

CITY COUNCIL STAFF REPORT

File No.	C17-028
Applicant:	Bedrok LLC
Location	524 East Brokaw Road
Existing Zoning	HI Heavy Industrial
Proposed Zoning	CIC Combined Industrial/Commercial
Council District	3
Historic Resource	No
Annexation Date:	July 01, 1955
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 Addendum thereto

APPLICATION SUMMARY: Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 0.72-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	Combined Industrial/Commercial	A(PD) Planned Development	Auto Repair, body and paint shop, parking lot and hardware store
South	Combined Industrial/Commercial	HI Heavy Industrial	Warehouse/distribution facility
East	Combined Industrial/Commercial	HI Heavy Industrial	Warehouse and Wholesale (America Tire Store)

West	Combined Industrial/Commercial	HI Heavy Industrial	Warehouse (tile shop), parking lot
RELATED APPROVALS			
Date	Action		
7/1/1955	Site annexed into the City of San José (Orchard No. 11).		
9/17/1992	Building Permit (Folder No. 9202949) for seismic upgrade of the building.		
12/21/1992	Building Permit (Folder No. 9203408) to install fire sprinklers in the building.		
4/20/2017	Special Use Permit (File No. SP17-019) filed to allow an office and warehouse use in a 9,914-square foot commercial building for a plumbing maintenance and repair contractor on a 0.72-gross acre site (currently on file pending this Conforming Rezoning request).		

PROJECT DESCRIPTION

On July 6, 2017, the applicant applied for a Conforming Rezoning of the subject property from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 0.72-gross acre site.

Site Description: The project site is on the south side of East Brokaw Road, approximately 110 feet west of Junction Avenue at 524 E. Brokaw Road (see Figure 1).

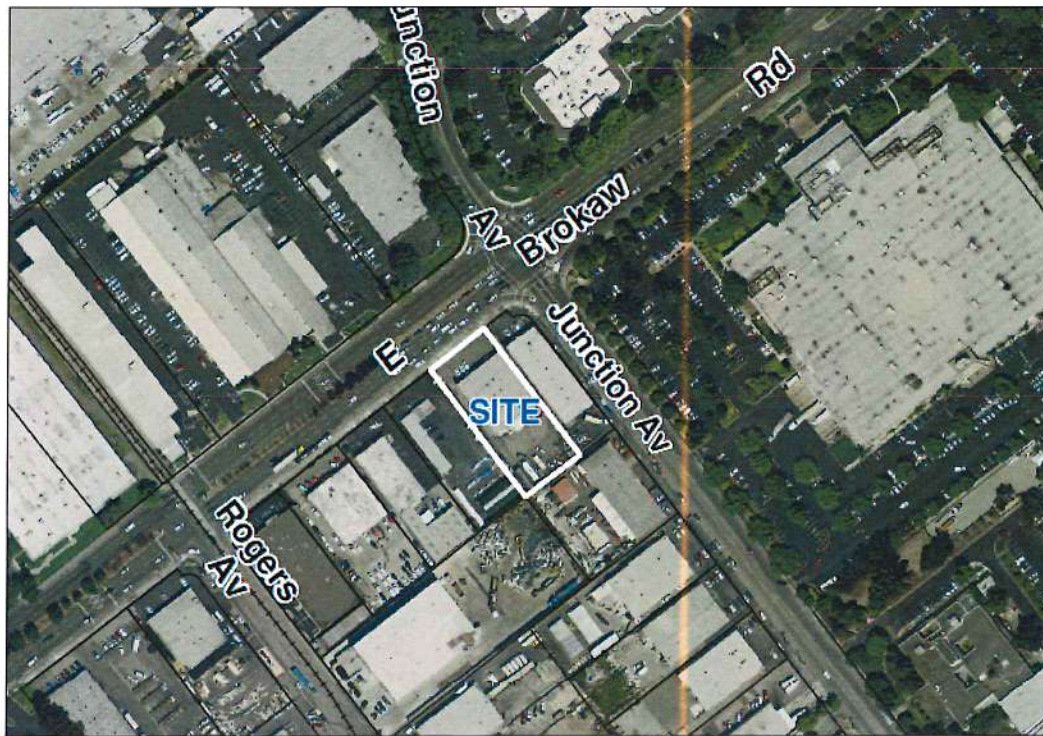


Figure 1: Location Map

The site currently has a vacant building on site. There is a hardware store, an auto repair and body shop, and a parking lot to the north across East Brokaw Road, and industrial, warehouse, wholesale and distribution buildings to the east, south, and west.

ANALYSIS

The proposed Conforming Rezoning was analyzed with respect to conformance with: 1) the Envision San José 2040 General Plan; 2) the Zoning Ordinance; and 3) 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).

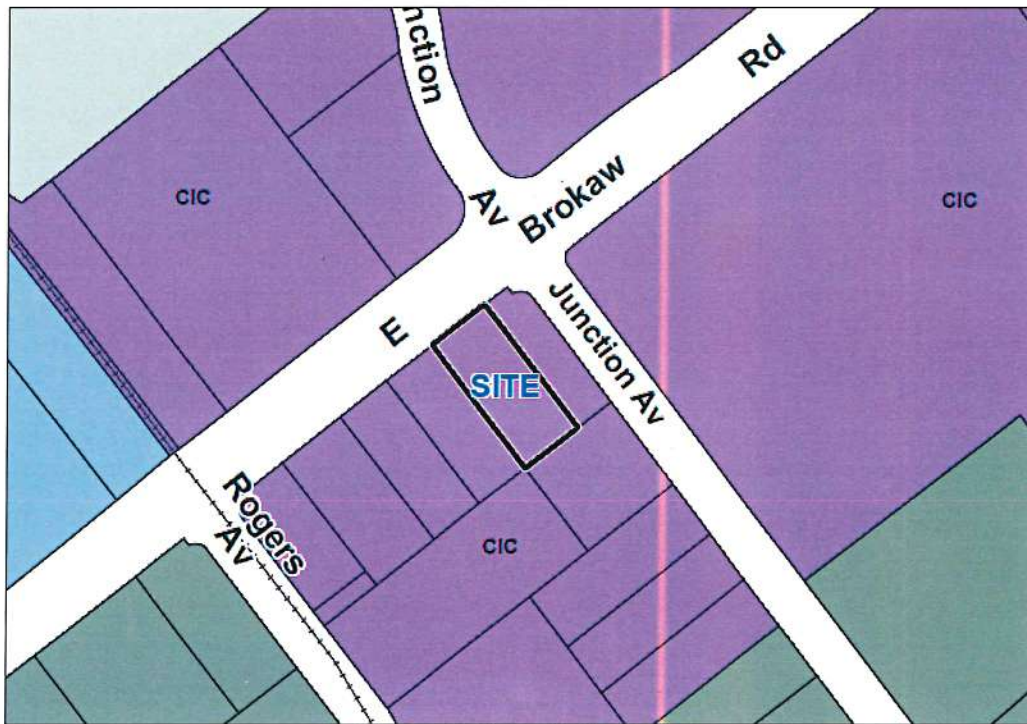


Figure 2: General Plan Map

The land use designation supports commercial, office, or industrial developments; 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. To maintain an industrial character, small, suburban strip centers are discouraged in this designation; however, larger big-box type developments may be allowed because they mix elements of commercial retail and warehouse forms and uses consistent with the land use designation of Combined Industrial/Commercial.

This rezoning is being requested to allow a proposed combination of office and warehouse use for a plumbing contractor business. The proposed use is not specifically allowed within the existing HI Heavy Industrial Zoning District but is a permitted use in the CIC Combined Industrial/Commercial Zoning District. A Special Use Permit application for the proposed use is currently on file (File No. SP17-019) and would require consideration and approval by the Director of Planning, subject to approval of this rezoning request.

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.

Zoning Ordinance Conformance

The site is in the HI Heavy Industrial Zoning District (see Figure 3).

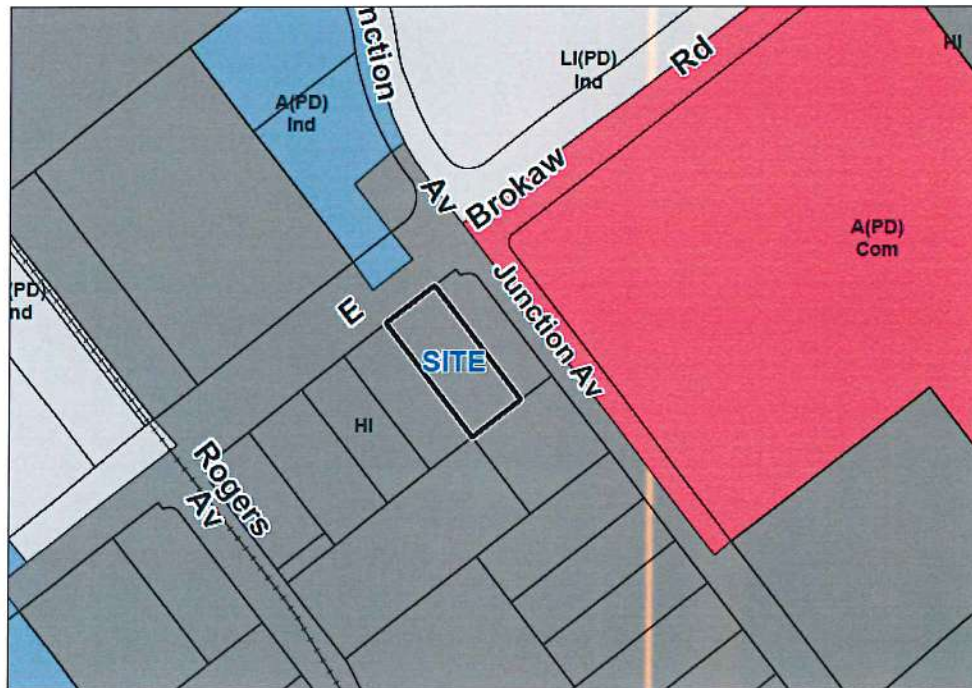


Figure 3: Zoning Map

The proposed Conforming Rezoning is in conformance with Table 20-270 of Section 20.120.110 of the San Jose Municipal Code. The Zoning Ordinance identifies the CIC Combined Industrial/Commercial Zoning District as a conforming zoning district to the Combined Industrial/Commercial General Plan Land Use/Transportation Diagram designation.

Allowable uses of the Combined Industrial/Commercial Zoning District include general business office as a permitted use and other uses such as business support, general retail and research and development. The proposed combination of office and warehouse uses for a plumbing contractor business is consistent with the CIC Combined Industrial/Commercial Zoning District.

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 Addendum 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 Addendum 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.

Attachments: Legal Description and Plat Map

EXHIBIT "A"

RE-ZONING LEGAL DESCRIPTION
APN 237-09-139

524E BROKAW ROAD
SAN JOSE, CA 95112

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF SANTA CLARA, CITY OF SAN JOSE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 8, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "CRESENT FARM SUBDIVISION", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 5, 1903, IN BOOK F-3 OF MAPS, AT PAGE 45, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF BROKAW ROAD (60 FEET WIDE), WHICH POINT IS DISTANT NORTHEASTERLY ALONG SAID LINE 513 FEET FROM THE POINT OF INTERSECTION OF THE DIVIDING LINE BETWEEN LOTS 9 AND 10 WITH THE SAID SOUTHEASTERLY LINE OF BROKAW ROAD, AS SAID LOTS AND ROAD ARE SHOWN UPON THE MAP REFERRED TO ABOVE;

THENCE FROM SAID POINT OF BEGINNING SOUTHEASTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 270 FEET;

THENCE NORTHEASTERLY AND PARALLEL TO THE SOUTHEASTERLY LINE OF BROKAW ROAD, A DISTANCE OF 117 FEET;

THENCE NORTHWESTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 300 FEET, MORE OR LESS, TO A POINT IN THE CENTER LINE OF BROKAW ROAD;

THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF BROKAW ROAD, A DISTANCE OF 117 FEET TO A POINT WHICH IS DISTANT NORTHEASTERLY ALONG SAID CENTER LINE 513 FEET FROM THE POINT OF INTERSECTION OF SAID CENTER LINE WITH THE DIVIDING LINE BETWEEN LOTS 9 AND 10;

THENCE SOUTHEASTERLY AND PARALLEL TO THE DIVIDING LINE BETWEEN LOTS 9 AND 10, A DISTANCE OF 30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 31,590 SQUARE FEET NET, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE PART HEREOF.


KEVIN B. BRONSON
PLS 8523

06-20-17
DATE:

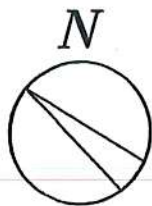


REFERENCES:

DOC 23546856, SANTA CLARA COUNTY RECORDS

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SHT 1 OF 2 JOB#3375



1" = 100'

EXHIBIT "B"

RE-ZONING PLAT
APN 237-09-139

524E BROKAW ROAD
SAN JOSE, CA 95112

APN 237-20-107
525E BROKAW RD.
ZONING: HI
GP2040: CIC

AVE.

APN 237-08-079
550E BROKAW RD.
ZONING: A(PD)
GP2040: CIC

JUNCTION

ROAD

APN 237-29-028
1801 JUNCTION RD.
ZONING: HI
GP2040: CIC

APN 237-09-140
530E BROKAW RD.
ZONING: HI GP2040: CIC
S38°37'17"E 270.00'

APN 237-09-141
1787 JUNCTION RD.
ZONING: HI
GP2040: CIC

APN 237-09-139
524E BROKAW RD.
ZONING: HI
GP2040: CIC

117.00'
N51°16'43"E

117.00'
N51°16'43"E

APN 237-29-017
495E BROKAW RD.
ZONING: HI
GP2040: CIC

E. BROKAW

OLD CENTER LINE

N38°37'17"W 270.00'
P.O.B. APN 237-09-138
580E BROKAW RD.
ZONING: HI
GP2040: CIC

30'

APN 237-09-133
1788 ROGERS AVE.
ZONING: HI
GP2040: CIC

APN 237-09-137
480E BROKAW RD.
ZONING: HI
GP2040: CIC



06-20-17

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