
PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Erin Morris

Department of Public Works

No comments or requirements.

Other Departments and Agencies

See attachment.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, Giovanni Vali, is requesting a Conforming Rezoning of the subject 0.46 gross-acre site, at the east side of Meridian Avenue, approximately 200 feet north of Foxworthy Avenue, from CO Commercial Office Zoning District to CN Commercial Neighborhood Zoning District. The intent of the rezoning is to facilitate future retail and personal service use within the existing building. The site is currently developed with a commercial building and is surrounded by residential uses to the north and the east, and commercial uses to the south and the west. The applicant has previously filed a Preliminary Review application (File No. PRE06-343) seeking guidance in a façade remodel and locating a real estate office, a cell phone retail store, and a beauty salon within the existing building. Staff advised the applicant that a rezoning of the site to CN Neighborhood Commercial would be required in order to allow retail and personal service uses on the site.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. A sign has been posted at the site to inform the public of the proposed rezoning. A copy of this staff report has been posted on the City's website. Staff has been available to discuss the proposal with members of the public.

GENERAL PLAN CONFORMANCE

The site is designated General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed CN Commercial Neighborhood Zoning District would allow neighborhood serving commercial uses, consistent with the General Commercial land use designation.

ANALYSIS

The proposed CN Commercial Neighborhood Zoning District allows a range of neighborhood-serving commercial uses in addition to the office uses allowed under the current zoning. The type of development supported by this District includes neighborhood centers, multi-tenant commercial development along major arterials, and small corner commercial establishments. The proposed rezoning to CN Commercial Neighborhood Zoning District would conform with the General Plan and would facilitate implementation of development that is both consistent with the General Plan and compatible with surrounding uses. If this Conforming Rezoning is approved, the property owner will be able to lease space in the existing building to a full range of commercial tenants offering more services to surrounding residents. Any subsequent façade or site improvements will require a Site Development Permit Adjustment to evaluate necessary changes to accommodate the new uses on site. As retail uses generally require more parking than offices, a new parking analysis must also be completed prior to locating the new uses on site in order to verify the parking is adequate.

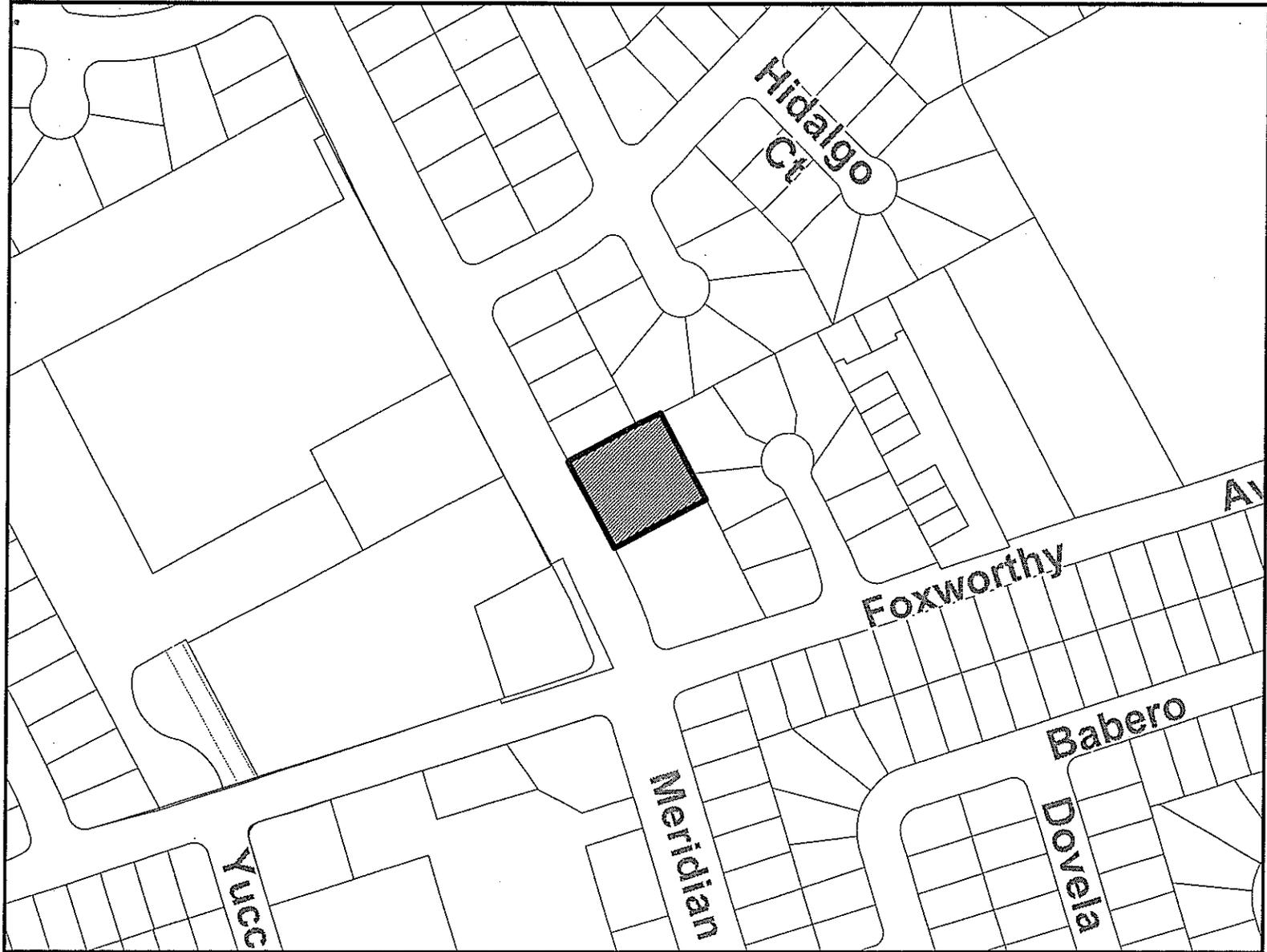
COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.



Scale: 1"= 250'
Noticing Radius: 500 feet

Map Created On:
02/02/2007

File No: C07-011

District: 9

Quad No: 114

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE EAST SIDE OF MERIDIAN AVENUE APPROXIMATELY 200 FEET NORTH OF FOXWORTHY AVENUE FROM CO COMMERCIAL OFFICE ZONING DISTRICT TO CN COMMERCIAL NEIGHBORHOOD 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, the area encompassed by the subject proposed rezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

WHEREAS, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance rezoning certain real property hereinafter described to CN Neighborhood Commercial Zoning District; and

WHEREAS, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

WHEREAS, the City Council of the City of San José is the decision-making body for the subject rezoning to CN Neighborhood Commercial Zoning District; and

WHEREAS, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project; and

WHEREAS, the proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

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

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CN Commercial Neighborhood.

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" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C07-011 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 20th day of March, 2007 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

cc: