

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. 11/14/06 11.1 (h)

File Number
C 06-051

Application Type
Director Initiated Rezoning

Council District
7

Planning Area
South

Assessor's Parcel Number
455-07-013, -012

STAFF REPORT

PROJECT DESCRIPTION:

Completed by: S. Martina Davis

Location: Northwesterly Corner of Curtner Avenue and Stone Avenue

Gross Acreage: 4.6

Net Acreage: 4.6

Net Density: NA

Existing Zoning: Unincorporated

Existing Use: Industrial and Single Family Residential

Proposed Zoning: HI Heavy Industrial

Proposed Use: No Change

GENERAL PLAN

Land Use/Transportation Diagram Designation
HI Heavy Industrial

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Industrial

IP Industrial Park

East: Industrial and Commercial

IP Industrial Park and CN Commercial Neighborhood

West: Industrial

IP Industrial Park

South: Multi-family residential

A(PD) Planned Development

ENVIRONMENTAL STATUS

Reuse of Environmental Impact Report "San Jose 2020 General Plan"
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

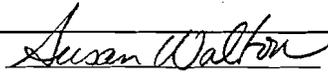
Annexation Title: Monterey Park No. 109

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: October 26, 2006

Approved by: 
 Action
 Recommendation

OWNER/APPLICANT

Christine G Blank
1654 Willowmont Ave
San Jose, CA 95124

City of San Jose

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Martina Davis

Department of Public Works
No comments or requirements

Fire
None received

OTHER CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. The subject project is a Planning Director-initiated rezoning, which is being done in preparation for the annexation of the 4.6-acre area referred to as Monterey No. 109 (one of the 59 unincorporated County islands or "pockets" scheduled for annexation).

Rezoning is the process of assigning a City of San Jose zoning district to a property in advance of annexation so that the property will be appropriately zoned once the annexation is effective. All of the unincorporated island sites are within the City of San Jose's Sphere of Influence and thus currently have a City of San Jose General Plan Land Use/Transportation Diagram designation. The proposed rezoning designation should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites. In this case, staff is recommending that the property be zoned HI Heavy Industrial in accordance with the Heavy Industrial General Plan designation.

No changes are proposed to the existing industrial and residential buildings on the properties. Any legal aspects of the existing condition that would no longer be in conformance after annexation in to the City of San Jose and after the new zoning district is adopted, 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 Jose Municipal Code.

Site and Surrounding Uses

The property is surrounded by industrial uses to the north, industrial and commercial uses across Stone Avenue to the east, railroad tracks and industrial uses to the west, and multi family residential uses across Curtner Avenue to the south.

The site is part of the Stone Industrial Center, a majority of which is annexed into the City of San Jose. The site contains a mix of industrial uses including woodworking, truck storage, corporation yards, firewood sales, and construction. There is also at least one residence on site. The existing development on the site is substandard in respect to City of San Jose standards for industrial development, including landscaping, paving, fencing and building design.

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.

GENERAL PLAN CONFORMANCE

The site is designated Heavy Industrial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed HI Heavy Industrial Zoning District allows industrial uses consistent with the General Plan Heavy Industrial land use designation.

The zoning and annexation of this unincorporated pocket furthers the General Plan Urban Service Area policies that encourage the County and LAFCO to join in cooperative efforts to seek the annexation of urbanized County pockets with the City's Urban Service Area.

ANALYSIS

The proposed HI Heavy Industrial Zoning District will allow industrial uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the property currently used for industrial purposes. The single-family home would become a legal nonconforming use if it was permitted through the County. The proposed rezoning to the HI Heavy Industrial Zoning District will also bring the zoning into conformance with the Heavy Industrial General Plan designation.

The proposed HI Heavy Industrial Zoning District which allows heavy industrial uses with a 6,000 square-foot minimum lot area is the zoning district that is most consistent with the existing development and in the surrounding area.

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 300 feet of the project site. Information on the County Pocket annexation program is available on the Planning Divisions website on the areas proposed for annexation and general information on what current county residents and business owners can expect upon the annexation of their property to the City of San Jose. An Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase I of the program. Staff has also been available to respond to questions from the public.

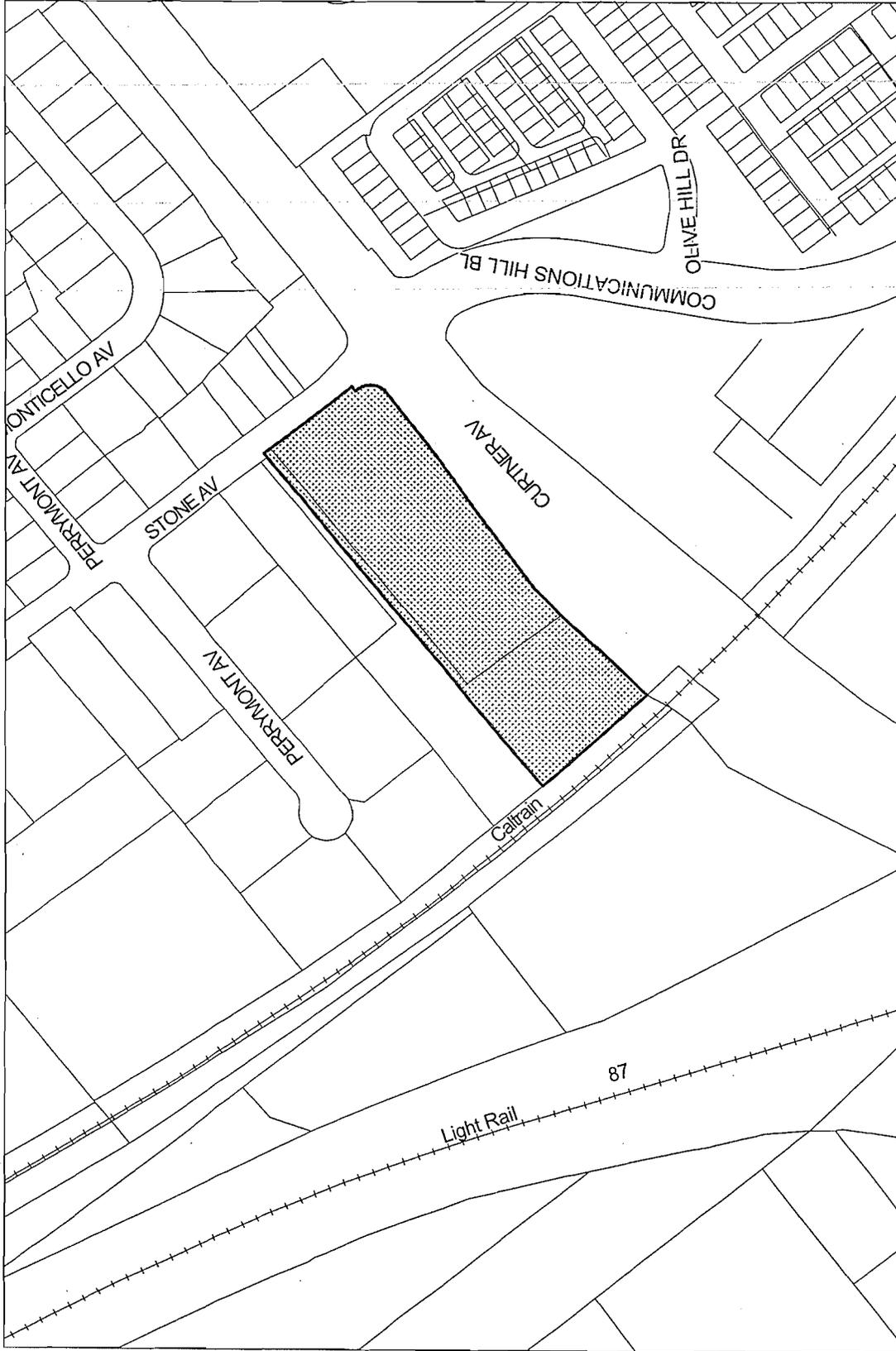
COORDINATION

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 Heavy Industrial.
2. The proposed rezoning will facilitate the annexation and continued use or re-development of this site with a use that is consistent with the General Plan and compatible with the surrounding land uses.



File No: C06-051
District: 07
Quad No: 99

Scale 1 in = 300 ft 1:3600
Noticing Radius: 300 ft



N 
Map Created On:
5/11/2006

**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

C06-051 Conforming Rezoning from unincorporated county to HI Heavy Industrial Zoning District for heavy industrial purposes on an approximately 4.6 gross acre area consisting of 2 parcels on the Northwesterly corner of Curtner Avenue and Stone Avenue Council District 7. County Assessor's Parcel Numbers: 455-07-013, -012

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:

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|-------------------------|-------------------------|-------------------------|
| 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 | | |

Martina Davis
 Project Manager

Joseph Horwedel, Acting Director
 Planning, Building and Code Enforcement

10/26/06
 Date


 Deputy