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

STAFF REPORT

Hearing Date/Agenda Number
CC 1-29-2008 11.1(e)

File Number
C07-092

Application Type
Conforming Prezoning

Council District
7

Planning Area
South

Assessor's Parcel Number(s)
497-38-002, 003

PROJECT DESCRIPTION

Completed by: Ed Schreiner

Location: Northeast corner of Monterey Road and Umbarger Road

Gross Acreage: 6.0 Net Acreage: 6.0 Net Density: N/A

Existing Zoning: Unincorporated Existing Use: Used Car Dealership

Proposed Zoning: CN Commercial Neighborhood Proposed Use: Commercial Center

GENERAL PLAN

Land Use/Transportation Diagram Designation
Neighborhood/Community Commercial

Project Conformance:
[☒] Yes [☐] No
[☐] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North:	Motel	CP Commercial Pedestrian Zoning District
East:	Santa Clara County Fairgrounds	Unincorporated
South:	Recycling Facility	IP Industrial Park Zoning District
West:	Mobilehome Park	A(PD) Planned Development Zoning District

ENVIRONMENTAL STATUS

[☒] Environmental Impact Report (GP2020 EIR certified 8-16-94)
[☐] Negative Declaration circulated on
[☐] Negative Declaration adopted on
[☐] Exempt
[☐] Environmental Review Incomplete

FILE HISTORY

Annexation Title: Monterey Park No. 112 Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☒] Approval
[☐] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date: 1-7-2008

Approved by: Susan Walton
[☒] Action
[☐] Recommendation

OWNER/APPLICANT

Daniel J Caputo Jr Trustee Et Al
1530 Parkmoor Ave, Unit A
San José, CA 95128

PUBLIC AGENCY COMMENTS RECEIVED	Completed by: Ed Schreiner
Department of Public Works	
None received.	
Other Departments and Agencies	
None received.	
GENERAL CORRESPONDENCE	
None received.	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

The applicants, Daniel J.Caputo, Jr. Trustee, et.al. have filed a Conforming Prezoning application on the subject 6.0 gross-acre site to prezone the site to CN Commercial Neighborhood Zoning District. The site is currently in the unincorporated county. The subject site, located on the northeast corner of Monterey Road and Umbarger Road, is currently developed with used car dealership and a contractor's office. An associated Annexation proposal (Monterey Park No. 112) is on file with the Planning Division to incorporate the property into the City of San José.

Prezoning is the process of assigning a City of San José zoning district to a property in advance of annexation so that the property will have an appropriate City zoning once the annexation is effective. All of the unincorporated lands within the City of San José's Sphere of Influence currently have a General Plan Land Use/Transportation Diagram designation. The proposed prezoning designation should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites.

No physical changes are proposed to the existing contractor's office as part of this application. The used car dealership is proposed to be redeveloped with a new retail shopping center subject to the approval of pending Site Development Permit (File No. H07-045). Upon annexation into the City of San José, any legally permitted physical or use aspects of the existing development that are not in conformance with the requirements of the CN Commercial Neighborhood Zoning District shall become legal nonconforming. Any changes to the legal nonconforming aspects of the property would be subject to the provision of Chapter 20.150 of the San José Municipal Code.

The site is relatively flat and rectangular in shape, with approximately 460 feet of frontage on Monterey Road and 390 feet of frontage on Umbarger Road. A motel is directly adjacent to the north, the Santa Clara County Fairgrounds to the east, a recycling collection facility to the south and a mobilehome park is located across Monterey Road to the west.

GENERAL PLAN CONFORMANCE

The subject site is designated Neighborhood/Community Commercial on the San José 2020 General Plan Land Use/Transportation Diagram. The proposed CN Commercial Neighborhood Zoning District is consistent with this designation, and would allow a neighborhood shopping center as proposed under the pending site development permit.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number 65459 making findings for adoption of the San José 2020 General Plan.

The City of San José may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

ANALYSIS

The proposed prezoning to CN Commercial Neighborhood District would allow a neighborhood shopping center consistent with the Neighborhood/Community Commercial General Plan Land Use designation in a manner that is compatible with surrounding uses. All aspects of the site that legally exist in the County would become legal non-conforming upon annexation into the City of San José. Without a prezoning and annexation into the City, redevelopment of this property as proposed would not be possible. The specific design of the proposed new commercial center on the corner property will be reviewed under Site Development Permit H07-045 subsequent to the effectuation of the prezoning and the approval of the annexation.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report and the public hearing notice will be posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

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

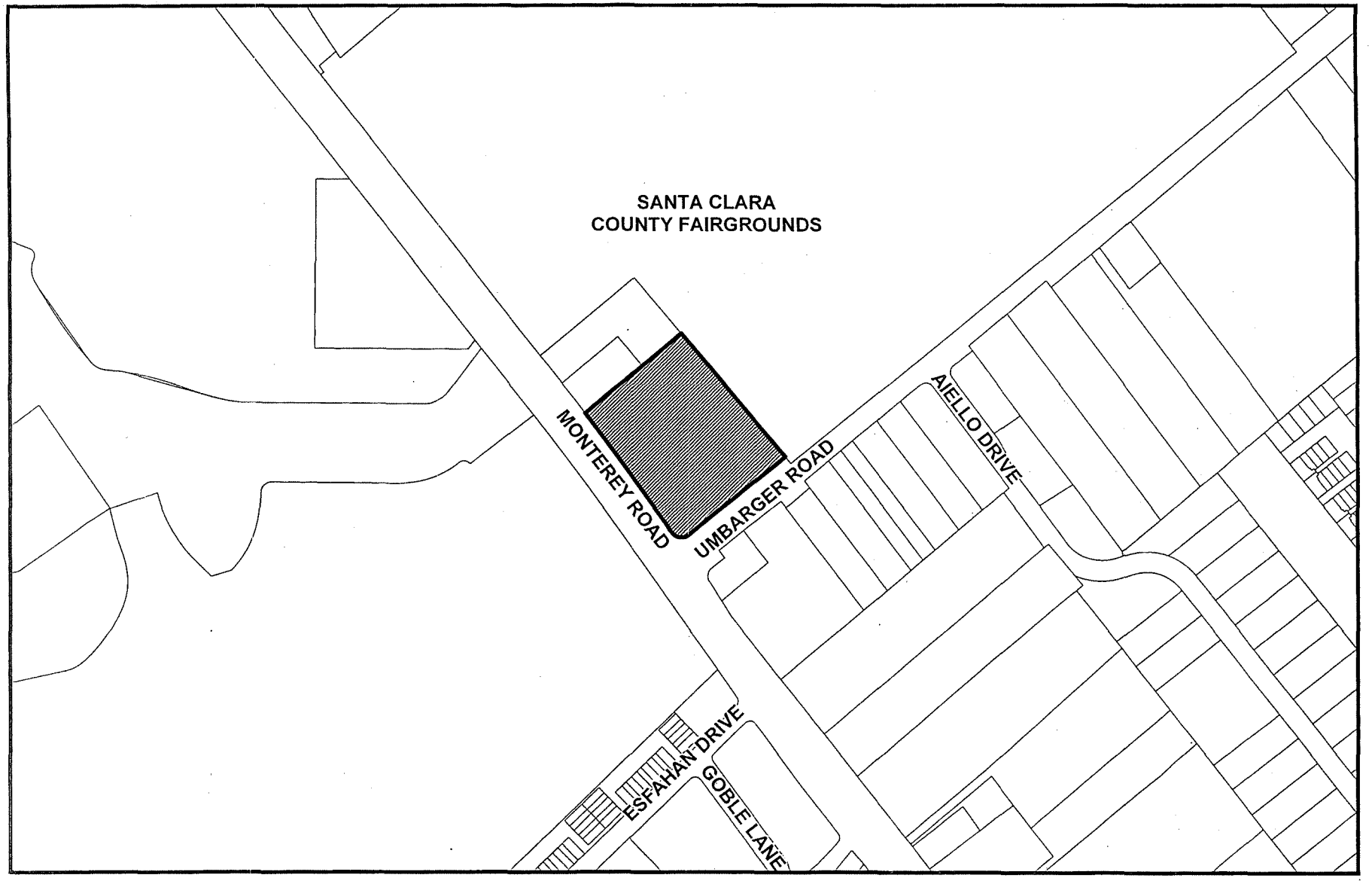
RECOMMENDATION

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 Neighborhood/Community Commercial.
2. The proposed rezoning would allow a neighborhood shopping center at this site that is compatible with the surrounding uses.

Attachments:

Location Map



N

Scale: 1"= 400'

Map Created On: 11/05/2007

Noticing Radius: 500 feet

File No: C07-092, H07-045

District: 7

Quad No: 100