



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** January 31, 2005

**COUNCIL DISTRICT:** 7

**C04-097. CONVENTIONAL REZONING FROM LI LIGHT INDUSTRIAL AND HI HEAVY INDUSTRIAL ZONING DISTRICTS TO CN NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO ALLOW COMMERCIAL USES ON A 1.33 GROSS ACRES SITE, LOCATED ON THE WEST SIDE OF MONTEREY ROAD, 250 FEET SOUTHERLY OF LEWIS ROAD.**

## TRANSMITTAL MEMO

The Planning Commission will hear this project on February 7, 2005. The final Council memo with the Planning Commission recommendations will be submitted under different cover. We hope the submittal of this report and back up documentation is of assistance in your review of this project.

A handwritten signature in cursive script that reads "Jean Hamilton".

For, STEPHEN M. HAASE  
Secretary, Planning Commission

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 02-07-05 Item No.

File Number  
C04-097

Application Type  
Conventional Rezoning

Council District  
7

Planning Area  
South San Jose

Assessor's Parcel Number(s)  
455-24-048, 049, 057 & 066

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lori Moniz

Location: West side of Monterey Road, 100 feet southerly of Lewis Road (3382 Monterey Road)

Gross Acreage: 1.33

Net Acreage: 1.33

Net Density: N/A

Existing Zoning: LI Light Industrial & HI Heavy Industrial Existing Use: Wholesale Establishment

Proposed Zoning: CN Commercial Neighborhood Proposed Use: Commercial

### GENERAL PLAN

Completed by: LM

Land Use/Transportation Diagram Designation  
Combined Industrial/Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: LM

North: Industrial

LI Light Industrial

East: Industrial

LI Light Industrial

South: Industrial

HI Heavy Industrial

West: Industrial

HI Heavy Industrial

### ENVIRONMENTAL STATUS

Completed by: LM

Environmental Impact Report Use of 2020 General Plan EIR  
 Negative Declaration circulated on \_\_\_\_\_

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: LM

Annexation Title: Monterey Park No. 14-A

Date: 1/28/57

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
 Approval with Conditions

Date: 1/28/05

Approved by: *Jean Hamilton*  
 Action  
 Recommendation

### OWNER/APPLICANT

Reppas & Sons  
Attn: George & Mike Reppas  
2943 Daylight Way  
San José, CA 95111-3103

### CONTACT PERSON

Kenneth Rodrigues, FAIA  
Kenneth Rodrigues & Partners, Inc.  
10 South Third Street, Suite 400  
San José, CA 95113

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: LM

**Department of Public Works**

None received.

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**Other Departments and Agencies**

None received.

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**GENERAL CORRESPONDENCE**

None received.

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**ANALYSIS AND RECOMMENDATIONS**

**BACKGROUND**

The applicants, Reppas & Sons, are requesting a Conventional Rezoning of the subject 1.33 gross-acre site from LI Light Industrial and HI Heavy Industrial Districts to CN Commercial Neighborhood District to facilitate the future construction of retail commercial development. The site is located within the Communications Hill Specific Plan and has a Land Use/Transportation Diagram designation of Combined Industrial/Commercial. Monterey Road is primarily built out with commercially-oriented industrial uses where it borders Communications Hill.

The site is surrounded by industrial uses. Currently, there is a wholesale marine supply use on the site. The applicant would like to construct 15,000 square feet of retail commercial uses on the site including a drive-through coffee shop. Future development will require the approval of a development permit, more specifically a Conditional Use Permit if the drive-through use is included.

**GENERAL PLAN CONFORMANCE**

The site is currently designated as Combined Industrial/Commercial on the General Plan Land Use/Transportation Diagram. This designation allows a mixture of compatible commercial and industrial uses. Under the Combined Industrial/Commercial land use designation, projects that consist exclusively of either commercial or industrial uses can be considered in areas that exhibit an existing mixed land use pattern. Monterey Highway is specifically identified in both the San José 2020 General Plan and the Communications Hill Specific Plan as an area suitable for a mixture of commercial and industrial uses. The uses allowed under the proposed CN Commercial Neighborhood District are consistent with this General Plan designation and the specific plan designation of Combined Industrial/Commercial.

## **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.

## **ANALYSIS**

The proposed rezoning to CN Commercial Neighborhood District is in conformance with the General Plan designation of Combined Industrial/Commercial and with the Communications Hill Specific Plan. The uses allowed by right in the CN Commercial Neighborhood District are commercial in nature. Other uses may be allowed as an independent use upon the issuance of and in compliance with a Conditional or Special Use permit. This rezoning does not approve any physical changes to the existing structures on-site or allow any new construction. Any changes to the existing development or redevelopment of the site would be subject to the approval of a subsequent development permit. A Conditional Use Permit (CP04-114) has been filed with the City to allow a new 15,000 square foot commercial center with a drive-through restaurant or coffee shop. Generally, the proposal, with minor modifications can conform to the City's Commercial Design Guidelines.

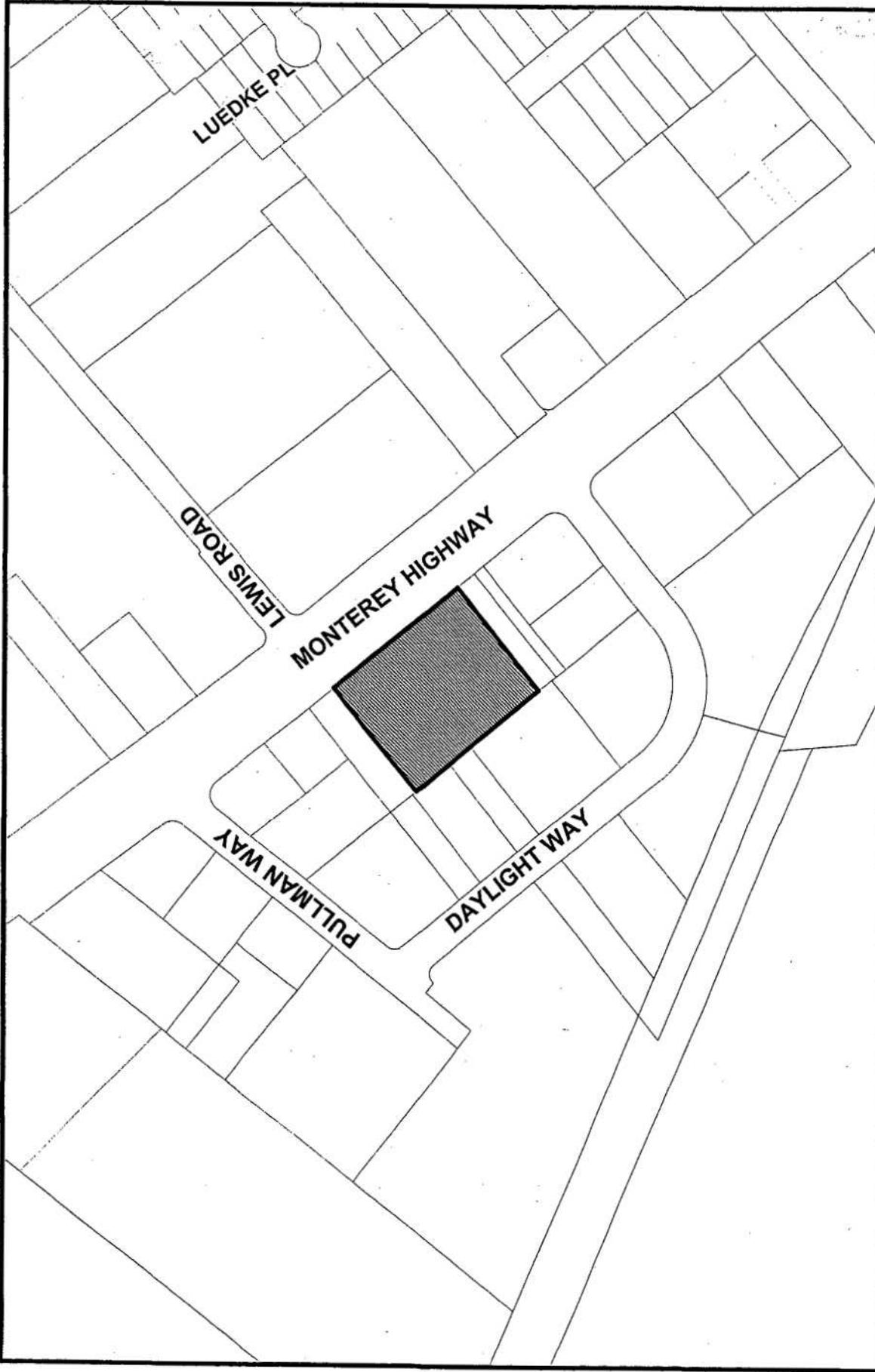
## **PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site as well as published in the San José Post Record and the San José Mercury News. The City Council Agenda is posted on the City of San José web site with copies of the staff report. Staff has been available to discuss the proposal with members of the public.

## **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 Combined Industrial/Commercial.
2. The proposed rezoning is compatible with the Communications Hill Specific Plan.
3. The proposed rezoning is compatible with surrounding land uses.



File No: C04-097

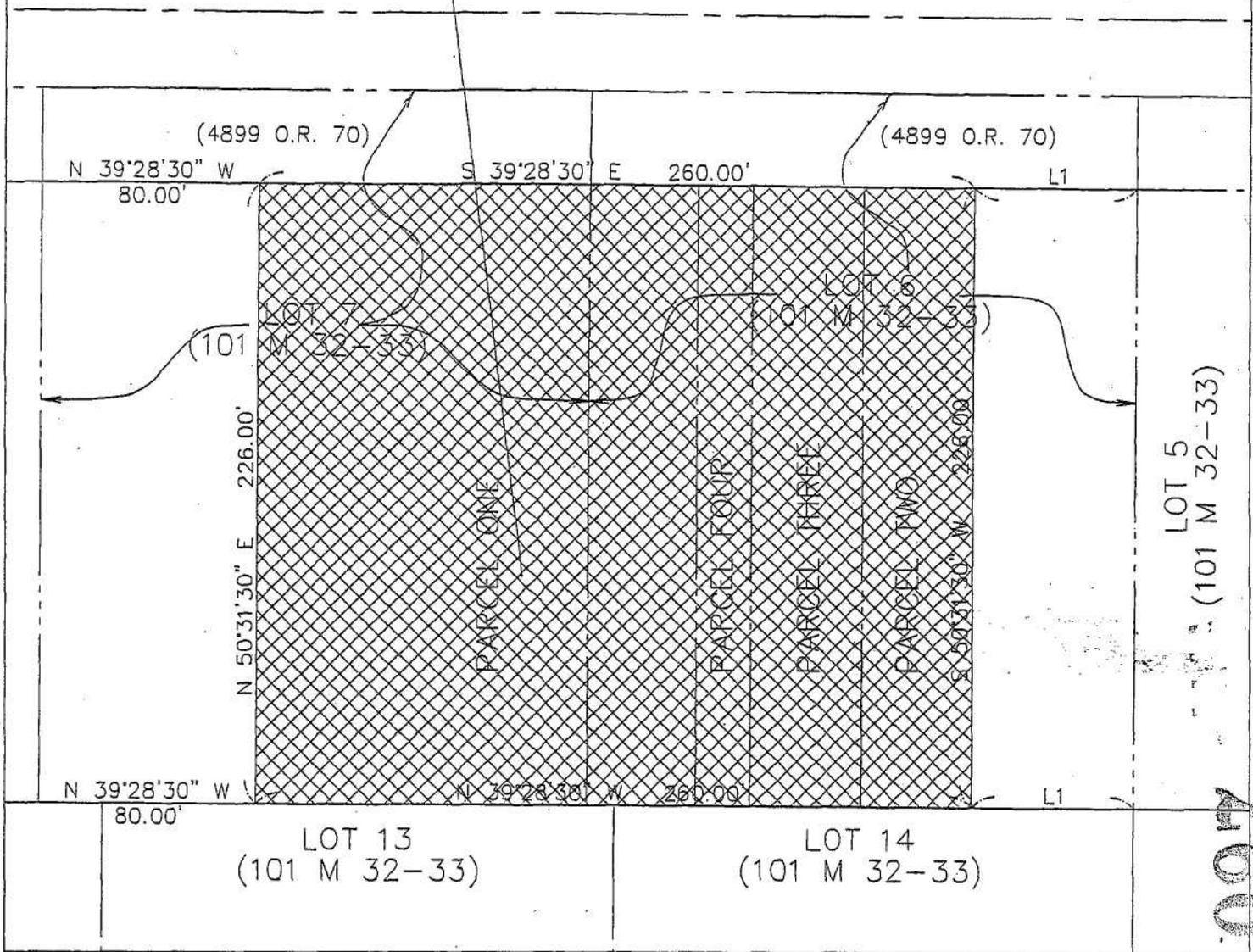
District: 07

Quad No: 100

Scale: 1"=250'  
Created on 10/27/04



# MONTEREY ROAD



LINE TABLE:

LINE	BEARING	DISTANCE
L1	$N 39^{\circ}28'30'' W$	$60.00'$

PLAT TO ACCOMPANY DESCRIPTION  
FOR: KRP

SAN JOSE

CALIFORNIA

EXHIBIT "B"



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
3350 Scott Boulevard, Building 22 (408)727-6665  
Santa Clara, California 95054 FAX (408)727-5641

DATE	SEPT., 2004
SCALE	1" = 60'
DR. BY	RMA
JOB	A04178
SHEET NO.	1 OF 1

COPY

**USE OF A PROGRAM EIR  
 SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

**PROJECT DESCRIPTION AND LOCATION**

C04-097. Conventional Rezoning for a project located at the west side of Monterey Road, 250 feet southerly of Lewis Road on a 1.33-gross-acre site from LI Light Industrial and HI Heavy Industrial Zoning Districts to CN Commercial Neighborhood Zoning District to allow commercial uses.

Council District 7.

County Assessor's Parcel Numbers 455-24-048, 049, 057 & 066

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

The City of San Jose 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 no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Lori Moniz  
 Project Manager

Stephen M. Haase, AICP  
 Director, Planning, Building and Code Enforcement

Date

1/10/05

Deputy

  
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