

STAFF REPORT
CITY COUNCIL

FILE NO.: C12-005

Submitted: February 15, 2012

PROJECT DESCRIPTION:

Conforming Conventional Rezoning from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District to allow office uses on a 0.17 gross acre site.

LOCATION:

East side of Meridian Avenue, approximately 170 feet southerly of Minnesota Avenue (1414 Meridian Avenue).

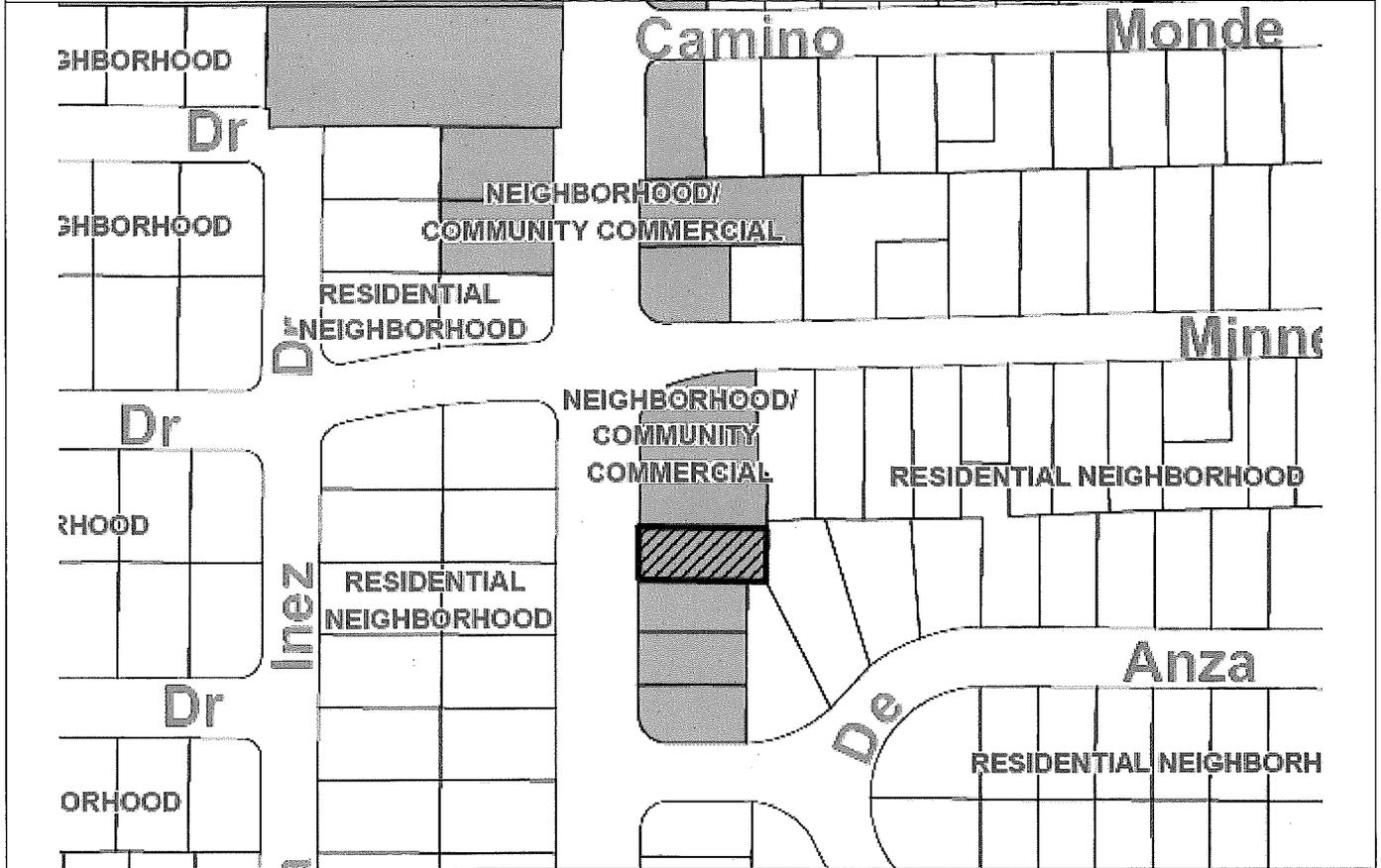
Zoning	R-1-8 Residential
Proposed Zoning	CP Commercial Pedestrian
Envision 2040 General Plan	Neighborhood/Community Commercial
Council District	6
Annexation Date	08/01/1986
SN1	N/A
Historic Resource	N/A
Specific Plan	N/A

Aerial Map

N
8

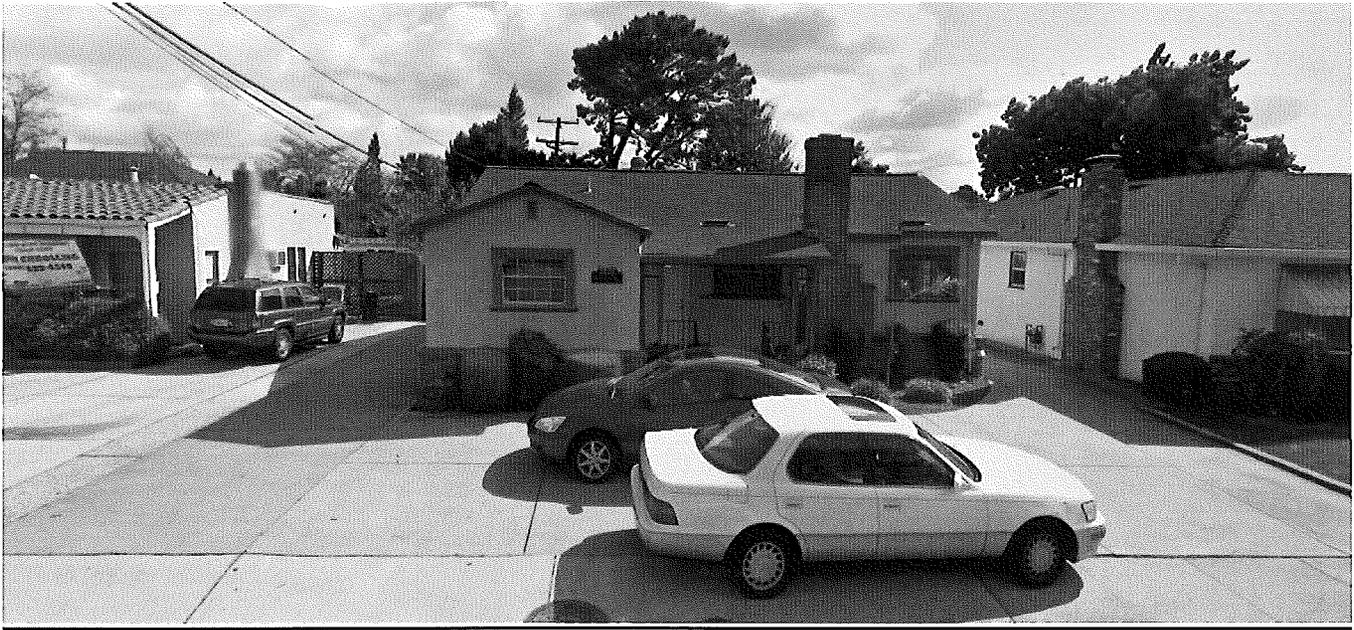


ENVISION 2040 GENERAL PLAN



ZONING





RECOMMENDATION

Planning staff recommends that the City Council approve the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the Envision San José 2040 General Plan Land Use/Transportation Diagram's land use designation of Neighborhood/Community Commercial for the subject site.
2. The proposed rezoning would allow commercial uses on the site that are compatible with the existing structure and surrounding uses.
3. The rezoning is in conformance with the California Environmental Quality Act (CEQA)

BACKGROUND & DESCRIPTION

On November 1, 2011, the general plan designation for the six (6) parcels, including the subject site, located on the east side of Meridian Avenue, between Minnesota Avenue and De Anza way were changed from Medium Low Density Residential (8.0 dwelling units per acre) to Neighborhood/Community Commercial with the approval of the Envision San José 2040 General Plan.

On February 15, 2012, the applicant, Jennifer Harman, requested a conventional rezoning of the subject property from the R-1 Single Family Residential Zoning District to the CO Commercial Office Zoning District to facilitate the conversion of the existing single family residence into an office use. However, the CO Commercial Office designation does not conform to any of the land use designations in the Envision 2040 General Plan. Therefore, staff recommends rezoning the property to CP Commercial Pedestrian Zoning District, which allows office uses. The conversion from residential to non-residential needs to be done through the Special Use Permit process and conform to the City Council Policy 6-11, *Design Criteria for Conversion of Residential Structures to Non-residential Uses*, dated April 1, 1980. The applicant filed an application for a Special Use Permit (SP12-007) on March 8, 2012.

Site and Surrounding Uses

The 0.17 gross acre site is mostly paved and developed with one single-family residence. The site is bounded by other single family residences. Access to the project site is provided from Meridian Avenue.

ANALYSIS

The proposed conforming rezoning was analyzed with respect to conformance with the following: 1) the Envision San José 2040 General Plan, 2) City Council Policy 6-11, *Design Criteria for Conversion of Residential Structures to Non-residential Uses*, and 3) CEQA.

Conformance to the General Plan

In accordance with Section 20.120.110 of the San José Municipal Code, the proposed rezoning of the subject site to the CP Commercial Pedestrian Zoning District conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial (see Table 20-270 below).

Table 20-270	
General Plan Designation	Conforming District
All designations	OS, A
Open hillside	OS
Lower hillside (1 du/5 ac)	R-1-RR
Rural residential (2 du/ac)	R-1-1, R-1-2
Residential neighborhood	R-1-8, R-1-5
Urban residential, transit residential	R-M
Neighborhood/community commercial, urban village	CP, CN, CG
Transit employment center	IP
Regional commercial	CG
Industrial park	IP
Light industrial	LI
Heavy industrial	HI
Combined industrial/commercial	CIC

The Neighborhood/Community Commercial land use designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Uses consistent with this designation typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, are also allowed in this designation.

City Council Policy 6-11

The *Design Criteria for Conversion of Residential Structures to Non-residential Uses* includes design policies which are applied to conversion of residential structures to promote orderly development of individual properties and neighborhoods. Non-residential uses of residential structures must conform to the general plan and zoning ordinance. The designation of the site was changed to Neighborhood/Community Commercial on November 1, 2012. If the rezoning to CP Commercial Pedestrian is approved, the subject property would conform to this requirement.

To control the transition of the residential structure into a commercial use, the proposed conversion will be analyzed for conformance with City Council Policy 6-1 through the Special Use Permit process. The project will be required to comply with applicable guidelines and parking standards. It should be noted that compliance with this criteria does not guarantee project approval.

California Environmental Quality Act (CEQA)

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was 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, and does not involve new significant effects beyond those analyzed in this Final EIR.

Conclusion

Rezoning the subject site from the R-1 Single Family Residential Zoning District to the CP Commercial Pedestrian Zoning District would bring the zoning into conformance with the recently adopted general plan. Conversion of the dwelling to allow for an office use requires a Special Use Permit and would need to conform to City Council Policy 6-11, *Design Criteria for Conversion of Residential Structures to Non-residential Uses*.

PUBLIC OUTREACH/INTEREST

Early in the application process, signage was posted at the site to inform the public about the proposed change. Property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public.

Project Manager: Lori Moniz **Approved by:** _____ **Date:** March 29, 2012

Owner/Applicant:	Attachments:
Todd and Jennifer Harman 2391 Richland Avenue San José, CA 95125	Exhibit "B"
Daniel and Ann Marie Rosenberg 1174 Carrara Court Livermore, CA 94550	

