



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: February 22, 2010

COUNCIL DISTRICT: 7

SUBJECT: **C12-003. CONVENTIONAL ZONING TO REZONE FROM IP INDUSTRIAL PARK ZONING DISTRICT TO CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING ON A 2.12 GROSS ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF MONTEREY ROAD AND STAUFFER BOULEVARD.**

RECOMMENDATION

The Planning Commission voted 6-0-1, Commissioner Cahan absent, to recommend that the City Council adopt an ordinance rezoning a 2.12 gross acre site located at the southwest corner of Monterey Road and Stauffer Boulevard, as recommended by staff.

OUTCOME

The City Council's approval of the rezoning would rezone the subject site from IP Industrial Park to CIC Combined Industrial/Commercial.

BACKGROUND

On February 22, 2012, the Planning Commission held a public hearing to consider the proposed rezoning of the 2.12 gross acre site. A detailed staff report to the Planning Commission contains the analysis for the subject rezoning. The Planning Commission did not discuss the project and there were no members of the community present to speak on the project. The Planning Commission voted 6-0-1 (Commissioner Cahan absent) to recommend approval of the project as recommended by staff.

ANALYSIS

The proposed conforming rezoning was analyzed with respect to the following: 1) conformance with the Envision San José 2040 General Plan; and 2) CEQA.

Conformance to the General Plan

The proposed rezoning of the subject site to the CIC Combined Industrial/Commercial Zoning District conforms to the Envision San José 2040 General Plan land use designation of Combined Industrial/Commercial, however, is not in strict conformance with the Heavy Industrial designation on a minor portion of the site. As shown in the attached general plan map, a 220-foot-wide portion of the site extending inward from Monterey Road has a General Plan designation of Combined Industrial/Commercial, whereas a 0.2 gross acre sliver of land located along the rear (western edge) of the 2.12 gross acre site has a General Plan designation of Heavy Industrial.

Staff is recommending that the entire site be zoned with the CIC Combined Industrial/Commercial zoning designation. The proposed rezoning of a portion of the site with the Heavy Industrial land use designation is negligible in that this portion of the site only includes a small sliver of the existing industrial building and associated site improvements for vehicle circulation and landscaping. The proposed rezoning is not anticipated to spur redevelopment of the site in the near future. This rezoning is recommended instead of splitting the site with CIC Combined Industrial/Commercial and HI Heavy Industrial zoning designations because one zoning designation would create consistent allowable uses and development standards for the entire building and developed site. The CIC Combined Industrial/Commercial zoning designation conforms to over 90 percent of the site's Combined Industrial/Commercial General Plan designation.

The CIC Combined Industrial/Commercial Zoning District is intended for a variety of industrial and commercial uses that support the goals of the Combined Industrial/Commercial General Plan designation. The district allows for a broad range of commercial uses with a local or regional market and a narrower range of industrial uses, primarily industrial park in nature. Typical industrial uses in this zoning designation include light and medium manufacturing, research and development, warehouse, and wholesale sale establishments. Typical commercial uses include retail, public eating establishments, personal services, and general and medical offices.

This proposed rezoning is supportive of the Diverse and Innovative Economy Policy of the Envision San José 2040 General Plan that the policy and rezoning recommendation facilitate job creation and emphasize the attraction, growth, and retention of businesses of all sizes. Additionally, the proposal supports the General Plan Industrial Land Use Goal of allowing compatible commercial and office uses in industrial areas.

California Environmental Quality Act (CEQA)

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040, and does not involve new significant effects beyond those analyzed in this Final EIR.

PUBLIC OUTREACH/INTEREST

Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater.

(Required: Website Posting)

Criterion 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)**

Criterion 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)**

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. This memorandum and the staff report to the Planning Commission were posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public. As of February 9, 2012, staff received one correspondence from the public seeking additional general information regarding the proposed rezoning. This e-mail correspondence was attached to the staff report to the Planning Commission.

COORDINATION

This Rezoning was coordinated with the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This rezoning is consistent with applicable General Plan policies.

HONORABLE MAYOR AND CITY COUNCIL

March 6, 2012

Subject: File No. C12-003

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CEQA

Resolution No. 76041, Reuse of Envision San Jose 2040 General Plan Environmental Impact Report.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions, please contact Sylvia Do, Planner II, at 408-535-7907.

Attachments:

- Staff report to the Planning Commission

STAFF REPORT
PLANNING COMMISSION

FILE NO.: C12-003

Submitted: January 19, 2012

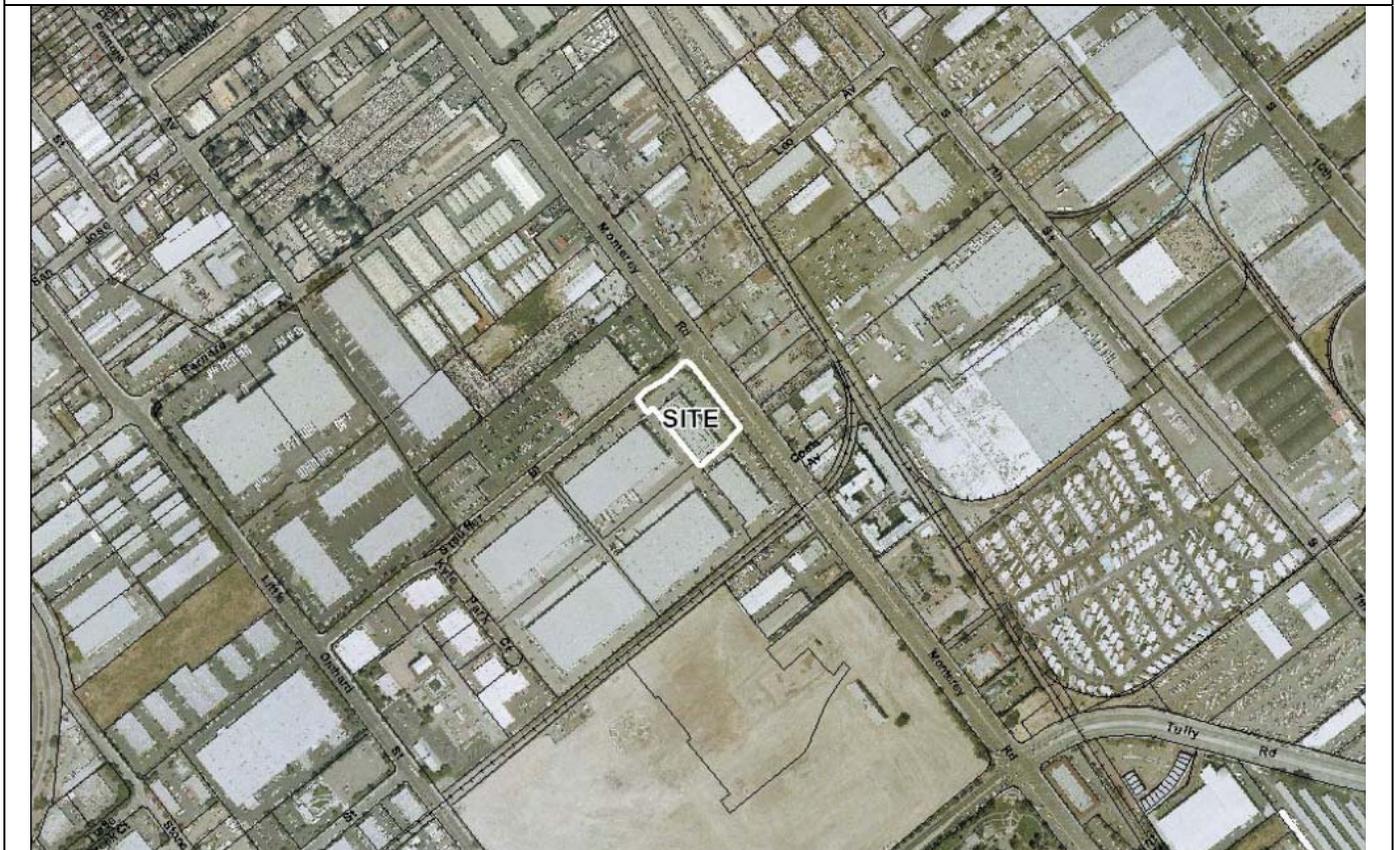
PROJECT DESCRIPTION:

Conventional Zoning to rezone from IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District to allow commercial and industrial uses on a 2.12 gross acre site.

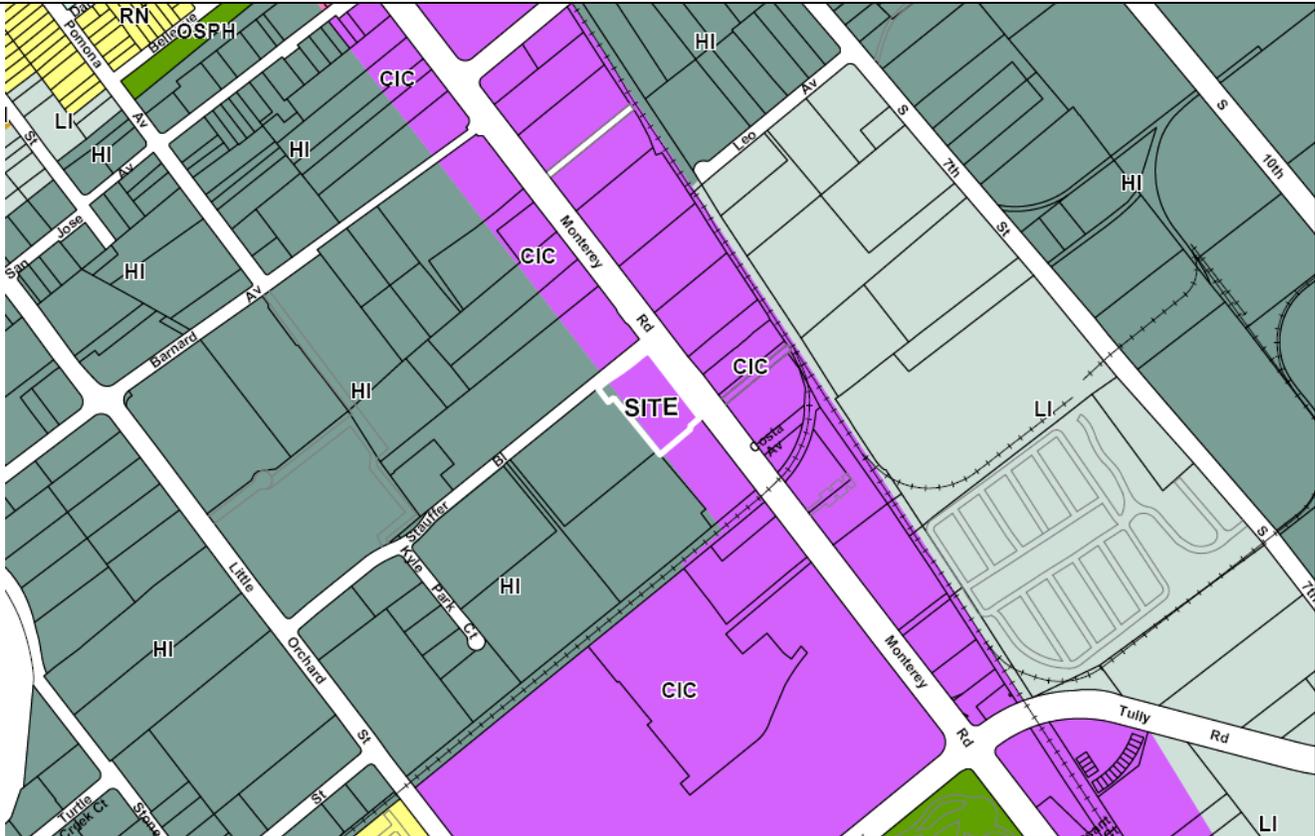
LOCATION: Southwest corner of Monterey Road and Stauffer Boulevard.

Existing Zoning	IP Industrial Park
Proposed Zoning	CIC Combined Industrial/Commercial
Envision 2040 General Plan	Combined Industrial Commercial and Heavy Industrial
Council District	7
Redevelopment Area	No
Specific Plan	No
CEQA	Use of Envision San Jose 2040 EIR

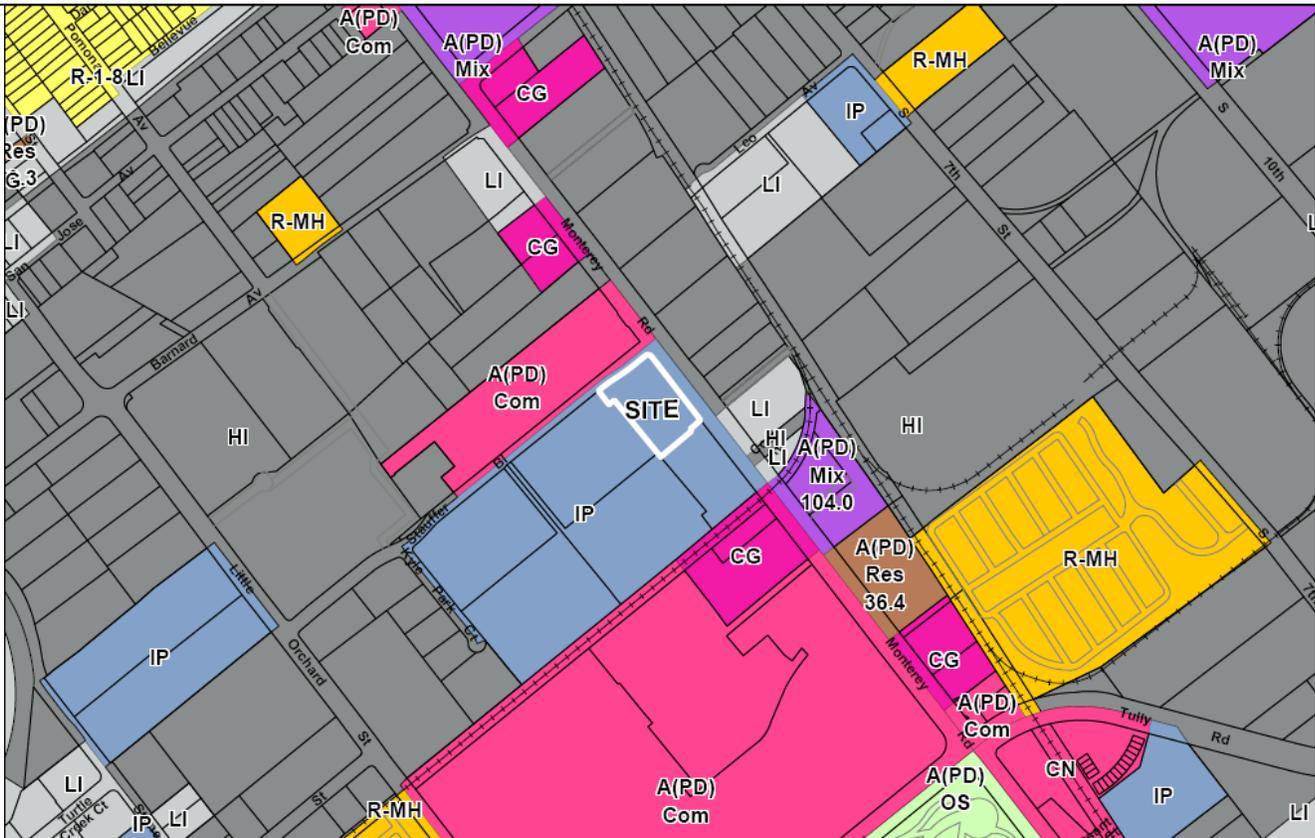
AERIAL MAP



ENVISION 2040 GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council approval of the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with Envision San José 2040 General Plan policies and land use designation of Combined Industrial/Commercial that apply to a majority of the subject site.
2. The proposed rezoning would allow industrial and commercial uses, or the compatible mixture of these uses, on the site that are compatible with the existing structure and surrounding uses.
3. The rezoning is in conformance with the California Environmental Quality Act (CEQA).

BACKGROUND

On January 19, 2012, the applicant, Pepper Lane-Berryessa, LLC, requested a conventional rezoning of the subject property from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District to facilitate occupancy of the underutilized site for commercial and industrial uses.

The subject site was subdivided from one 24.87 gross acre parcel into six lots for industrial uses in 1999. The subject site was developed in 2000 with one 33,125 square foot industrial building as part of a six-building industrial development totaling approximately 430,000 square feet. The industrial building is currently vacant.

Site and Surrounding Uses

The site is developed with a 33,125 square foot industrial building with associated site improvements including parking and landscaping. Access to the project site is currently provided from Monterey Road and Stauffer Boulevard. The site is bounded by an indoor commercial recreation (gym)use to the north across Stauffer Boulevard, a metal recycling processing facility to the east across Monterey Road, and industrial uses to the south and west.

ANALYSIS

The proposed conforming rezoning was analyzed with respect to the following: 1) conformance with the Envision San José 2040 General Plan; and 2) CEQA.

Conformance to the General Plan

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Staff is recommending that the entire site be zoned with the CIC Combined Industrial/Commercial zoning designation. The proposed rezoning of portion of the site with the Heavy Industrial land use designation is negligible in that this portion of the site only includes a small sliver of the existing industrial building and associated site improvements for vehicle circulation and landscaping. The proposed rezoning is not anticipated to spur redevelopment of the site in the near future. This rezoning is recommended instead of a splitting the site with CIC Combined Industrial/Commercial and HI Heavy Industrial zoning designations because one zoning designation would create consistent allowable uses and development standards for the entire building and developed site. The CIC Combined Industrial/Commercial zoning designation conforms to over 90 percent of the site's Combined Industrial/Commercial General Plan designation.

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CONCLUSION

Staff recommends that the entire 2.12 gross acre site be rezoned to the CIC Combined Industrial/Commercial Zoning District to conform to the Combined Industrial/Commercial General Plan designation present on a majority of the site. The proposed rezoning supports a mixture of industrial and commercial uses reflected in the surrounding area, and would facilitate business attraction to the underutilized site. This rezoning is not associated with any proposals for specific development. Any future development requiring planning permits will require conformance with the San José General Plan, Municipal Code, and other policies.

PUBLIC OUTREACH/INTEREST

Property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. A sign has been posted on the site as notification of the proposed rezoning. This staff report has been posted on the City's web site. Staff has been available to discuss the proposal with

interested members of the public. As of February 9, 2012, staff received one correspondence from the public seeking additional general information regarding the proposed rezoning.

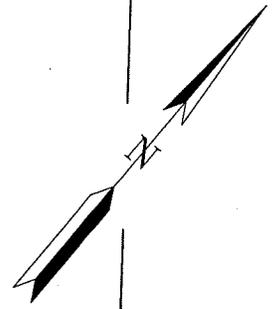
Project Manager: Sylvia Do **Approved by:**  **Date:** 2/10/2012

Owner/Applicant:	Attachments:
Pepper Lane-Berryessa, LLC (owner/applicant) c/o Borelli Investment Co. 2051 Junction Avenue, #100 San Jose, CA 95131 John Moniz (contact) Rugger-Jensen-Azar & Assoc. 8055 Camino Arroyo Gilroy, CA 95020	Exhibit "B," plat map of property

0 80 160 240



SCALE IN FEET: 1" = 80'



STAUFFER BOULEVARD

MONTEREY HIGHWAY (STATE ROUTE 82)

LINE TABLE		
NO.	BEARING	DIST
L1	N49°51'15"E	31.58'
L2	N55°40'02"E	67.01'
L3	N49°51'37"E	58.16'
L4	N40°08'23"W	10.04'
L5	N49°51'38"E	29.71'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	310.00'	5°48'47"	31.45'
C2	350.00'	5°48'47"	35.51'
C3	20.00'	91°38'45"	31.99'

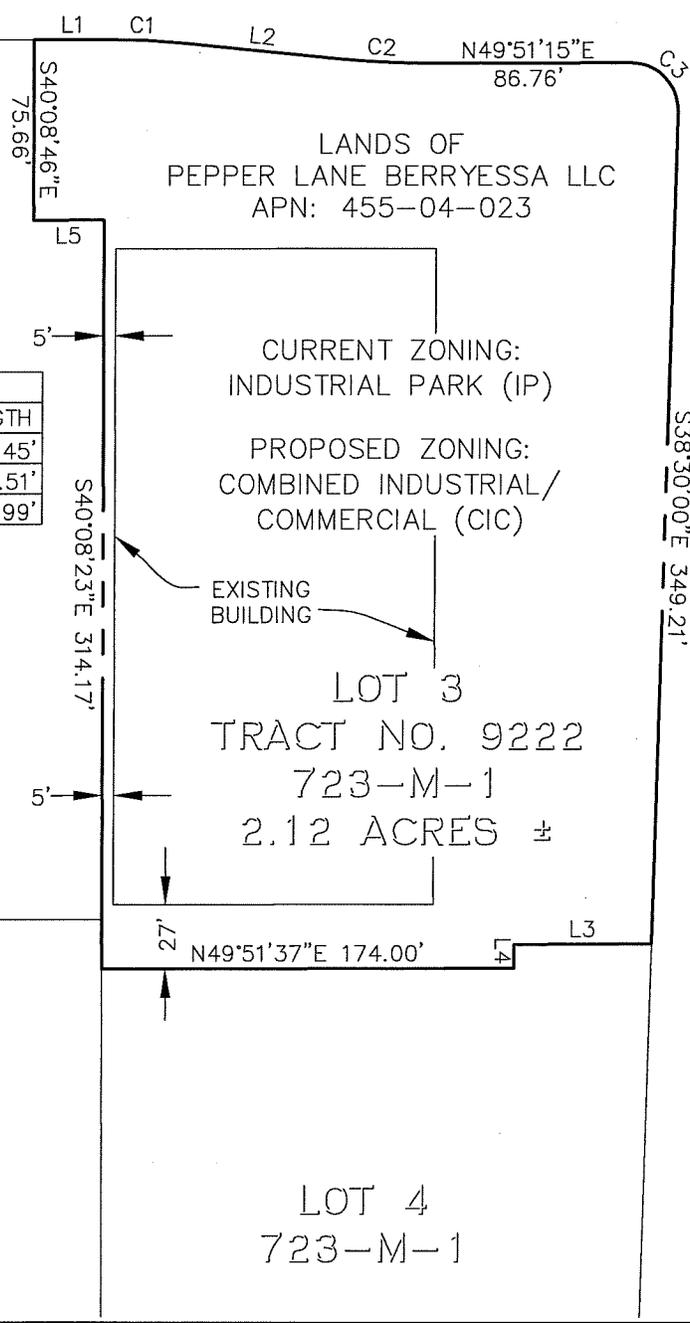


EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION
FOR REZONING
LOT 3, TRACT NO. 9222
BOOK 723 OF MAPS, PAGE 1
SANTA CLARA COUNTY RECORDS
CITY OF SAN JOSE, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
 8055 CAMINO ARROYO GILROY, CA 95020
 PHONE: (408) 848-0300 FAX: (408) 848-0302

SCALE:
1" = 80'

DATE:
01/11/12

JOB NO.:
122001