

STAFF REPORT
CITY COUNCIL

FILE NO.: C12-013

Submitted: June 26, 2012

PROJECT DESCRIPTION:

Conforming Rezoning from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 1.76-gross-acre site.

LOCATION:

Northwest corner of Oakland Road and Atteberry Lane (2215 Oakland Road).

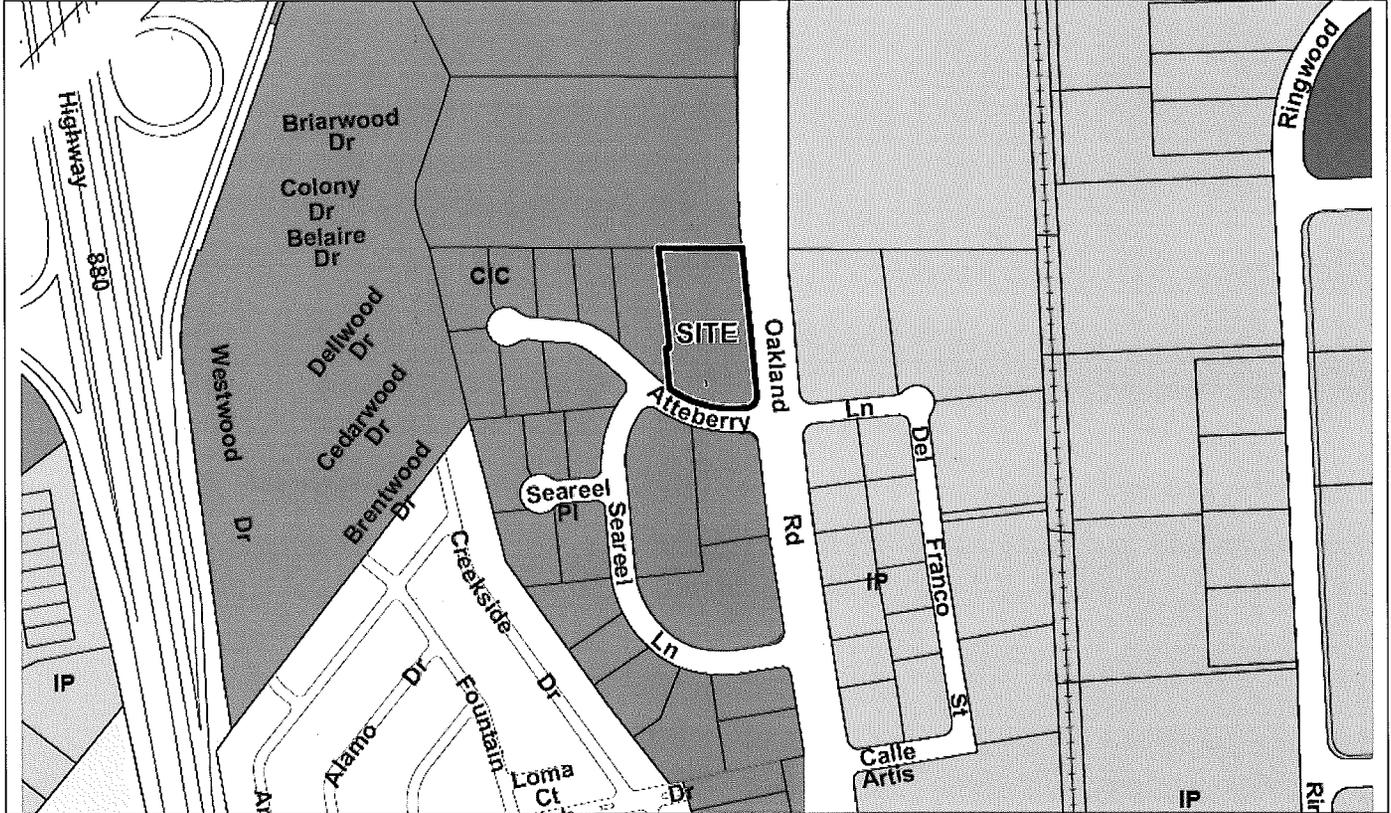
Zoning	IP Industrial Park
Proposed Zoning	CIC Combined Industrial/Commercial
Envision 2040 General Plan	Combined Industrial/Commercial
Council District	4
Annexation Date	11/4/80
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

Aerial Map

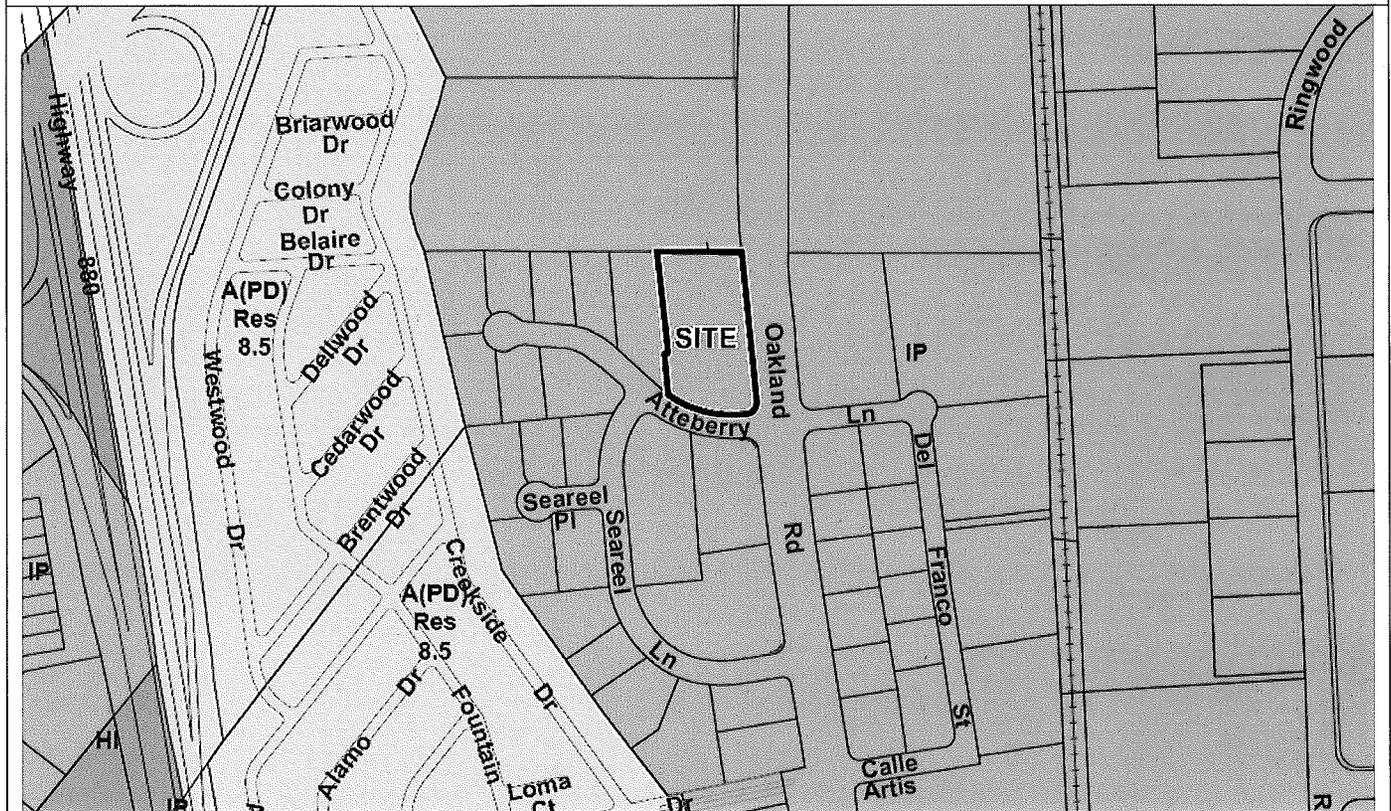
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ENVISION 2040 GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the City Council approve the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the Envision San José 2040 General Plan Land Use/Transportation Diagram's land use designation of Combined Industrial/Commercial for the subject site.
2. The proposed rezoning would allow a variety of commercial and industrial uses, including private instruction, on the site that are compatible with the existing building and surrounding uses.
3. The rezoning is in conformance with the California Environmental Quality Act (CEQA)

BACKGROUND & DESCRIPTION

On June 26, 2012, the applicant, Playing at Learning, requested a conforming rezoning of the subject property from the IP Industrial Park Zoning District to the Combined Industrial/Commercial Zoning District to facilitate the use of the site for private instruction use, specifically for robotics education.

The property was developed in 1984 with a one-story R&D/Warehouse building and is currently vacant. Private instruction uses are not permitted in the IP Industrial Park Zoning District, but are permitted in the CIC Combined Industrial/Commercial Zoning District. The proposed private instruction use can occur within the existing building provided that the proposed rezoning is approved, that the site provides sufficient parking for the proposed use, and that the owner or operator obtains any necessary Building permits for their proposal.

Site and Surrounding Uses

The 1.76 gross acre site is developed with an existing one-story building with a double-loaded row of parking along the Oakland Road frontage. The site is bounded by other industrial uses to the north and west, and across Oakland Road to the east and Atteberry Lane to the south. Access to the site is provided from Oakland Road and Atteberry Lane.

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/Transportation Diagram land use designation of Combined Industrial/Commercial.

The Combined Industrial/Commercial land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses. In terms of use, the General Plan defers to the Zoning Ordinance for more specific guidance on allowed uses. As described above, private instruction is a permitted use in the CIC Combined Industrial/Commercial zoning district.

California Environmental Quality Act (CEQA)

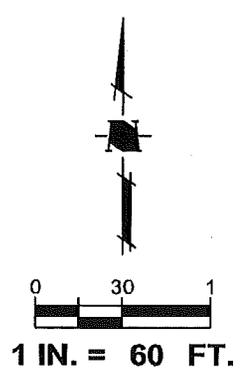
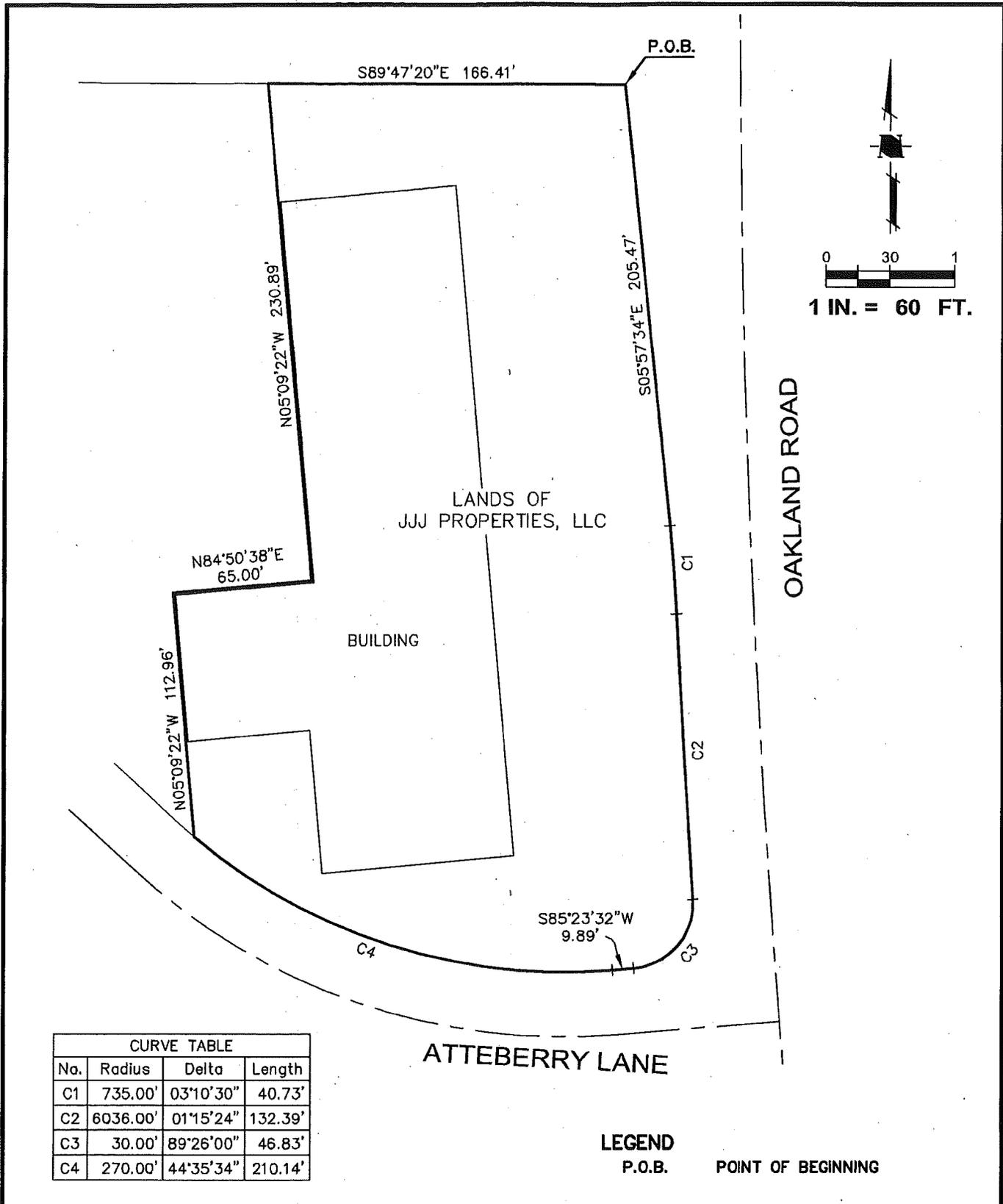
Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 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

Early in the application process, signage was posted at the site to inform the public about the proposed change. Property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. 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.

Project Manager: John W. Baty **Approved by:** /s/ _____ **Date:** July 30, 2012

Owner/Applicant: JJJ Properties LLC 714 Pilgrim Loop Fremont, CA 94539 Mark Edelman Play at Learning 42668 Lerwick Street Fremont, CA 94539	Attachments: Exhibit "B"
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CURVE TABLE			
No.	Radius	Delta	Length
C1	735.00'	03°10'30"	40.73'
C2	6036.00'	01°15'24"	132.39'
C3	30.00'	89°26'00"	46.83'
C4	270.00'	44°35'34"	210.14'

LEGEND
P.O.B. POINT OF BEGINNING

SHEET 1 OF 1

Date: 07-30-12
Scale: 1" = 60'
Designed: —
Drawn: TG
Checked: TG
Proj. Eng.: —
420200PL01



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR REZONING PURPOSES
SAN JOSE CALIFORNIA

**USE OF A PROGRAM EIR
 ENVISION SAN JOSE 2040 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 Envision San Jose 2040 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

C12-013. Conforming Rezoning from the IP-Industrial Park Zoning District to the Combined Industrial/Commercial Zoning District for a project located at the northwest corner of Oakland Road and Atteberry Lane on a 1.76-gross-acre site.

Council District 7.

County Assessor's Parcel Number 237-31-037

The environmental impacts of this project were addressed by a Final EIR entitled, "Envision San Jose 2040 General Plan," and 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 Jose General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIR:

Transportation	Geology and Soils	Noise and Vibration
Population & Housing	Hazardous Materials & Hazards	Land Use
Utilities & Service Systems	Air Quality	Aesthetics
Energy	Public Facilities & Services	Hydrology & Water Quality
Greenhouse Gas Emissions	Biological Resources	Cultural & Paleontological Resources

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.

John W. Baty
 Project Manager

Joseph Horwedel, Director
 Planning, Building and Code Enforcement

7/30/2012

 Date
 Document#

Joseph Horwedel

 Deputy



EXHIBIT "A"
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 3 as shown on that parcel map filed for record October 6, 1983 in Book 519 of Maps, pages 27 through 29, in the Official Records of Santa Clara County, and more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 3, being on the westerly line of Oakland Road;

Thence along said westerly line and the northerly line of Atteberry Lane, the following six courses:

1. Thence South 05°57'34" East, 205.47 feet;
2. Thence along a tangent curve to the right, having a radius of 735.00 feet, through a central angle of 03°10'30" for an arc length of 40.73 feet;
3. Thence along a reverse curve to the left, having a radius of 6,036.00 feet, through a central angle of 01°15'24" for an arc length of 132.39 feet;
4. Thence along a reverse curve to the right, having a radius of 30.00 feet, through a central angle of 89°26'00" for an arc length of 46.83 feet;
5. Thence South 85°23'32" West, 9.89 feet;
6. Thence along a tangent curve to the right, having a radius of 270.00 feet, through a central angle of 44°35'34" for an arc length of 210.14 feet;

Thence along the general easterly and northerly lines of said Parcel 3, the following four courses:

1. Thence North 05°09'22" West, 112.96 feet;
2. Thence North 84°50'38" East, 65.00 feet;
3. Thence North 05°09'22" West, 230.89 feet;
4. Thence South 89°47'20" East, 166.41 feet, to the POINT OF BEGINNING;

Containing 1.76 acres, more or less.



C12-013