



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 15, 2007

COUNCIL DISTRICT: 4

SNI AREA: Not Applicable

SUBJECT: C07-014. CONVENTIONAL REZONING FROM A AGRICULTURAL ZONING DISTRICT TO LI LIGHT INDUSTRIAL ZONING DISTRICT ON 0.69 ACRES TO PERMIT THE CONTINUED OPERATION OF A TRUCK PARKING AND MAINTENANCE FACILITY ON AN APPROXIMATELY 13.36 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0, to recommend that the City Council approve the proposed Rezoning from the A Agricultural Zoning District to the LI Light Industrial Zoning District on a 0.69 acre portion of land, which would allow the continued operation of a truck parking and maintenance facility on a 13.36 acre site.

OUTCOME

Should the City Council approve the Rezoning as recommended by the Planning Commission, the 0.69 acre portion of the subject 13.36 gross-acre site used for a truck parking and maintenance facility, will be zoned LI Light Industrial Zoning District, consistent with the zoning on the surrounding larger site.

BACKGROUND

On March 14, 2007, the Planning Commission held a public hearing to consider a Rezoning from the A Agricultural Zoning District to the LI Light Industrial Zoning District on a 0.69 acre portion of land to allow the continued operation of a truck parking and maintenance facility on the larger 13.36 acre site. The Director of Planning recommended approval of the proposal. Commissioner Zito asked for clarification about whether the rezoning was consistent with the General Plan. Staff clarified that the General Plan states that parcels developed with an urban land use of two acres and less in size may be too small to be separately identified on a map of the scale of the Land Use/Transportation Diagram, and therefore can be deemed to be in conformance with the General Plan. Staff further commented that the rezoning would correct an inadvertent omission of the triangular remnant from industrial zoning more than 30 years ago. The item was considered as part of the consent calendar portion of the agenda. There was no comment by the public, and the Planning Commission recommended approval of the proposal.

ANALYSIS

See original Staff Report.

POLICY ALTERNATIVES

Not Applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

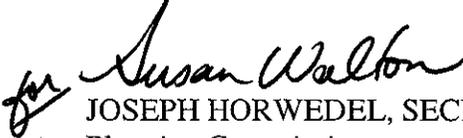
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BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Resolution No. 65459.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Susan Walton at 408-535-7847.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 8, 2007

TRANSMITTAL MEMO

COUNCIL DISTRICT: 4
SNI: N/A

SUBJECT: C07-014. LOCATED ON WEST SIDE OF THE UNION PACIFIC RIGHT-OF-WAY 1040 FEET DUE WEST OF THE CENTER OF THE INTERSECTION OF LUNDY AVENUE AND BERRYESSA ROAD.

The Planning Commission will hear this project on March 14, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

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
P.C. 03-14-07 *Item # 3a*
C.C. 3/22/07, 11.4

File Number
C07-014

Application Type
Conventional Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number
241-03-015, -016

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: West side of the Union Pacific right-of-way 1040 ft due west of the center of the intersection of Lundy Av and Berryessa Rd

Gross Acreage: 0.69

Net Acreage: 0.69

Net Density: n/a

Existing Zoning: A Agricultural

Existing Use: Truck depot

Proposed Zoning: LI Light Industrial

Proposed Use: Truck depot

GENERAL PLAN

Land Use/Transportation Diagram Designation
Industrial Park

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Truck depot

LI Light Industrial Zoning District

East: Single Family Residential

(A)PD Planned Development Zoning District

West: Vacant

LI Light Industrial Zoning District

South: Corporation Yard

LI Light Industrial Zoning District

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Berryessa No. 9

Date: February 1, 1971

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: *March 7, 2007*

Approved by: *Susan Walton*
 Action
 Recommendation

OWNERS/APPLICANT

Robert Facchino
6854 Goldpine Way
San Jose, CA 95120

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Tracy Chu

Department of Public Works

No Comment

Fire

None received

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owner, Robert Facchino, is requesting a rezoning of a 0.69 acre portion of the subject 13.36 gross-acre site on the west side of the Union Pacific right-of-way, 1040 feet due west of the center of the intersection of Lundy Avenue and Berryessa Road, from A Agricultural Zoning District to LI Light Industrial Zoning District to allow uses consistent with those on the remainder of the site. This rezoning is before the Planning Commission because the LI Light Industrial Zoning district is not listed in the Zoning Code as a conforming district with the site's General Plan land use designation of Industrial Park.

This property was annexed into the City of San Jose on February 1, 1971 (File No. Berryessa No. 9). The annexation followed a City-initiated preozoning (File No. C70-5-81) which prezoned the majority of the property to the M-1 Manufacturing Zoning District. The LI Light Industrial Zoning District is the current equivalent of the M-1 Manufacturing Zoning District. The annexed area was comprised of large rectangular lots which were used as orchards, flower houses and field crops, and which appear to have been at some point bisected by the Union Pacific Rail Road (See Exhibit B). Available documentation for the preozoning process shows that the property was prezoned following some of the original parcel configuration boundaries which inadvertently resulted in the small triangular piece of the property being excluded from the preozoning process. Upon annexation in 1971, the property was annexed into the City with the 0.69 acre triangular piece zoned as A Agricultural, and with the remainder of the site zoned as LI Light Industrial.

Site and Surrounding Uses

The larger, 13.36 acre subject site currently consists of two parcels (see Location Map), and was developed as a truck depot and warehouse facility by the Facchino Freight Lines Corporation through a Site Development permit (File No. H72-7-281), approved on August 21, 1972. The portion of the site currently zoned A Agricultural has no existing structures, but has been previously paved with asphalt as a part of that development. The current condition of the asphalt would require repair or replacement prior to new uses being introduced onto the larger site. New uses or development proposals would likely be subject to a new Development Permit.

The A Agriculturally-zoned portion of the site is currently abutted on two sides by existing light industrial uses and on the third by the railroad. The property as a whole is surrounded by residential uses to the north and east across the railroad, and by parking for the Berryessa Flea Market to the west.

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 Industrial Park on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed LI Light Industrial Zoning District is not consistent with the Industrial Park land use designation; however, it reflects the existing zoning and use of the great majority of the surrounding 13+ acre subject site for more than 30 years. As discussed in the Analysis section below, the LI Light Industrial Zoning District would allow industrial development generally compatible with many uses allowed and occurring in industrial park areas.

ANALYSIS

The Industrial Park General Plan land use designation is an exclusive industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. Industrial uses can be consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. The primary difference between this General Plan use category and the "Light Industrial" category is that performance and design standards are more stringently applied to industrial park uses, primarily with respect to landscaping requirements, as embodied in the development standards of the IP-Industrial Park Zoning District.

The LI Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects which are generally relegated to the HI Heavy Industrial district. Overall, the design controls in the LI Light Industrial district are somewhat less stringent than those for the Industrial Park Zoning District, but examples of typical uses are warehousing, wholesaling, and light manufacturing, similar to those found in many IP Industrial Park-zoned areas.

The proposed rezoning of the small 0.69 area to LI Light Industrial Zoning District would provide a zoning consistent with the existing uses on the site and consistent with the zoning of the surrounding 13+ acre site, and would rectify an inadvertent omission from the original rezoning in the early 1970s.

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 500 feet of the project site. Staff has been available to discuss the proposal with 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.

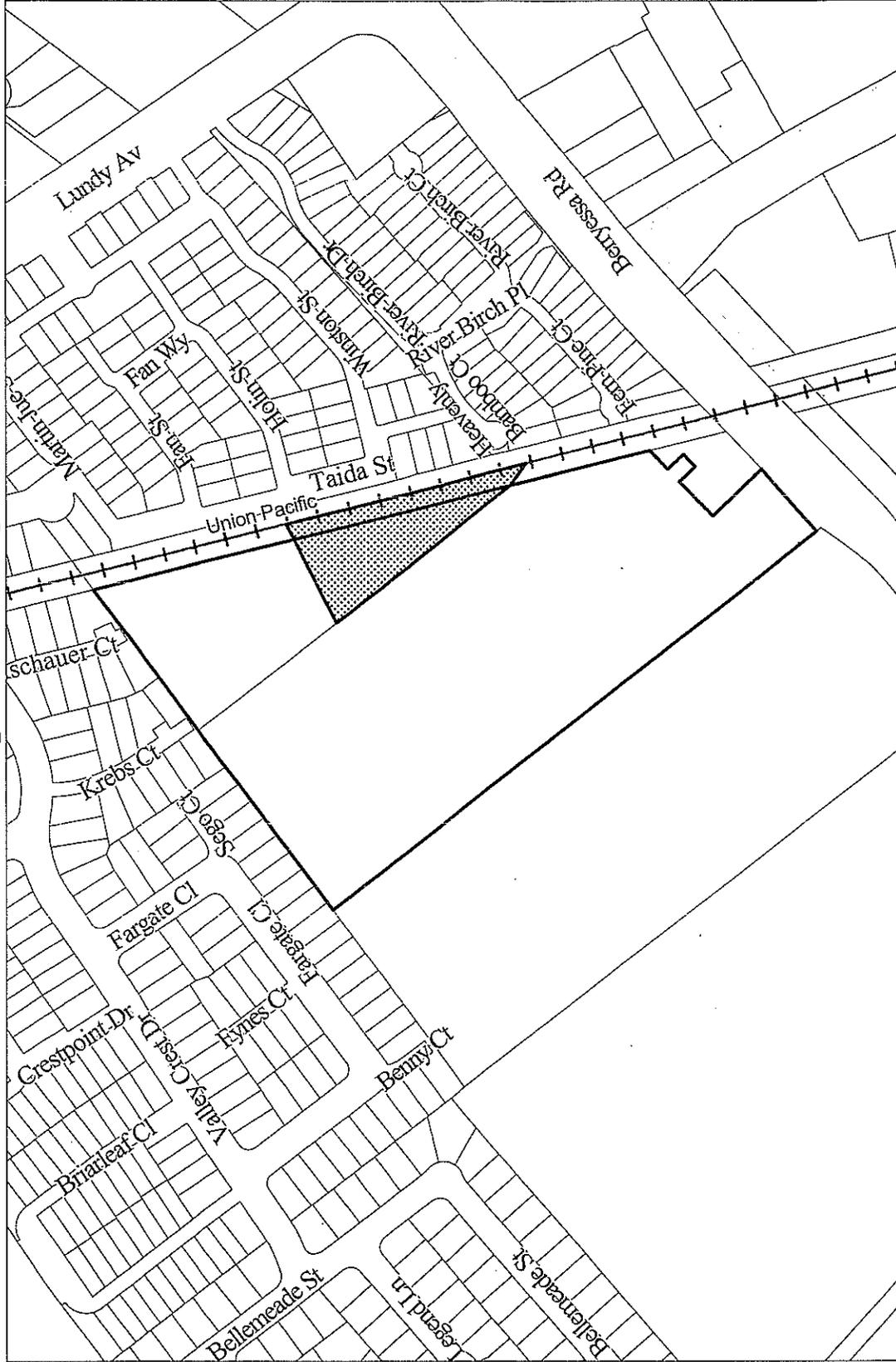
RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. While the proposed rezoning is not in conformance with the General Plan Land Use/Transportation Diagram designation of Industrial Park, factors, including the existing approved use of this property, and the existing *LI Light Industrial Zoning* on the surrounding 13+ acre site, support that *LI Light Industrial* is the appropriate Zoning District for this 0.69 acre portion of the larger site.
2. The proposed rezoning will facilitate development of this site that is compatible with the existing development on the site, and uses in the surrounding area.

Attachments

Location Map with Zoning



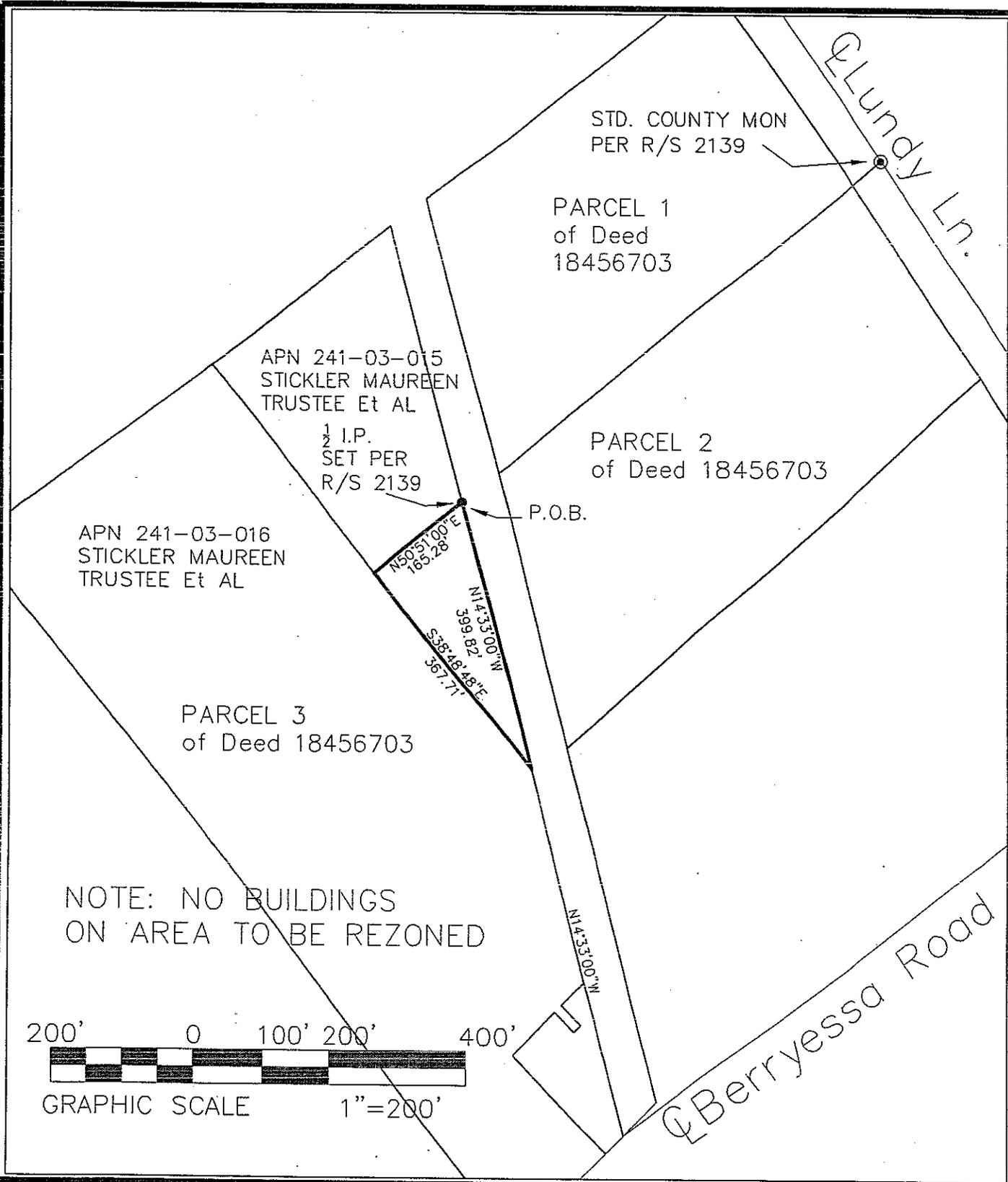
Scale 1 in = 300 ft 1:3600
Noticing Radius: 500 ft



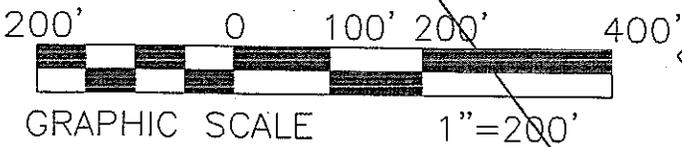
File Number: C07-014
District: 4
Quad No: 51



Map Created On:
3/8/2007



NOTE: NO BUILDINGS ON AREA TO BE REZONED



EXIBIT B

R+G RUTH AND GOING, INC.
 Civil Engineering Land Surveying
 2216 The Alameda SANITA CLARA, CA. 95050
 (408) 236-2400

DRAWN: WFF
 CHKD.: _____
 FILE: 07017A

SCALE: 1" = 200'
 DATE: 02-07-07
 JOB #: 07017A

SHEET NO.
1 OF 1