



CITY COUNCIL STAFF REPORT

File Nos.	C19-028
Applicant:	Current Management Associates
Location	Southeast corner of Auzerais Avenue and Lincoln Avenue (460 Lincoln Avenue)
Existing Zoning	HI Heavy Industrial
Proposed Zoning	CIC Combined Industrial Commercial
Council District	6
Historic Resource	No
Annexation Date:	October 14, 1925 (SW Industrial District)
CEQA:	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda therto

APPLICATION SUMMARY:

Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 2.49-gross acre site.

RECOMMENDATION:

Approve an Ordinance rezoning the approximately 2.49 acre site located on the southeast corner of Auzerais Avenue and Lincoln Avenue (460 Lincoln Avenue) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

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-1.7, IP-1.8 and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Combined Industrial/Commercial	Heavy Industrial	Auto repair shop
	General Plan Land Use	Zoning	Existing Use
South	Combined Industrial/Commercial	Heavy Industrial	Auto repair shop, self-storage

East	Combined Industrial/Commercial	Heavy Industrial	Vehicle storage yard
West	Combined Industrial/Commercial, Transit Residential	Heavy Industrial, A(PD) Zoning District (File No. PDC13-046)	Charter bus company, Apartment building

RELATED APPROVALS

Date	Action
03/21/2016	Conditional Use Permit to allow tenant improvements at an existing 41,105-square foot warehouse that includes retail sales and a public eating establishment associated with a medium manufacturing and assembly use (coffee roasting company), drinking establishment (tasting room) and off-sale of alcohol in conjunction with a brewery, and Transportation Demand Management (TDM) measures to reduce parking requirements on an approximately 2.49-gross acre site.

PROJECT DESCRIPTION

On July 16, 2019, the applicant, Current Management Associates, filed an application to rezone an approximately 2.49-gross acre site from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

Background

The subject site is located on the Southeast corner of Auzerais Avenue and Lincoln Avenue (See Figure 1). The subject site consists of a 41,105-square foot warehouse that is currently occupied by various retail and small manufacturing businesses. The site is surrounded by Heavy Industrial uses to the north, south, east, and west. An apartment building is located across Lincoln Avenue to the Southeast. There are no other active planning development permit applications on file for the subject site.



Figure 1: Aerial image of the subject site

The subject property is currently located in the HI Heavy Industrial Zoning District. The applicant has requested a Conforming Rezoning to rezone the site to the CIC Combined Industrial/Commercial Zoning District, which would bring the site into conformance with the Combined Industrial/Commercial General Plan Land Use/Transportation Diagram land use designation.

ANALYSIS

The proposed project was analyzed for conformance with the following: 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 an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram land use designation of Combined Industrial/Commercial (see Figure 2).



Figure 2: General Plan Land Use/Transportation Diagram

The Combined/Industrial/Commercial designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for 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. 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. The rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* vision, goals and policies.

3. **Implementation Policy IP-8.2 - Zoning:** 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 use 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 project consists of a Conforming Rezoning of the property from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. This would correspond to the existing *Envision General Plan* land use designation at the subject site. The new zoning designation would allow an expansion of conforming uses at the subject site.

Zoning Ordinance Conformance

The proposed rezoning conforms with [Table 20-270, Section 20.120.110](#) of the San José Municipal Code, which identifies the CIC Combined Industrial Zoning District as a conforming district to the Combined Industrial/Commercial General Plan Land Use/Transportation Diagram land use designation.



Figure 3: Zoning Map

The CIC Combined Industrial/Commercial District would allow the property to be used and developed in accordance with the allowable uses in [Table 20-110](#), which includes a range of commercial, retail, and industrial uses. This rezoning would facilitate the future redevelopment of the site to be consistent with the General Plan land use designation.

Setbacks and Heights

[Table 20-120](#) in [Section 20.50.200](#) of the San José Municipal Code establishes the following development standards for a CIC Combined Industrial/Commercial Zoning District.

Standard	CIC Zoning District
Front Setback	15 feet
Side Setback	0 feet from property line
Rear Setback	0 feet from property line
Maximum Height	50 feet

The Rezoning of the property from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District would not result in any changes to the existing height or setbacks. The existing building would conform to all height and setback requirements for a property in the CIC Combined Industrial/Commercial Zoning District. Future development would be evaluated for conformance with the above development standards and all other Municipal Code regulations.

Allowed Uses

Any future use of the site would be required to adhere to the allowed uses established in the CIC Combined Industrial/Commercial Zoning District pursuant to [Table 20-110](#) of the San José Municipal Zoning Code.

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 project 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 Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FPEIR, SEIR and Addenda 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.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR, SIER and Addenda been identified.

PUBLIC HEARING NOTIFICATION

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.

/s/

ROSALYNN HUGHEY, Director

Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachment: Legal Description and Plat Map



EXHIBIT "A"
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Grant Deed recorded May 5, 2016, in Document No. 23297331 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the centerline of Auzerais Avenue with the centerline of Lincoln Avenue;
Thence along said centerline of Auzerais Avenue, North 87°32'16" East, 265.45 feet, to the easterly line of said parcel of land;
Thence along said easterly line and the general southeasterly line of said parcel of land the following seven courses:
1. Thence South 02°27'06" East, 319.79 feet;
2. Thence South 42°04'00" West, 296.27 feet;
3. Thence North 02°50'06" West, 39.96 feet;
4. Thence North 04°57'19" West, 466.48 feet;
5. Thence South 87°32'16" West, 12.08 feet;
6. Thence South 02°27'06" East, 539.27 feet;
7. Thence South 42°04'00" West, 35.66 feet, to the centerline of Lincoln Avenue;
Thence along said centerline, North 02°27'06" West, 589.69 feet, to the POINT OF BEGINNING.

Containing 2.49 acres, more or less.

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

END OF DESCRIPTION

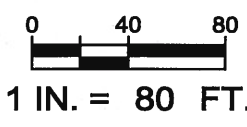
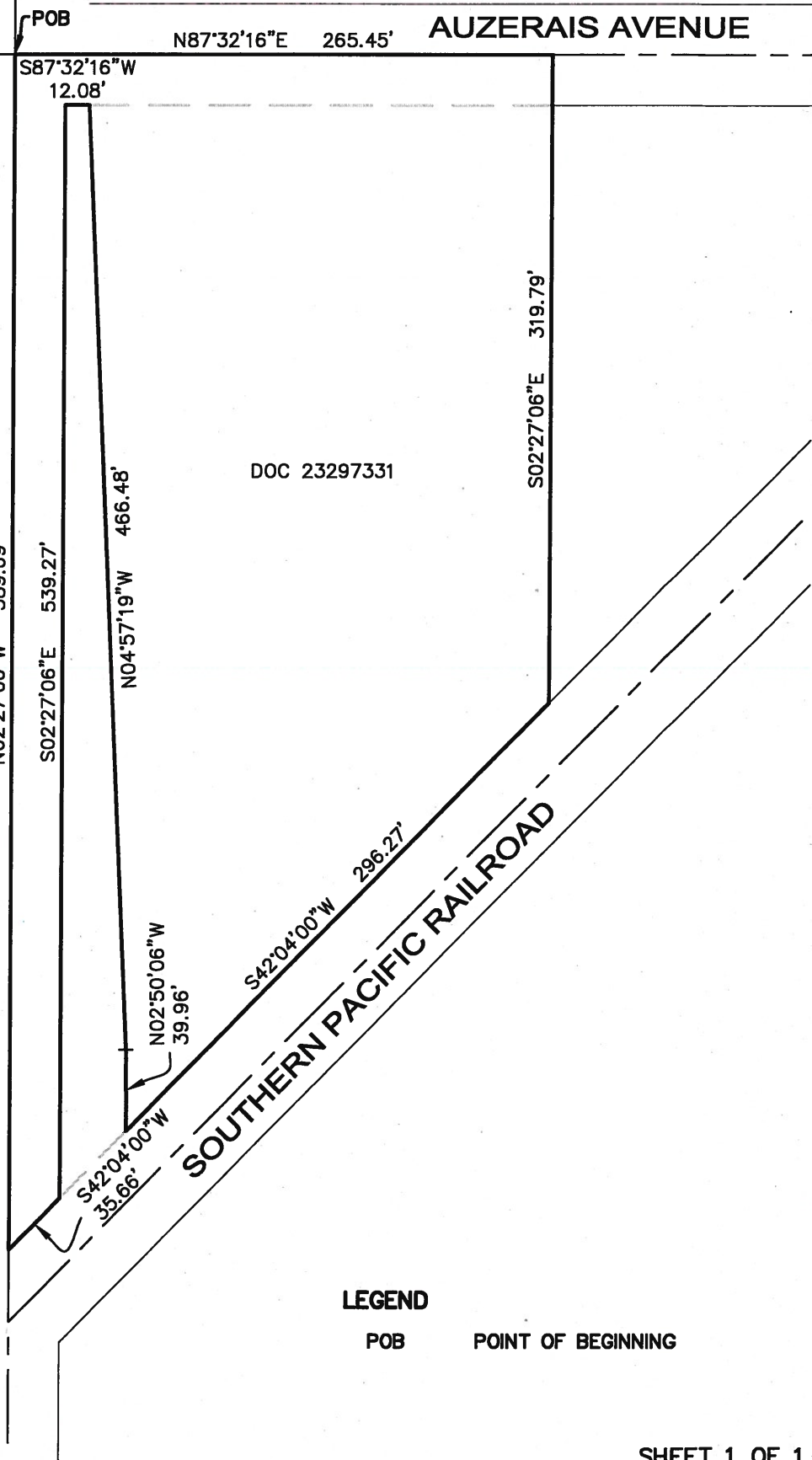
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 6/21/19


Tracy L. Giorgetti, LS 8720





LEGEND
 POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2019-06-20
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Engr.:	-
472510PLO1	

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

EXHIBIT "B"
 PLAT TO ACCOMPANY DESCRIPTION:
 FOR ZONING PURPOSES

SAN JOSE CALIFORNIA