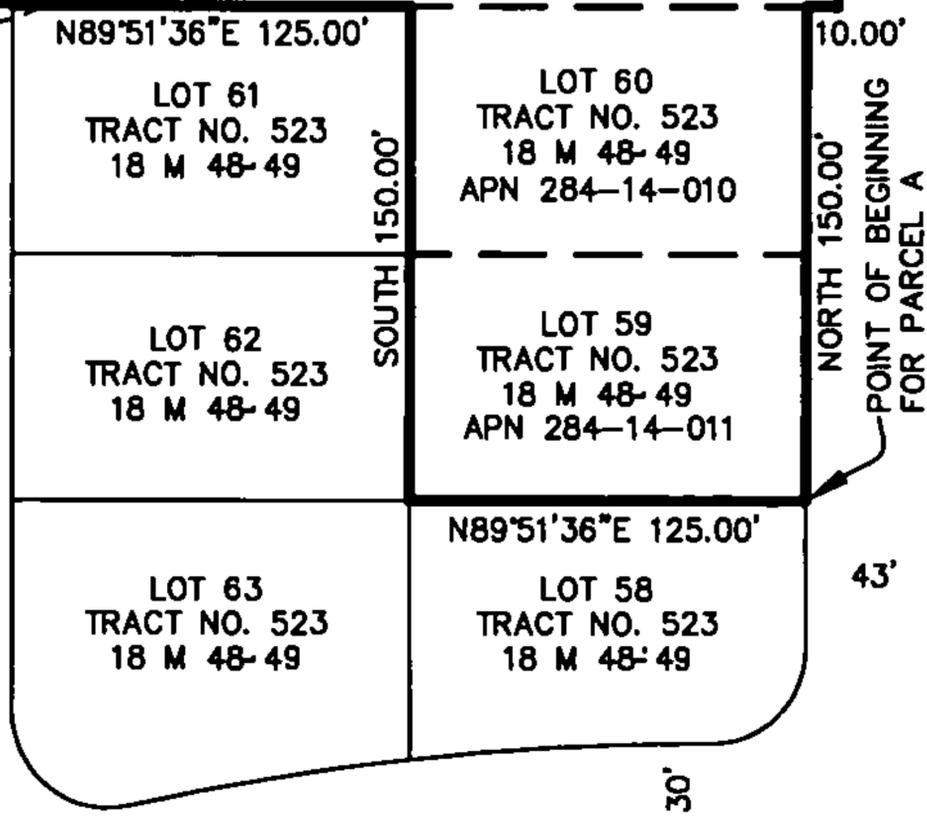
**SANTA LUCIA DRIVE**

**LEGEND**  
 - - - EXISTING LOT LINES TO BE ELIMINATED  
 ——— PROPOSED LOT LINE  
 APN ASSESSOR'S PARCEL NO.

**NOTE**  
SEE SHEET 2 OF 2 FOR EXISTING BUILDINGS.



**SANTA INEZ DRIVE**



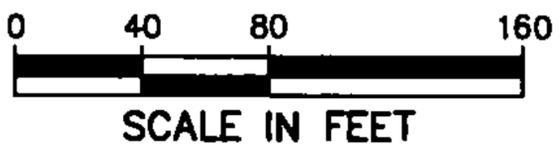
**CAMINO MONDE**

**MERIDIAN AVENUE**

**MINNESOTA AVENUE**

**ISABEL DRIVE**

**ISABEL DRIVE**



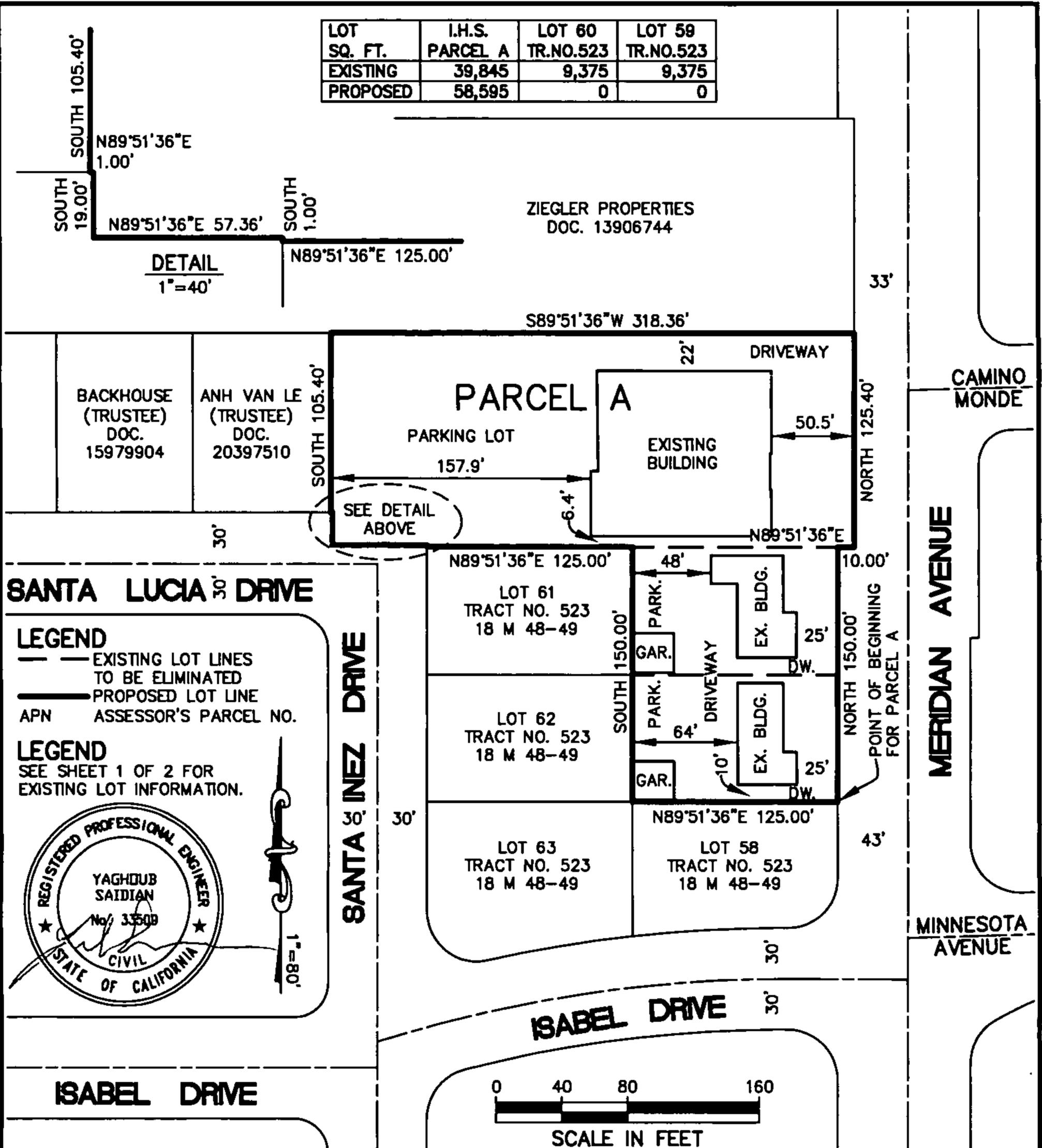
ADDRESS: 1333, 1341 & 1361 MERIDIAN AVENUE, SAN JOSE, CA 95125

**EXHIBIT "A"**

**ADVANCED DEVELOPMENT**  
2933 Benjamin Court, San Jose, Ca 95124

Subject LOT LINE ADJUSTMENT PLAT  
LANDS OF INDIAN HEALTH CENTER  
SAN JOSE, SANTA CLARA COUNTY, CALIF.  
Scale 1"=80' Date 06-17-2012 By \_\_\_\_\_  
SHEET 1 OF 2

LOT SQ. FT.	I.H.S. PARCEL A	LOT 60 TR.NO.523	LOT 59 TR.NO.523
EXISTING	39,845	9,375	9,375
PROPOSED	58,595	0	0



ADDRESS: 1333, 1341 & 1361 MERIDIAN AVENUE, SAN JOSE, CA 95125

**EXHIBIT "A"**

**ADVANCED DEVELOPMENT**  
 2933 Benjamin Court, San Jose, Ca 95124

Subject LOT LINE ADJUSTMENT PLAT  
LANDS OF INDIAN HEALTH CENTER  
SAN JOSE, SANTA CLARA COUNTY, CALIF.  
 Scale 1"=80' Date 06-17-2012 By \_\_\_\_\_  
 SHEET 2 OF 2



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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA



*Frank Cedarblade*

NO	DESCRIPTION	DATE
△	SPECIAL USE PERMIT	12.3.2021
△	CITY COMMENTS	3.8.2022
△	CITY COMMENTS	3.23.2022

NO	DESCRIPTION	DATE
△	SPECIAL USE PERMIT	12.3.2021
△	CITY COMMENTS	3.8.2022
△	CITY COMMENTS	3.23.2022

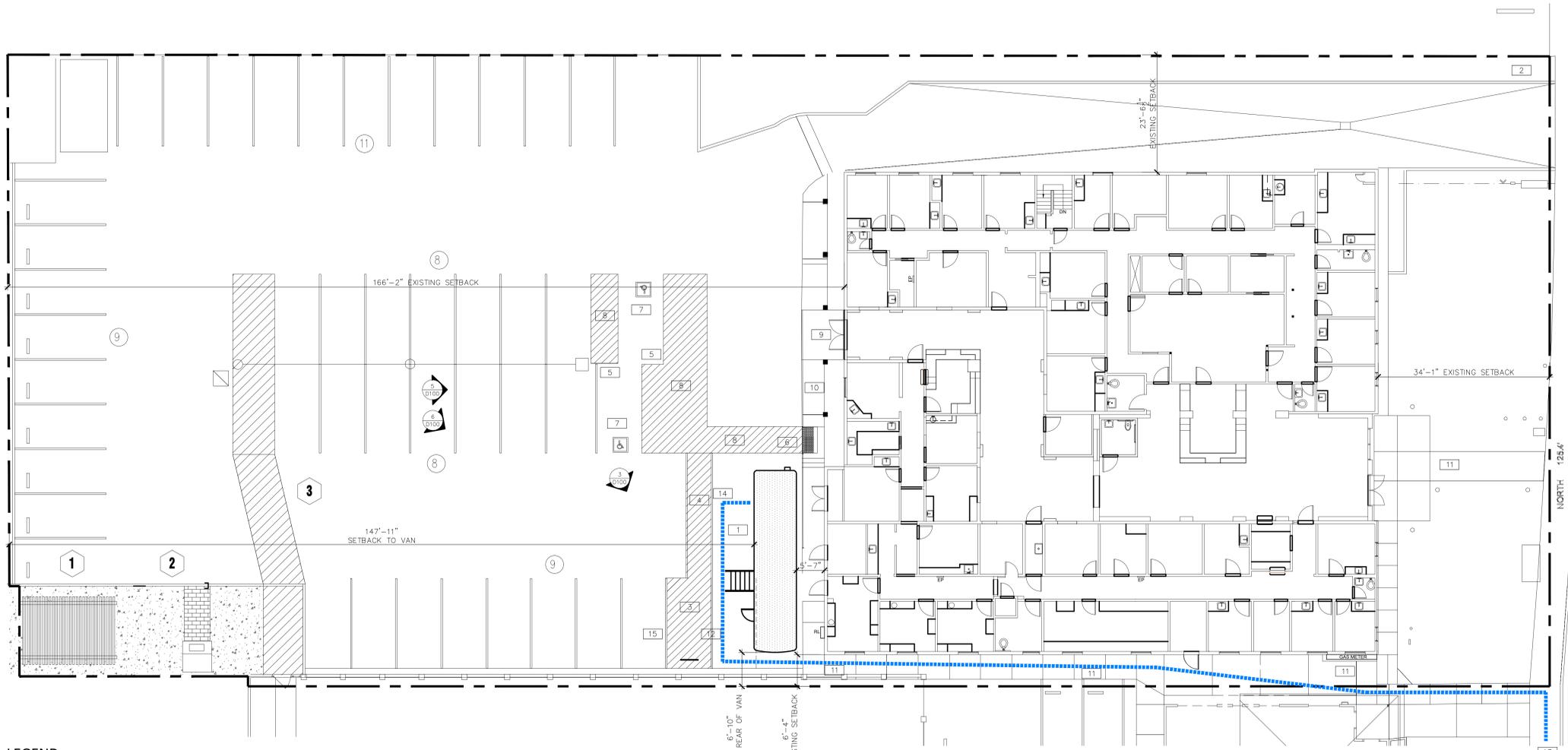
RESPONSE HISTORY - THIS SHEET

CC NO: IHC-2104

**PROPOSED OVERALL SITE PLAN**

DATE: 12.3.2021

**A011**



**LEGEND:**

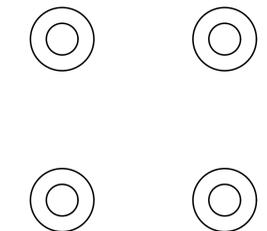
- PROPERTY LINE.
- PHOTO DETAIL REFERENCE
- ACCESSIBLE PARKING PAVEMENT SYMBOL, SEE 12/-
- PARKING STALL COUNT BY SECTION
- PATH OF TRAVEL FROM PUBLIC WAY AND PUBLIC TRANSPORTATION, SEE MAP VIEW, DETAIL 8/D100

**PROPOSED SITE PLAN KEYED NOTES:**

- 1 NEW MOBILE VAN, 8'-6" X 36'-4", WITH STAIRS, VAN HAS INTEGRAL WHEELCHAIR LIFT. SEE PHOTOS ON SHEET D100. VAN IS 12'-0" HEIGHT.
- 2 EXISTING TOW AWAY SIGN, SEE DETAIL 20/-
- 3 NEW STRIPING AT EXISTING SPACE WITH "NO PARKING" SIGNAGE
- 4 NEW STRIPING AT DRIVE
- 5 EXISTING ACCESSIBILITY SIGNAGE, SEE 8/-
- 6 EXISTING TRUNCATED DOMES, SEE DETAIL 3/-
- 7 EXISTING ACCESSIBLE SPACES, SEE DETAIL 4/-
- 8 EXISTING STRIPING
- 9 EXISTING ACCESSIBLE ENTRANCE WITH SIGNAGE, SEE 16/-
- 10 EXISTING ACCESSIBLE RAMP AND RAILING
- 11 EXISTING ACCESSIBLE WALKWAY (4'-0" CLEAR)
- 12 TWO (2) EXISTING PARKING STALLS TO BE REMOVED FROM USE
- 13 SEE 8/D100 FOR CONTINUATION OF PATH OF TRAVEL TO PUBLIC TRANSPORTATION
- 14 WHEELCHAIR LIFT LOCATION AT VAN
- 15 NEW VICTOR STANLEY #BRCS-103 FIVE BICYCLE TRIPLE LOOP BIKE RACK.

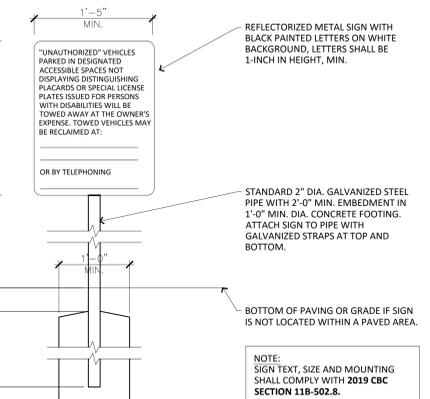
**PARKING COUNT:**

REQUIRED PARKING: 10,391 S.F. X .85=8,832 NET S.F.  
 8,832 @ 250 S.F. = 35.3 (36)  
 (AS APPROVED UNDER CITY OF SAN JOSE PC #17-035032)  
 EXISTING PARKING: 45 (INCLUDING TWO ACCESSIBLE)  
 PROPOSED PARKING: 43 (INCLUDING TWO ACCESSIBLE)

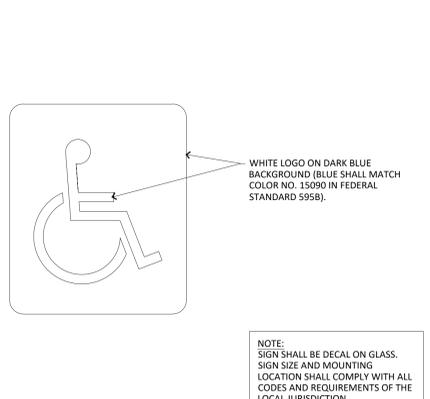


**1 PROPOSED OVERALL SITE PLAN**

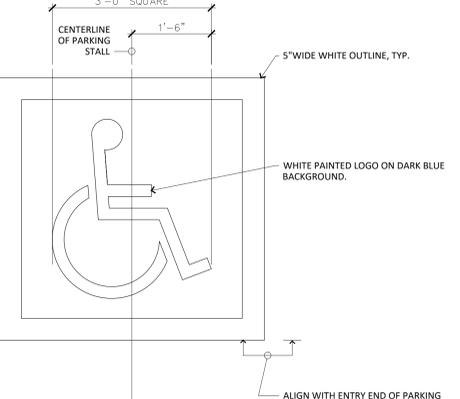
Scale: 3/32"=1'-0"



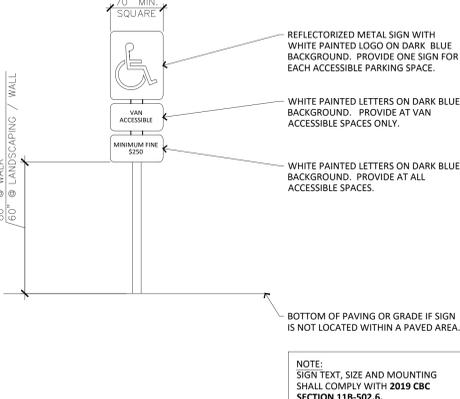
**20 ACCESSIBILITY SIGNAGE**  
 TOW AWAY - 2019 CBC 11B-502.8  
 Scale: 1"=1'-0"



**16 ACCESSIBLE ENTRY SIGNAGE**  
 2019 CBC 11B-216.6  
 N.T.S.

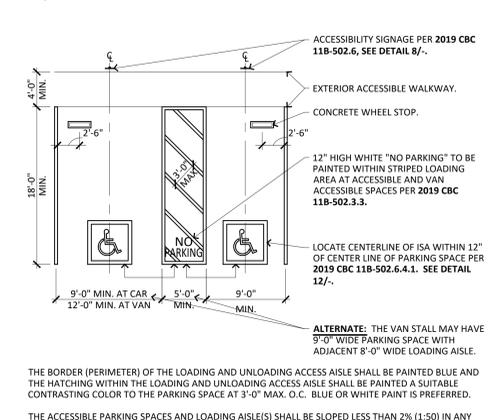


**12 ISA (INTERNATIONAL SYMBOL OF ACCESSIBILITY)**  
 AT PARKING STALL PAVEMENT 11B-703.7.2.1  
 Scale: 3/4"=1'-0"



**8 ACCESSIBILITY SIGNAGE**  
 2019 CBC 11B-502.6  
 Scale: 1"=1'-0"

**3 TRUNCATED DOMES**  
 2019 CBC 11B-705.1  
 N.T.S.



**4 ACCESSIBLE PARKING**  
 2019 CBC - SECTION 11B-502.2  
 Scale: 1/8"=1'-4"

3/24/2022 11:06 AM



**CEDARBLADE CONSULTING**  
 ARCHITECTURE + PLANNING  
 2173 HICKS AVE  
 SAN JOSE CA 95125  
 408.605.3343  
 frank.cedarblade@gmail.com

INDIAN HEALTH CENTER OF SANTA CLARA VALLEY

MOBILE CLINIC VAN

1333 MERIDIAN AVE.  
 SAN JOSE, CA 95125

CITY OF SAN JOSE  
 PROJECT FILE  
 NUMBERS C22-002 &  
 SP21-043

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA



*Frank Cedarblade*

NO	DESCRIPTION	DATE
1	SPECIAL USE PERMIT	12.3.2021
2	CITY COMMENTS	3.8.2022

ISSUANCE HISTORY - THIS SHEET  
 CC NO: IHC-2104

MAP AND PHOTOGRAPHS

DATE: 12.3.2021

PHOTOGRAPHS

D100



1 | VAN PHOTO 1



2 | VAN PHOTO 2



3 | PHOTO LOOKING SOUTHEAST



5 | PHOTO LOOKING EAST



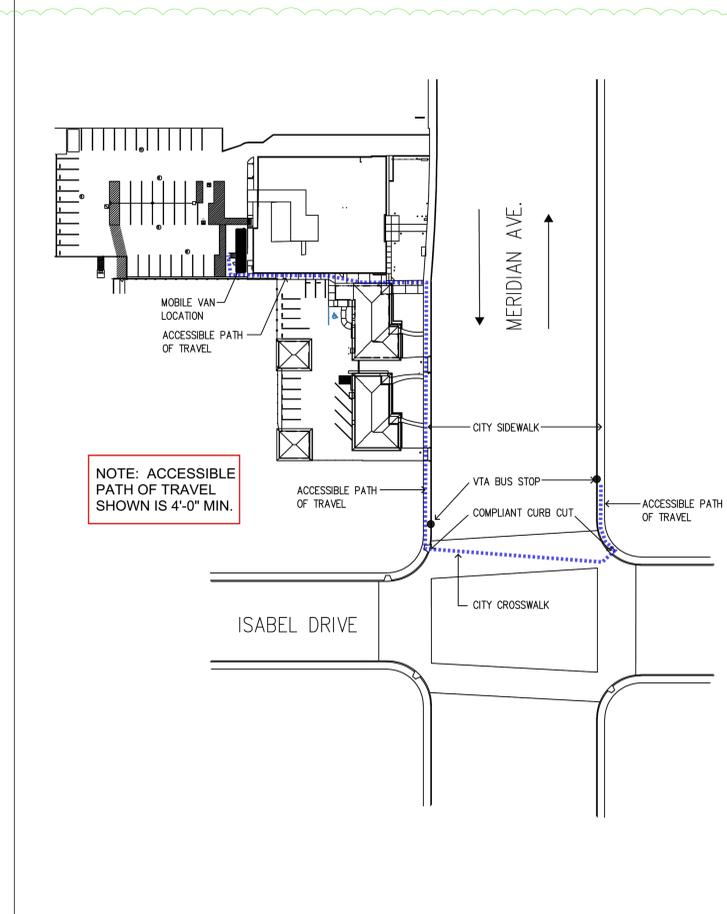
6 | PHOTO LOOKING SOUTHEAST



9 | NOTICING PHOTO 1



10 | NOTICING PHOTO 2



8 | PATH OF TRAVEL MAP FROM PUBLIC TRANSPORTATION N.T.S.

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.35 GROSS ACRES SITUATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF MERIDIAN AVENUE AND CAMINO MONDE (1333 MERIDIAN AVENUE) (APN: 284-14-044) FROM THE CO COMMERCIAL OFFICE ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, a Statement of Exemption was prepared for a rezoning under File No. C22-002, and said Statement of Exemption (CEQA Guidelines Section 15301[e] for Existing Facilities) was adopted on May 5, 2022; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CP Commercial Pedestrian Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject rezoning; and

**WHEREAS**, the proposed rezoning is consistent with the designation of the site in the applicable General Plan;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned CP Commercial Pedestrian Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

**SECTION 3.** The district map of the City is hereby amended accordingly.

**SECTION 4.** Any land development approval that is the subject of City File No. C22-002 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A SPECIAL USE PERMIT TO ALLOW THE ADDITION OF A 300 SQUARE FOOT MOBILE CLINIC VEHICLE TO BE STATIONED AND OPERATED WITHIN THE REAR PARKING AREA OF AN EXISTING MEDICAL OFFICE BUILDING ON AN APPROXIMATELY 1.35 GROSS ACRE SITE LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF MERIDIAN AVENUE AND CAMINO MONDE (1333 MERIDIAN AVENUE)**

**FILE NO. SP21-043**

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 22, 2021, an application (File No. SP21-043) was filed by the applicant, Aldon Wayne Scott, on behalf of Indian Health Center of Santa Clara Valley, Inc., with the City of San Jose for a Special Use Permit to allow the addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on a 1.35 gross acre site, on that certain real property located on the southwest side of the intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue, San Jose, which real property is sometimes referred to herein as the “subject property”); and

**WHEREAS**, the subject property is all that real property more particularly described in Exhibit "A," entitled “Legal Description,” and depicted in Exhibit "B," entitled “Parcel Map,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

**WHEREAS**, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

**WHEREAS**, at said hearing, this City Council received in evidence a development plan for the subject property entitled, "Indian Health Center of Santa Clara Valley, Mobile Clinic Van" dated March 23, 2022, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

**WHEREAS**, said public hearing before this City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

**WHEREAS**, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

After considering all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The 1.35 gross acre site is generally located on the southwest side of the intersection of Meridian Avenue and Camino Monde. The subject site is developed with three existing medical office buildings totaling approximately 12,790 square feet and is surrounded to the west and south by single-family residential uses, and to the north and east by medical office uses. Vehicle access to the site is by three driveways from Meridian Avenue.
2. **Project Description.** The project is a Special Use Permit application to allow the

addition of a 300 square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on an approximately 1.35 gross acre site at 1333 Meridian Avenue. The mobile unit is an RV that has been designed to accommodate an exam room and will be used for simple medical screening, including COVID-19 testing and vaccination. It will be occasionally moved but will be primarily on-site. There will not be a generator and the engine will not be running except when it leaves or arrives on occasion. The mobile clinic vehicle is 8.5 feet wide by 36.3 feet long and 12 feet in height and will be parked such that two of the 45 existing parking spaces will be removed to accommodate the project. The parking lot will be repaved and restriped. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday through Saturday and closed on Sunday. There will be three employees staffing the clinic during operating hours.

This project is associated with a City-initiated Rezoning (C22-002) to rezone the site from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District.

- 3. General Plan Conformance.** The project site has an Envision San José 2040 General Plan land use designation of Neighborhood/Community Commercial. This designation is intended for a wide variety of commercial uses such as medical office, hospitals and private community gathering facilities, which are allowed in this designation.

*Analysis: The project is consistent with the Envision San José 2040 General Plan land use designation, as the project is considered as an outdoor vending facility offering medical services incidental to existing medical offices operating on-site. This use is allowed within the Neighborhood Community/Commercial land use designation.*

The project is consistent with the following Envision San José 2040 General Plan Policies:

Implementation Policy IP-1.1: Use the Envision San José 2040 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 San José 2040 General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

*Analysis for Policies IP-1.1: The project is consistent with the Neighborhood/Community Commercial land use designation as described above. This designation, combined with the CP Commercial Pedestrian Zoning District, allows a wide variety of commercial uses, intensities, and development forms at the project site.*

Education and Services Policy ES-6.1: Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet all the

needs of the entire San José community.

*Analysis: This project is to allow an expansion of the existing health care/medical office use on the site. The existing use will be preserved. Founded in 1977, the Indian Health Center has been serving the community for over 40 years. The project would therefore be consistent with the policy.*

4. **Zoning Ordinance Conformance.** Per associated City-initiated rezoning file number C22-002, the project is within the CP Commercial Pedestrian Zoning District, which is a conforming district to the Neighborhood/Community Commercial General Plan land use designation pursuant to Zoning Code Section 20.40.100.

The project is consistent with the development standards as set forth in the CP Commercial Pedestrian Zoning District. This zoning district is intended to support pedestrian-oriented commercial activity at a scale compatible with surrounding residential neighborhoods.

Allowable Uses:

The mobile clinic vehicle meets the definition of an Outdoor Vending Facility per Section 20.200.1320 of the Zoning Code. Per Table 20-90. Outdoor vending facilities require an Administrative Permit in the CP Zoning District. The project's outdoor vending facility exceeds the maximum dimensions for vending facilities required per Section 20.80.850, which requires a maximum height of ten feet, maximum width of ten feet, and maximum length of 24 feet. The project has a height of 12 feet, a width of 8.5 feet, and a length of 36.3 feet. Section 20.100.120 states that project applicants may seek a Special Use Permit if an Administrative Permit is denied. On December 22, 2021, the applicant applied for the subject Special Use Permit for an outdoor vending facility that exceeds the maximum dimensions allowed through an Administrative Permit.

The following summary outlines the development standards for CP Commercial Pedestrian Zoning District:

Setbacks and Height: The project is consistent with the setbacks and height as required by Section 20.40.200 of the Zoning Ordinance, with the exception of the front setback, which becomes a Legal Non-Conforming condition with this approval, per the following analysis:

Zoning Regulation	Required	Project
Front Setback	10 feet maximum	34 feet
Side Setback	0 feet	6.3 feet
Rear Setback	25 feet minimum	148 feet
Height	50 feet minimum	12 feet

*Analysis: The City-initiated rezoning to CP Commercial Pedestrian will result in a Legal Non-Conforming front setback condition per Section 20.150.020. This means that in the future, as a non-conforming structure, any expansion of the main building can be approved if it does not increase the non-conforming aspect. So, the main structure can be expanded into the front setback but cannot be modified to increase the front setback (set the building back even further from the street) per Section 20.150.060 of the Zoning Code. Since the project is not proposing to make any changes to the Legal Non-Conforming structure, and only includes the addition of a mobile clinic vehicle to the rear parking lot of the site, the project is consistent with the requirements of the Zoning Ordinance.*

Vehicle Parking: Per Table 20-200 of the Zoning Code, outdoor vending uses require three parking spaces, and the medical office requires one space per 250 square feet of net floor area. Net floor area is defined as 85% of the gross floor area per Section 20.90.050 of the Zoning Code, which results in a net floor area of 8,832 square feet. This results in 36 required parking spaces. The project site is therefore required to provide a total of 39 spaces, together with the parking spaces required for the mobile clinic.

*Analysis: The project site includes 45 existing parking spaces but will eliminate two spaces from the rear parking area to accommodate the project, and 43 parking spaces will remain. This is consistent with the requirement.*

Bicycle Parking: Per Section 20.90.060 of the Zoning Code, outdoor vending facilities require two bicycle parking spaces, located within 100 feet of the mobile clinic vehicle.

*Analysis: As shown on the approved project plans, the project has three bicycle parking spaces in a short-term bike rack within 20 feet of the mobile vehicle entrance. The project is consistent with the requirement.*

Noise: Per Section 20.40.600 of the Zoning Code, projects within the CP Commercial Pedestrian Zoning District and which are adjacent to property used or zoned for residential purposes must have a maximum noise level of 55 decibels at the property line shared with the residential uses.

*Analysis: The mobile clinic vehicle is an RV that has been designed to accommodate an exam room and will be used for simple medical screening. It will be occasionally moved but will be primarily on-site. There will not be a generator and the engine will not be running except when it leaves or arrives on occasion. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday thru Saturday and closed on Sunday. The project therefore does not include any noise-generating activities and is consistent with this requirement.*

- 5. City Council Policy Conformance.** Under City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals, the project is considered to be

a “Standard” development. Standard development projects are required to provide Early Notification by website, email, and by on-site signage. The on-site sign has been posted at the site since March 23, 2022 to inform the neighborhood of the project. Public Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. Staff has been available to respond to questions from the public.

6. **California Environmental Quality Act (CEQA) Conformance.** Under the provisions of Section 15301(e) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. This section exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects, which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Section 15301(e) specifically applies to additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structure before the addition. The addition of the mobile clinic vehicle to the existing medical office facility constitutes a 2.3% increase in square footage. Therefore, pursuant to Public Resources Code Section 21083 and categories of exemptions adopted pursuant to the Public Resources Code Section 21084, the Director of Planning Building and Code Enforcement determined that the project qualifies for the Class 1, Section 15301(e), Additions to Existing Facilities exemption, that the project will not result in a significant effect on the environment, and that it is exempt for further environmental review under CEQA.

7. **Special Use Permit Findings.** Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Special Use Permit, as follows:

- a. The special use permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

*Analysis: As analyzed above, the mobile clinic vehicle is consistent with the Neighborhood Community/Commercial General Plan Land Use Designation and Envision San José 2040 General Plan Policies. The use is allowed within the land use designation, and the project site is not within a specific plan or development policy area.*

- b. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: The mobile clinic vehicle meets the definition of an Outdoor Vending*

*Facility per Section 20.80.800 of the Zoning Code. Per Table 20-90, outdoor vending facilities are permitted in the CP Commercial Pedestrian Zoning District. The project outdoor vending facility exceeds the maximum dimensions for vending facilities required per Section 20.80.850, which requires a maximum height of ten feet, maximum width of ten feet, and maximum length of 24 feet. The project proposes a height of 12 feet, a width of 8.5 feet, and a length of 36.3 feet. Section 20.100.120 states that project applicants may seek a Special Use Permit if an Administrative Permit is denied. The project is consistent with the development standards of the zone per the analysis above.*

- c. The special use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

*Analysis: The project is subject to and conforms to Development Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. The on-site sign has been posted at the site since March 23, 2022 to inform the neighborhood of the project. Public Notices of the public hearing were distributed to the owners and tenants of all properties located within 300 feet of the project site and posted on the City website. Staff has been available to respond to questions from the public.*

- d. The proposed use at the location requested will not:

- 1) Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area.
- 2) Impair the utility or value of property of other persons located in the vicinity of the site.
- 3) Be detrimental to public health, safety, or general welfare.

*Analysis: The subject site is currently developed with three existing 12,790 square foot medical office buildings and is surrounded to the west and south by single-family residential uses, and to the north and east by medical office uses. The project would not negatively affect the utility or value of surrounding properties in the neighborhood and has been designed to be compatible with the surroundings, including maintaining the side setback to the south adjacent to single-family residences and locating the mobile clinic vehicle behind the main medical office structure in the rear parking lot area. The mobile clinic vehicle will not have a generator, will not produce any noise, and will not be visible from the street.*

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area.

*Analysis: The Special Use Permit would authorize the addition of a 300 square foot mobile clinic vehicle on the approximately 1.35-gross acre site. The subject*

*site is physically suitable for the project because all project components are designed within the project site, and the parking and all other development features are in conformance with the development standards of the Zoning Ordinance.*

- f. The proposed site is adequately served:
- 1) By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate.
  - 2) By other public or private service facilities as are required.

*Analysis: The subject site is well-served by Meridian Avenue, as well as by VTA Route 64B that runs along Meridian Avenue north to routes along Fruitdale Avenue and south to routes along Hamilton Avenue, Curtner Avenue, Hillsdale Avenue, and Camden Avenue. The existing streets and utilities are of sufficient capacity to serve the mobile clinic vehicle. All public utilities are adequate as evidenced by the issuance of the Final Public Works Memo dated January 21, 2022.*

- g. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project does not have any significant CEQA impacts regarding noise, vibration, dust, drainage, erosion, stormwater runoff, or odor. Operating hours of the clinic vehicle will be 8:00 a.m. – 5:00 p.m. Monday thru Saturday and closed on Sunday. All activities will be held inside the medical clinic vehicle. The project will not result in a significant effect on the environment, and it is exempt from further environmental review under CEQA.*

In accordance with the findings set forth above, a Special Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

## **CONDITIONS**

1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the Permittee fail to file a timely and valid appeal of this

Special Use Permit within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the permittee:

- a. Acceptance of the Special Use Permit by the Permittee; and
  - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** The Special Use Permit shall automatically expire four (4) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of

San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

5. **Conformance to Plans.** The development of the site shall conform to the approved Site Development plans entitled, "Indian Health Center of Santa Clara Valley – Mobile Clinic Van" dated March 23, 2022, on file with the Department of Planning, Building and Code Enforcement as may be amended and approved by the Director of Planning, Building, and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the "approved plans" or the "Approved Plan Set."
6. **Use Authorization.** Subject to all conditions herein, this Permit allows a 300 square foot mobile clinic vehicle to be located in the rear parking lot of the site as identified in the Approved Plan Set.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws.
8. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of San José.
10. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
12. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
13. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts, and garbage.
15. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a

subsequent Permit Adjustment.

16. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
17. **Required Vehicular and Bicycle Parking.** This project shall conform to the vehicular and bicycle parking requirements of the Zoning Ordinance, as amended. Any changes to the required vehicular or bicycle parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning, Building and Code Enforcement.
18. **No Generators Approved.** This Permit does not include the approval of any new stand-by/backup electrical power generation facility or changes to the existing facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
19. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the permittee will be required to have satisfied all of the following Public Works conditions. The permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at: <http://www.sanjoseca.gov/devresources>.
  - a. *Minor Improvement Permit:* The public improvements conditioned as part of this permit may require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
  - b. *Transportation:* This project does not require a detailed CEQA Transportation Analysis nor a Local Transportation Analysis. The project is expected to result in less-than-significant transportation impacts and the projected traffic for the project was reviewed and found to be minimal.
  - c. *Stormwater Peak Flow Control Measures:* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post- Construction Hydromodification Management Policy (Council Policy 8-14).
  - d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design and source control measures to minimize stormwater pollutant discharges.

- e. *Flood Zone D*: The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- f. *Street Improvements*: Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction or use of the proposed project.

**20. Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans*. This permit file number, SP21-043, shall be printed on all construction plans submitted to the Building Division.
- b. *Americans with Disabilities Act*. The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- c. *Construction Plan Conformance*. A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.

**21. Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the project must comply with the 2019 California Fire Code, or as may be amended or updated by the City.

**22. Revocation, Suspension, Modification.** This Special Use Permit may be revoked, suspended or modified by the City Council at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Special Use Permit was not abated, corrected or rectified within the time specified on the notice of violation;
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby **approved**.

**EFFECTIVE DATE**

The effective date of this Permit (File No. SP21-043) shall be the effective date of the Conforming Rezoning Ordinance for File No. C22-022, approved for publication on \_\_\_\_\_, 2022 (the "Conforming Rezoning Ordinance") and shall be no earlier than the effective date of said Conforming Rezoning Ordinance.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

#### NOTICE TO PARTIES

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

**STATEMENT OF EXEMPTION**

<b>FILE NO.</b>	C22-002 & SP21-043
<b>LOCATION OF PROPERTY</b>	West side of Meridian Avenue between Westwood Drive and Isabel Drive, approximately 250 feet north of Isabel Drive (1333 Meridian Avenue)
<b>PROJECT DESCRIPTION</b>	City-Initiated Conforming Rezoning (File No. C22-002) to rezone the property from the CO Commercial Office zoning district to the CP Commercial Pedestrian zoning district; and a Special Use Permit (File No. SP21-043) to allow the addition of a 300 square foot mobile clinic vehicle to the rear parking area of an existing medical office building on an approximately 1.35 gross acre site.
<b>ASSESSOR'S PARCEL NUMBER</b>	284-14-044

**CERTIFICATION**

Under the provisions of Section 15301(e) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**Section 15301(e). Additions to Existing Facilities**

Class 1 [exemptions] consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects, which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

(e) Additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structure before the addition.

**ANALYSIS**

The project is a City-initiated Conforming Rezoning (File No. C22-002) and Special Use Permit (File No. SP21-043) to rezone the property from the CO Commercial Office zoning district to the CP Commercial Pedestrian zoning district and to allow the addition of a 300 square foot mobile clinic vehicle to an existing medical office building within the Neighborhood/Community Commercial General Plan land use designation on a site that is currently developed with three existing medical office buildings totaling approximately 12,790 square feet, as provided for under the Categorical Exemption per CEQA Guidelines Section 15301(e), in that the structure is existing and the addition is less than 50% of the floor area of the structure before the addition. The addition constitutes a 2.3% increase in square footage from the floor area of the existing structure.

The approval of the City-initiated Conforming Rezoning and Special Use Permit would not include any additional use of the project site beyond the existing medical office use. The mobile clinic vehicle is 8.5 feet wide by 36.3 feet long and 12 feet in height and will be parked such that two existing parking spaces will be removed to accommodate the project. The parking lot will be repaved and restriped. Based on the net floor area, the project is required to provide 39 parking spaces and is providing 43 parking spaces after restriping. The project is therefore consistent with the parking requirements.

Since the mobile vehicle will be parked at the rear of the site, the rear setback will change from 166 feet to the existing building to 148 feet to the mobile clinic vehicle. The rear setback at this location is required to be 25 feet, so the project is still consistent with the setback requirement. Further, none of the exceptions under CEQA Section 15300.2 apply to the project.

Therefore, pursuant to Public Resources Code Section 21083 and categories of exemptions adopted pursuant to the Public Resources Code Section 21084, it has been determined that the project qualifies for the Class 1, Section 15301(e), Additions to Existing Facilities exemption, that the project will not result in a significant effect on the environment, and that it is exempt for further environmental review under CEQA.

***Exceptions:***

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. This location exception applies to Classes 3, 4, 5, 6, and 11, and does not apply to the proposed project, which is Class 1. Regardless, the project would not impact an environmental resource of hazardous or critical concern.
- (b) Cumulative Impact. There is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes a 300-square foot addition in the form of a mobile clinic vehicle to the rear of an existing medical office building. The project is consistent with the required parking, setbacks, and height. Therefore, the proposed project would not result in new or more significant traffic, noise, air, or water quality impacts.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. The nearest highway to the project site is approximately 4,700 feet to Highway 280 at the Meridian Avenue exit. The project will therefore not negatively impact scenic views.
- (e) Hazardous Waste Sites. The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. There are no historical resources located on the proposed project site; therefore, Section 15300.2(f) does not apply.

Christopher Burton, Director  
Planning, Building and Code Enforcement



Deputy

Date 5/5/22