

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
C.C. 1/23/07 Item: 11.1 (c)

File Number
PDC06-110

Application Type
Conforming Planned Development Rezoning

Council District
7

Planning Area
South

Assessor's Parcel Number(s)
477-08-008

STAFF REPORT

PROJECT DESCRIPTION

Completed by: S. Martina Davis

Location: Northeast corner of Monterey Road and Phelan Avenue

Gross Acreage: 6.85

Net Acreage: 6.85

Net Density: N/A

Existing Zoning: A (PD) Planned Development

Approved Uses: Permitted uses of the M-1 Zoning District plus retail sales of motorcycles.

Proposed Zoning: A (PD) Planned Development

Proposed Uses: Industrial Park, Light Industrial, and Commercial General adjacent to Monterey Road.

GENERAL PLAN

Completed by: SMD

Land Use/Transportation Diagram Designation
Combined Industrial Commercial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SMD

North: Industrial

LI Light Industrial and HI Heavy Industrial

East: Railroad tracks, Industrial

HI Heavy Industrial

South: Commercial and Industrial

CG Commercial General and HI Heavy Industrial

West: Industrial

HI Heavy Industrial

ENVIRONMENTAL STATUS

Completed by: SMD

Environmental Impact Report Addendum approved on 7/12/05
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: SMD

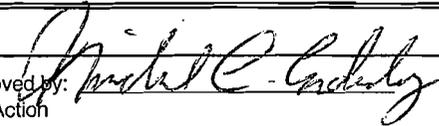
Annexation Title: Monterey Park No. 78

Date: July 29, 1983

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 1/8/07

Approved by: 
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

Caputo Associates
 2323 South Bascom Avenue
 Campbell, CA 95008

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SMD

Department of Public Works

See attached memorandum.

Other Departments and Agencies

NA

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Caputo Associates, is proposing to rezone the subject 6.85 gross acre site from A(PD) Planned Development to A(PD) Planned Development, to allow additional commercial, light industrial, and office uses on the developed site. This rezoning does not propose any exterior changes or physical expansion to any structure or feature on the site. This project is being processed as a Conforming Rezoning pursuant to Section 20.120.110 of the Municipal Code, which allows the applicant to bypass a public hearing by the Planning Commission.

Existing Site Conditions and Surrounding Uses

The site, located on the northeast corner of Monterey Road and Phelan Avenue, is currently developed with a four building industrial complex constructed in 1980. The four structures total approximately 106,620 gross square feet. Industrial uses are located to the north and across the train tracks to the east. Commercial uses are located across Phelan Avenue to the south and heavy industrial uses are across Monterey Road to the west.

Zoning History

A Planned Development Zoning (File No. PDC96-039) was approved for the subject site and a Planned Development Permit was approved in 1996. That PD Zoning and subsequent permit allowed the uses of the M-1 Zoning District (as of the time of the zoning approval in 1996) plus retail sales of motorcycles in the existing buildings. The current zoning restricts the allowed uses on the site, in a manner that inhibits the viability of this center. The purpose of the proposed zoning is to allow additional uses in conformance with the General Plan designation of Combined Industrial/Commercial, which allows for developments containing a mixture of compatible commercial, office and industrial uses. Currently there are several uses operating at the site that are not permitted under the current zoning, however, these uses are compatible with the General Plan designation for the site and with the existing and proposed uses on the site. Approval of the proposed

rezoning and subsequent Planned Development Permit would legalize the existing non-conforming uses at the site.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15301(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), 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 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 use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. This project qualifies in that it proposes allowing additional office and commercial uses at an existing industrial center. No additional building square footage is proposed as part of the project, and the proposed change in use is negligible.

GENERAL PLAN CONFORMANCE

The existing and proposed light industrial, office, and retail uses are consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial (CI/C). The CI/C Designation is intended for a compatible mixture of these uses, with the uses of the Light Industrial, Industrial Park, and General Commercial land use categories appropriate. The General Plan also states that uses should be arranged on the site in a manner that avoids land use incompatibilities. As currently occupied, this site situates light industrial and office uses in a compatible manner, and the addition of commercial uses will only be allowed adjacent to Monterey Road, which will provide the best visibility and access to these uses. Both industrial and office uses have been operating on the site without compatibility issues.

The General Plan Economic Development Policy encourages a mix of land uses in appropriate locations, which contribute to a balanced economic base, including industrial suppliers and services and commercial support services. The subject rezoning proposes a mixture of industrial uses (uses of the Light Industrial designation), office uses (uses of the Industrial Park designation) and a limited area of commercial uses (uses of the General Commercial designation). Diversifying the mix of permitted uses on the property furthers the goals of the above policy in that the proposal would allow a wider variety of permitted uses on the property than is currently allowed. The rezoning proposes uses that are compatible with the existing neighborhood and would provide expanded opportunities for development of commercial services to support the surrounding area.

ANALYSIS

The primary issues associated with this proposal are (1) land use compatibility regarding both commercial and light industrial uses and (2) adequacy of parking.

Land Use Compatibility

The subject property is located adjacent to industrial and commercial uses. The site is bounded by major roads on two sides and an active railroad to the east. A combination of industrial and office uses have been operating on the site with no compatibility issues for many years. The proposed mix of uses would be allowed on the site in a manner that fosters land use compatibility in that the commercial uses will be restricted to the building that fronts Monterey Road to maximize the visibility and access to these uses. Industrial and office uses would be allowed in all the buildings on the site, as these uses do not require the access and visibility of retail uses and would be more compatible with the adjacent railroad and industrial uses. Further, land uses of

the IP Industrial Park and LI Light Industrial Zoning Districts that require a Conditional Use Permit when a Mixed Industrial Overlay is present would be allowed through issuance of a Planned Development Permit or Amendment.

Parking

The property will be subject to the requirements of the Parking and Loading chapter of Title 20. Industrial uses are subject to a range of required parking ratios from 1:250 to 1:350, depending on the particular use. Commercial uses typically generate a higher demand for parking than industrial uses and are generally subject to a required ratio of one space per 200 net square-feet of tenant space.

The existing site currently accommodates 287 full size parking spaces. Allowing more commercial tenant space would result in an increased parking demand. The applicant has provided a parking analysis of existing and proposed uses to demonstrate that the center's parking can accommodate a mix of industrial, commercial and office tenants, but parking will need to be closely monitored. Because the Title 20 parking ratios vary so greatly between uses, staff has requested that a parking analysis be maintained for the property and be available for review. Staff will work with the applicant at the Planned Development Permit stage to ensure that on-site parking can accommodate the proposed mix of tenants, especially as they change over time. The development standards for this zoning require a parking analysis for all new tenants that will have a greater parking demand than the tenant they are replacing. This will insure that the center can accommodate parking for new tenants.

Conclusion

Based on the above analysis, staff concludes that the proposed project provides an opportunity to further important goals and strategies of the General Plan for economic development and revitalization, the project is compatible with the surrounding neighborhood, and that the range of uses is consistent with available on-site parking.

PUBLIC OUTREACH

A notice of the public hearing was distributed to owners and tenants of all properties located within 500 feet of the project location. This staff report was made available on the City's website prior to the City Council hearing. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends approval of the subject Planned Development Rezoning for the following reasons:

1. The proposed project conforms to the site's General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial.
2. The project is compatible with existing and proposed land uses in the area.
3. The project is in substantial conformance with the Commercial Design Guidelines.

cc: Steven Cox, HPC Architecture, 481 North First Street, 2nd floor, San Jose, CA 95112

Development Standards:**Permitted Uses:**

Building A: Those permitted uses of the IP Industrial Park, LI Light Industrial, and CG Commercial General Zoning Districts, as amended. Conditional uses and special uses of these districts are allowed through the issuance of a Planned Development Permit.

Buildings B, C, and D: Those permitted uses of the IP Industrial Park and LI Light Industrial Zoning Districts, as amended. Conditional uses and special uses of these districts are allowed through the issuance of a Planned Development Permit. Conditional uses that require a Mixed Industrial Overlay are allowed through the issuance of a Planned Development Permit or Planned Development Permit Amendment.

All new uses with a more intensive parking requirement than the use they replace shall be subject to a parking analysis to be completed and approved by Planning and/or Building staff to verify adequate parking exists on the site.

A parking analysis shall be maintained for the property and available for review.

Setbacks:

As shown and noted on the Land Use Plan.

Maximum Building Square Footage:

106,620 gross square feet.

Building Height:

Maximum of 45 feet

Performance Standards:

Performance Standards are per Part 4 of Chapter 20.50 of the San Jose Municipal Code, as amended.

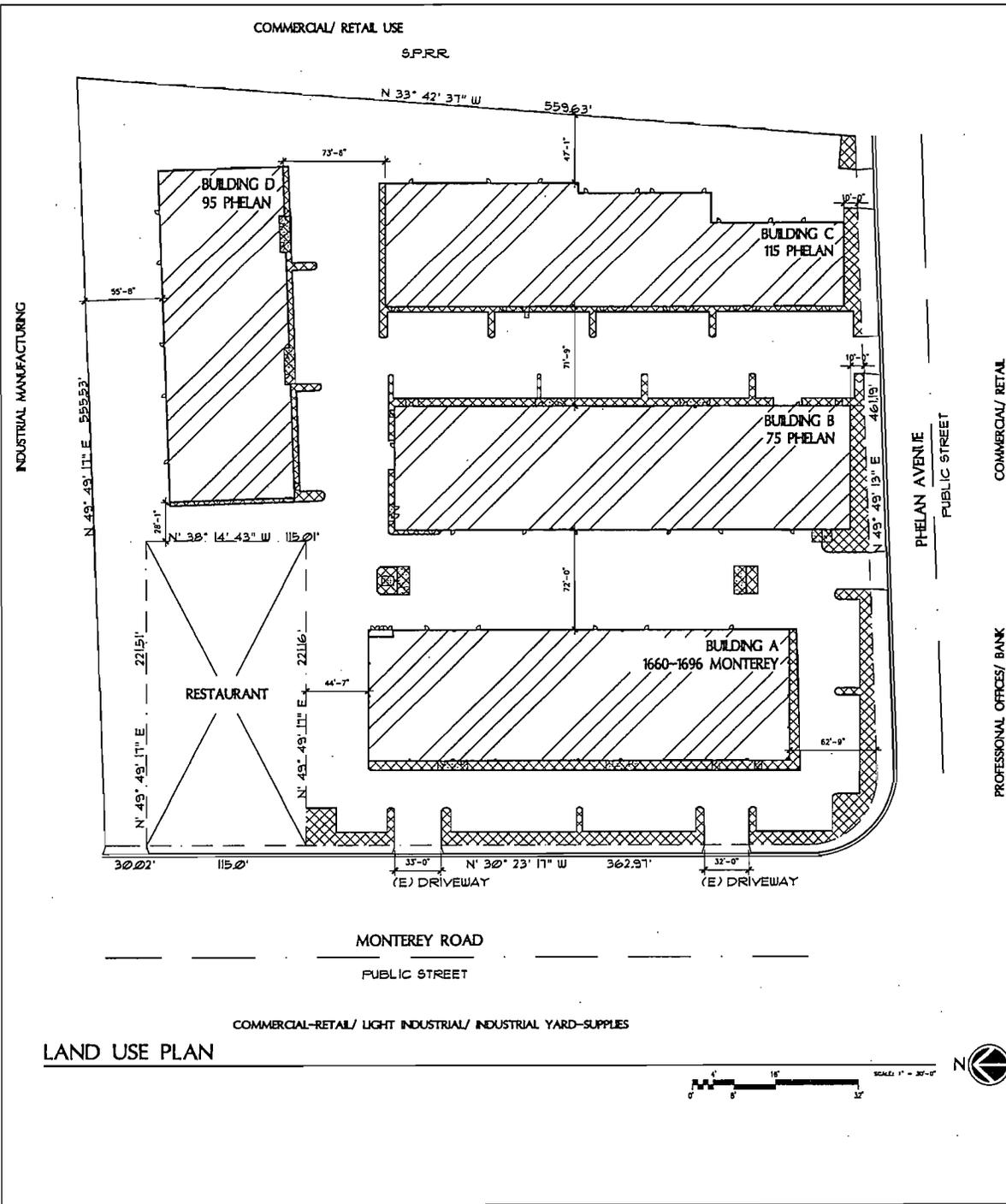
Parking Required:

Required parking shall be per Table 20-190 of the San Jose Municipal Code, as amended.

Water Pollution Control Plant Note:

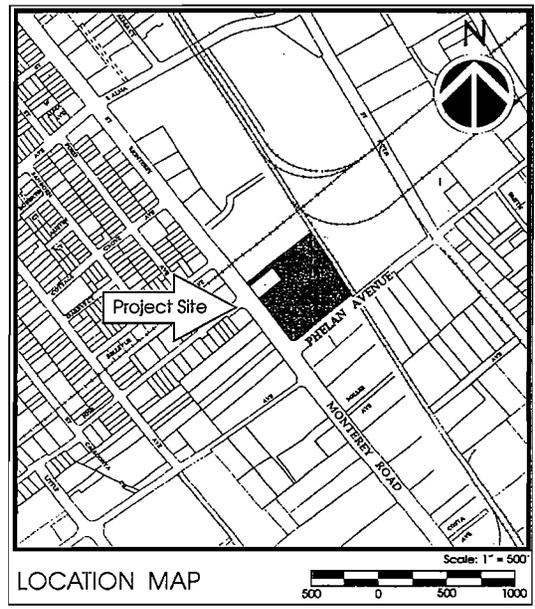
Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control 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. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Private infrastructure to meet or exceed public improvement standards.



SITE ANALYSIS LEGEND			
SYMBOL	USE	AREA	COVERAGE
	EXISTING BUILDINGS	106,903 SF.	39%
	EXISTING PARKING AND DRIVEWAYS	147,358 SF.	54%
	EXISTING LANDSCAPING TRASH ENCLOSURES	18,358 SF.	7%
TOTALS		272,619 SF. w/ AC.	100%

NOTE: SEE ATTACHED FOR DEVELOPMENT STANDARDS



hpc architecture, inc.
 Steven M. Cox, AIA, Architect
 481 North First Street, 2nd Floor
 San Jose, California 95113
 408.277.1604 / Fax 408.277.8811 / Web www.hpcarch.com

GENERAL DEVELOPMENT PLAN, EXHIBIT "C"
 ZONING PERMIT APN: 477-08-008
 MONTEREY ROAD & PHELAN AVE.
 SAN JOSE, CALIFORNIA

File Number	04-01
Date	8-13-06
Project	PH
Sheet No.	1
Sheet Title	LAND USE PLAN
Scale	AS NOTED

Revisions	08-15-07	REVISED
△ 11-28-05	SUBSTANTIAL	LAND USE
△ 12-19-05	PLAN	PLAN
△		
△		
△		
△		
△		

Memorandum

TO: Martina Davis
Planning and Building

FROM: Mirabel Aguilar
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 12/18/06

Approved



Date

12/18/06

PLANNING NO.: PDC06-110
DESCRIPTION: Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow additional commercial uses on a 6.85 gross acre site
LOCATION: Northeast corner of Monterey Road & Phelan Avenue
P.W. NUMBER: 3-18155

Public Works received the subject project on 10/16/06 and submits the following comments and requirements. **Upon completion of the Action/Revisions Required items by the applicant, Public Works will forward a Final Memo to the Department of Planning prior to the preparation of the Staff Report for Public Hearing.**

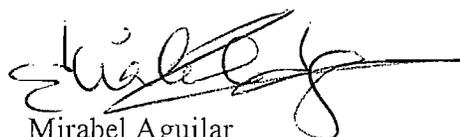
Actions / Revisions Required:

Transportation: A Traffic Report assessing projected traffic for all allowable commercial uses is required prior to environmental clearance or zoning.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Please contact me at (408) 535-6822 or Jeff Lee at (408) 535-7877 if you have any questions.



Mirabel Aguilar
Project Engineer
Transportation and Development Services Division

**CITY OF SAN JOSÉ, CALIFORNIA
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
STATEMENT OF EXEMPTION**

FILE NO. PDC06-110

LOCATION OF PROPERTY northeast corner of Monterey Road & Phelan Avenue
(1660 MONTEREY RD)

PROJECT DESCRIPTION: Conforming Planned Development Rezoning from
A(PD) Planned Development Zoning District to A(PD)
Planned Development Zoning District to allow
additional commercial uses on a 6.85 gross acre site

ASSESSOR'S PARCEL NUMBER 47708008

CERTIFICATION

Under the provisions of Section 15301(a) 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.

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 use beyond that existing at the time of the lead agency's determination. 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 an existing use. Examples include but are not limited to:

Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

The project qualifies in that it proposes allowing retail sales in an existing building with current commercial and industrial uses.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement



Deputy

Date November 09, 2006

Project Manager: Martina Davis