



CITY COUNCIL STAFF REPORT

File No.	C17-036
Applicant	Buddy Silvercreek, LLC
Location	5952 Silver Creek Valley Road
Existing Zoning	IP Industrial Park
Proposed Zoning	CIC Combined Industrial/Commercial
Council District	2
Historic Resource	No
Annexation Date	December 5, 1983
CEQA	Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto

APPLICATION SUMMARY: Conforming Rezoning from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 2.18-gross acre site.

RECOMMENDATION:

Staff recommends that the City Council approve the Conforming Rezoning based upon the facts and findings in this staff report.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation	Combined Industrial/Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent		
Consistent Policies	Implementation Policies IP-1.6 and IP-8.2		
Inconsistent Policies	None		
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Industrial Park	IP Industrial Park	Professional offices
South	Industrial Park	IP Industrial Park	Professional office and training school
East	Industrial Park	IP Industrial Park	Professional offices and financial services
West	Combined Industrial/Commercial	A(PD) Planned Development	Public eating establishment, financial and personal services

RELATED APPROVALS

Date	Action
12/5/1983	Site annexed into the City of San José (Riverside No. 36).

PROJECT DESCRIPTION

On August 18, 2017, the applicant applied for a Conforming Rezoning of the subject property from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 2.18-gross acre site. No formal development applications have been filed at this time.

Site Description: The project site is on the south side of Silver Creek Valley Road, approximately 400 feet east of Hellyer Avenue at 5952 Silver Creek Valley Road (see Figure 1).



Figure 1: Location Map

The subject site is currently vacant. There is a professional office campus to the north, across from Silver Creek Valley Road, professional offices and financial services to the east, professional services (Kotar Data Recovery) and professional training school (martial arts) to the south, and a public eating establishment, personal and financial services to the west.

ANALYSIS

The proposed Conforming Rezoning was analyzed with respect to conformance with: 1) the Envision San José 2040 General Plan; 2) the Edenvale Area Development Policy; 3) the Zoning Ordinance; and 4) the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site has a land use designation of Combined Industrial/Commercial on the Envision San José 2040 General Plan Land Use/Transportation Diagram (see Figure 2).

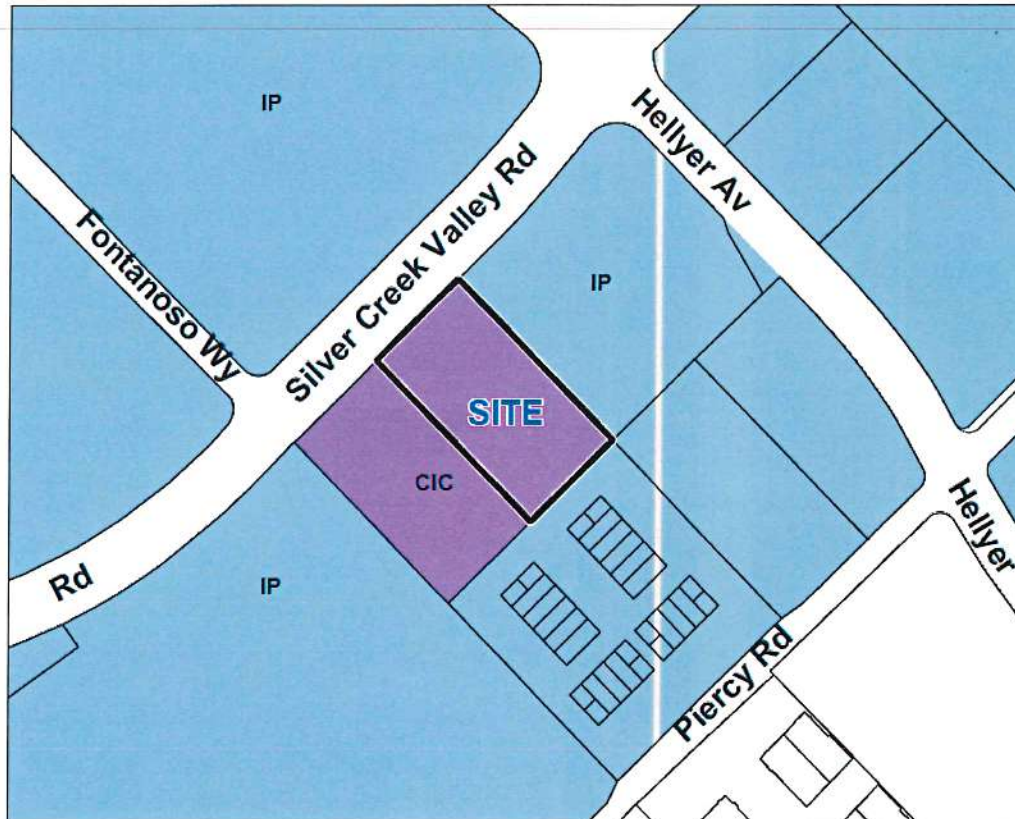


Figure 2: General Plan Map

The Combined Industrial/Commercial land use designation supports commercial, office, or industrial development or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses consistent with the land use designation of Combined Industrial/Commercial.

This conforming rezoning is also consistent with the following General Plan policies:

1. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
2. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various

ranges of allowed uses and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis: The CIC Combined Industrial/Commercial Zoning District is the conforming zoning district for the Envision San José 2040 General Plan Land Use/Transportation Diagram's designation of Combined Industrial/Commercial, as indicated in Section 20.120.110 of the Zoning Ordinance. The proposed Conforming Rezoning to the Combined Industrial/Commercial Zoning District will allow a conforming zoning district that is consistent with the General Plan goals intended for this property.

Edenvale Area Development Policy

The property is subject to the requirements of the Edenvale Area Development Policy. This policy addresses the traffic impacts of development projects by requiring payment of traffic impact fees to offset the costs of traffic improvements in the area that are designed to maintain acceptable traffic levels of service. When a specific project is proposed for the site, the applicable traffic impact fee will be determined based on the size and type of project, and will be due and payable prior to issuance of Building Permits. These fees are then combined with the fees of other projects to implement traffic improvements over time.

Zoning Ordinance Conformance

The site is currently in the IP Industrial Park Zoning District (see Figure 3).

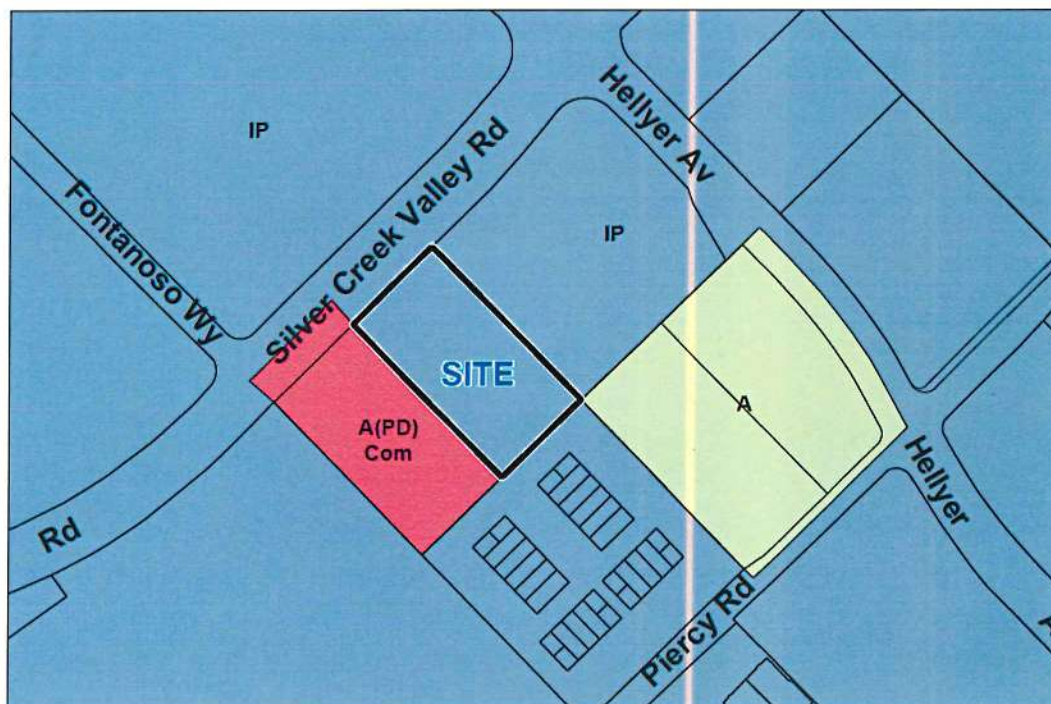


Figure 3: Existing Zoning Map

The proposed Conforming Rezoning conforms with Table 20-270 of Section 20.120.110 of the Zoning Ordinance, which identifies the CIC Combined Industrial/Commercial Zoning District as the conforming zoning district for the Combined Industrial/Commercial General Plan land use designation. Allowable uses of this zoning district include commercial office, hotel and industrial development, as well as wholesale establishments, general retail and restaurants. The existing IP

Industrial Park Zoning District does not conform to the General Plan designation of Combined Industrial/Commercial which contains a limited amount of supportive commercial uses. The proposed rezoning of the site will promote a compatible mixture of industrial or commercial uses that support the goals of the General Plan designation of Combined Industrial/Commercial.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Program Environmental Impact Report (EIR) and Supplemental EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and Resolution No. 77617 on December 15, 2015, respectively, and all Addenda thereto. The 2011 Program EIR and a supplemental EIR were 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. The proposed rezoning does not involve new significant effects beyond those analyzed in the Program EIRs, supplemental EIR, and Addenda thereto. A Determination of Consistency with these documents was prepared for this rezoning.

PUBLIC HEARING NOTIFICATION

To inform the public of the proposed project, 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 staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Approved by: /s/ Rosalynn Hughey, Interim Director, Planning Building and Code Enforcement

For questions please contact Steve McHarris, Planning Official, at 408-535-7819

Attachment: Legal Description and Plat Map

"EXHIBIT A"
LEGAL DESCRIPTION

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being a portion of "Parcel B" as shown on the Parcel Map Filed February 20, 1976 in Book 368 of Maps, at Page 2, Records of Santa County, California, being more particularly described as follows:

Beginning at the east corner of said "Parcel B"; thence along the southeast line of said "Parcel B", S44°34'49"W, a distance of 221.43 feet; thence along the southwest line of said "Parcel B", N45°25'11"W, a distance of 428.07 feet to the southerly right-of-way line of Silver Creek Valley Road (formerly Fontanoso Avenue) as shown on the Record of Survey Filed March 14, 1984 in Book 525 of Maps at Pages 52 through 59 Records of Santa Clara County, California; thence along said southerly right-of-way line, N44°34'17"E, a distance of 221.43 feet to the northeast line of said "Parcel B"; thence along said northeast line, S45°25'11"E, a distance of 428.11 feet to the **Point of Beginning**.

Containing 2.176 acres, more or less.

As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

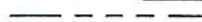



This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

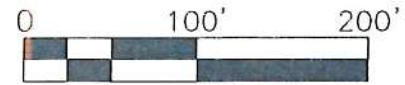
Bryan Pierce 08/25/2017

Bryan Pierce, PLS 8859 Date
Expires: 12/31/2017



LEGEND

-  BOUNDARY LINE
-  EXISTING LOT LINE
-  EXISTING EASEMENT
-  POINT OF BEGINNING



SCALE IN FEET: 1" = 100'



MWEST
679-02-022
(INDUSTRIAL)



IONICS ULTRAPURE WATER CORP.
678-93-031
(INDUSTRIAL)

SILVER CREEK VALLEY ROAD
(FORMERLY FONTANOSO AVENUE)

SUBJECT PARCEL
678-93-015
(VACANT)

SEEBACH
678-93-011
(COMMERCIAL)

KUMAR
678-93-016
(COMMERCIAL)

VENTURE COMMERCE CENTER
678-93-021...048
(INDUSTRIAL/OFFICE)

"EXHIBIT B"
BEING A PORTION OF "PARCEL B" AS
SHOWN ON THE PARCEL MAP FILED
FEBRUARY 20, 1976 IN BOOK 368 OF
MAPS, AT PAGE 2, RECORDS OF SANTA
CLARA COUNTY, CALIFORNIA
SAN JOSE, CA

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SCALE:
1" = 100'

DATE:
08-25-2017

JOB NO.:
172015-001