



CITY COUNCIL STAFF REPORT

File Nos.	C19-050
Applicant:	Bryon Wolf, Caracol Property Owner LLC
Location	Southeast corner of East Brokaw Road and Junction Avenue (550-600 East Brokaw Road)
Existing Zoning	A(PD) Planned Development (File No. PDC95-041)
Proposed Zoning	CIC Combined Industrial/Commercial
Council District	3
Historic Resource	No
Annexation Date:	July 1, 1955 (Orchard No_11)
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 thereto.

APPLICATION SUMMARY:

Conforming Rezoning from an A(PD) Planned Development Zoning District (File No. PDC95-041) to the CIC Combined Industrial/Commercial Zoning District on an approximately 19.70-gross acre site.

RECOMMENDATION:

1. Approve an Ordinance rezoning the approximately 19.70-acre site located on the southeast corner of East Brokaw Road and Junction Avenue (550-600 East Brokaw Road) from an A(PD) Planned Development Zoning District (File No. PDC95-041) 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-1.1, IP-1.7, IP-1.8, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Combined Industrial/Commercial	LI(PD) Planned Development (File No. PDC71-136)	Business park

South	Heavy Industrial	HI Heavy Industrial	Cabinet store, Self-storage
East	Combined Industrial/Commercial	R-M Multiple Residence	Automobile dealership, Interstate 880
West	Combined Industrial/Commercial	HI Heavy Industrial	Tire repair shop, Cabinet store, Garage door sales center

RELATED APPROVALS	
Date	Action
6/26/1984	Site Development Permit (File No. H83-250) to allow an approximately 7,440-square foot addition to an existing office building on an approximately 19.70-gross acre site.
10/3/1995	Rezoning to an A(PD) Planned Development Zoning District (File No. PDC95-041) on an approximately 19.70-gross acre site.
10/13/1995	Planned Development Permit (File No. PD95-055) to allow an equipment enclosure and backup generator at an existing office and retail building on an approximately 19.70-gross acre site.

PROJECT DESCRIPTION

On December 17, 2019, the applicant, Caracol Property Owner, LLC, filed an application to rezone an approximately 19.70-gross acre site from an A(PD) Planned Development Zoning District (File No. PDC95-041) to the CIC Combined Industrial/Commercial Zoning District.

Background

The subject site is located on the southeast corner of East Brokaw Road and Junction Avenue (See Figure 1). The subject site consists of an existing commercial retail building (Fry's Electronics) on an approximately 19.70-gross acre site. The site is surrounded by commercial and industrial uses to the north, south, east, and west. The site is also adjacent to Interstate 880 to the east. There are no other active planning development permit applications on file for the site.



Figure 1: Aerial image of the subject site

The subject property is currently located in an A(PD) Planned Development Zoning District (File No. PDC95-041). The applicant has requested a Conforming Rezoning to rezone the site to the CIC Combined Industrial/Commercial Zoning District, which would further bring the site into conformance with the 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).

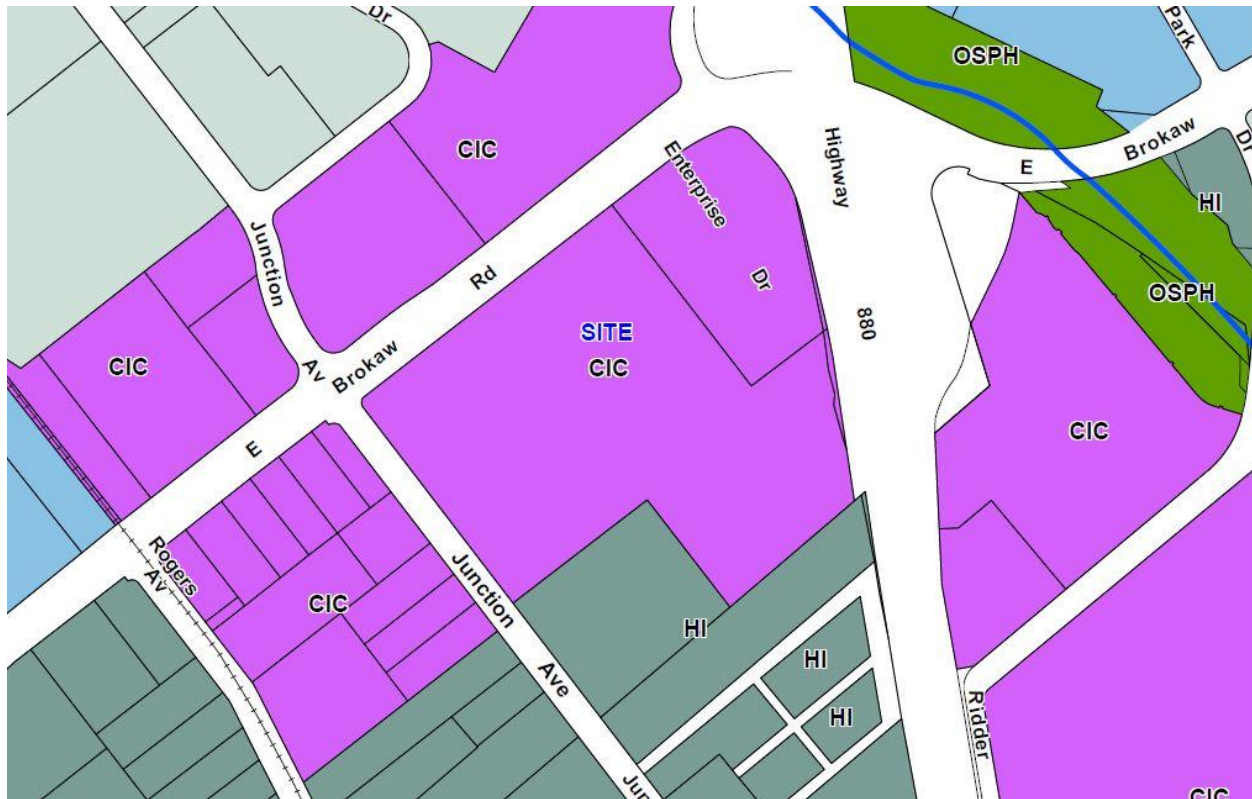


Figure 2: General Plan Land Use/Transportation Diagram

This land use 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. To maintain an industrial character, small, suburban strip centers are discouraged in this designation. Larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses.

While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation. 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 an A(PD) Planned Development Zoning District (File No. PDC95-041) to the CIC Combined Industrial/Commercial Zoning District. This would correspond to the existing General Plan land use designation of the subject site of Combined Industrial Commercial. The new zoning designation would allow an expansion of conforming uses at the 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/Commercial Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation.

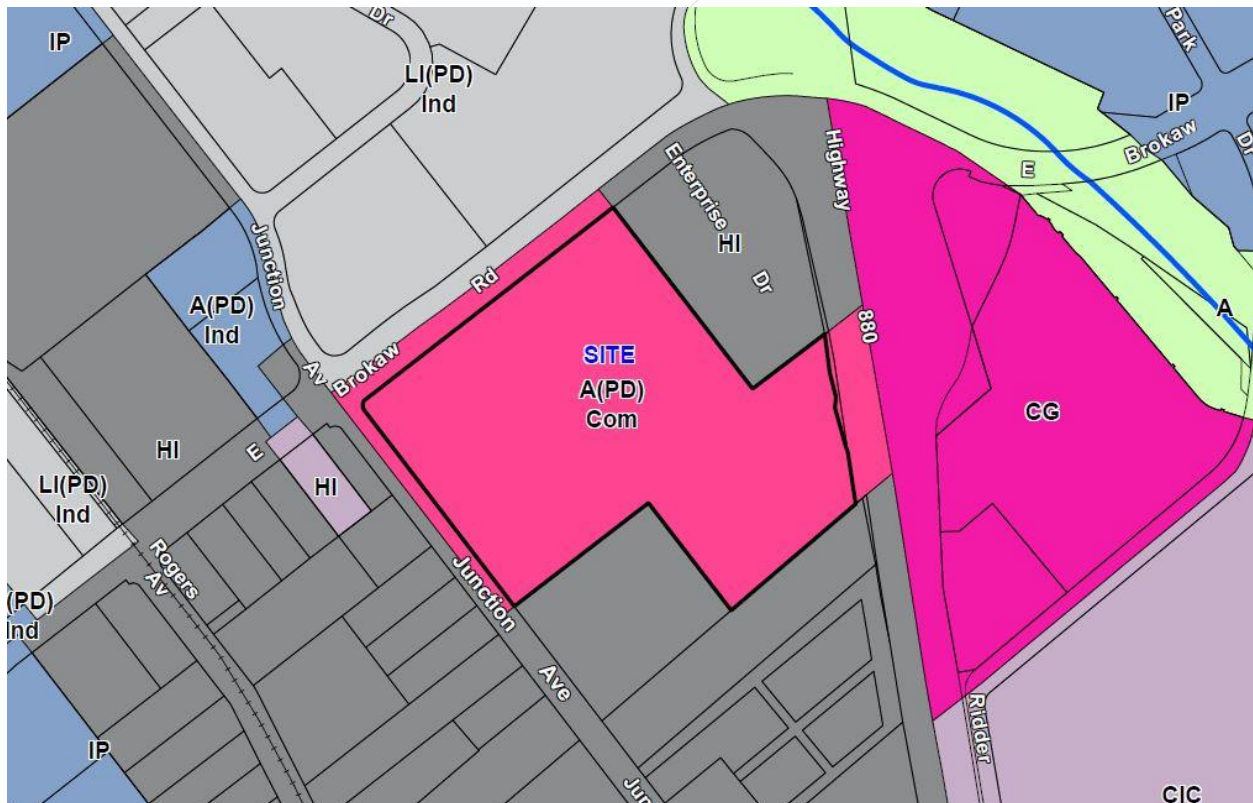


Figure 3: Existing Zoning Map

The CIC Combined Industrial/Commercial Zoning 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 office 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 the CIC Combined Industrial/Commercial Zoning District.

Standard	CIC Zoning District
Minimum lot area (square feet)	6,000 square feet
Front setback (building)	15 feet
Front setback (parking and circulation for passenger vehicles)	20 feet
Front setback (parking for trucks and buses)	40 feet
Front setback (loading docks)	60 feet from property line
Side setback	0 feet
Rear setback	0 feet
Maximum height	120 feet (pursuant to Section 20.85.020Ce)

The Rezoning of the property from an A(PD) Zoning District (File No. PDC95-041) to the CIC Combined Industrial/Commercial Zoning District would require any future development to adhere to the development standards set forth in [Table 20-120](#) of the San José Municipal Zoning Code. The subject site is located within the boundaries of the North San José Employment Area. Therefore, the maximum allowed height is 120 feet pursuant to [Section 20.85.020C.e.](#) of the San José Municipal Zoning Code for Specific Height Restrictions. All future development would be evaluated for conformance with the above development standards and all other Municipal Code regulations. All future development will also be evaluated under CEQA.

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 20-120](#) 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 FEIR, 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, Planning Division at robert.manford@sanjoseca.gov.

Attachments: Legal Description and Plat Map

EXHIBIT 'A'
LEGAL DESCRIPTION
PARCEL 2

REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD SEPTEMBER 14, 1976 IN BOOK 379 OF MAPS AT PAGE 27, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2 (379 M 27) SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY OF BROKAW AVENUE (WIDTH VARIES)

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 2 (379 M 27) SOUTH 38° 26' 17" EAST, 640.68 FEET

THENCE NORTH 51° 16' 43" EAST, 240.61 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE NIMITZ FREEWAY (21163394 OR)

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING SIX (6) COURSES:

- 1) SOUTH 12° 30' 16" EAST, 104.68 FEET,
- 2) SOUTH 16° 19' 07" EAST, 69.50 FEET,
- 3) SOUTH 04° 14' 15" WEST, 31.33 FEET,
- 4) SOUTH 16° 19' 07" EAST, 100.97 FEET,
- 5) SOUTH 20° 06' 27" EAST, 25.70 FEET, AND
- 6) SOUTH 10° 32' 40" EAST 148.48 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 2 (379 M 27)

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 (379 M 27) THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 48° 40' 00" WEST, 458.73 FEET,
- 2) NORTH 38° 26' 17" WEST, 376.66 FEET, AND
- 3) SOUTH 51° 33' 43" WEST, 474.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 2 (379 M 27) SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF JUNCTION AVENUE (80 FEET WIDE)

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2, NORTH 38° 26' 27" WEST, 692.37 FEET, TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT,

THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20 FEET, THROUGH A CENTRAL ANGLE OF 89° 43' 00" HAVING AN ARC LENGTH OF 31.32 FEET, TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF BROKAW AVENUE (WIDTH VARIES)

THENCE ALONG THE NOTHERLY LINE OF SAID PARCEL 2 (379 M 27), NORTH 51° 16' 43" EAST, 880.41 FEET TO THE **POINT OF BEGINNING**

CONTAINING 858,189 SQUARE FEET OR 19.7013 ACRES OF LAND, MORE OR LESS

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.


JOSEPH D. THOMPSON, P.L.S. 8121

11/20/19
DATE



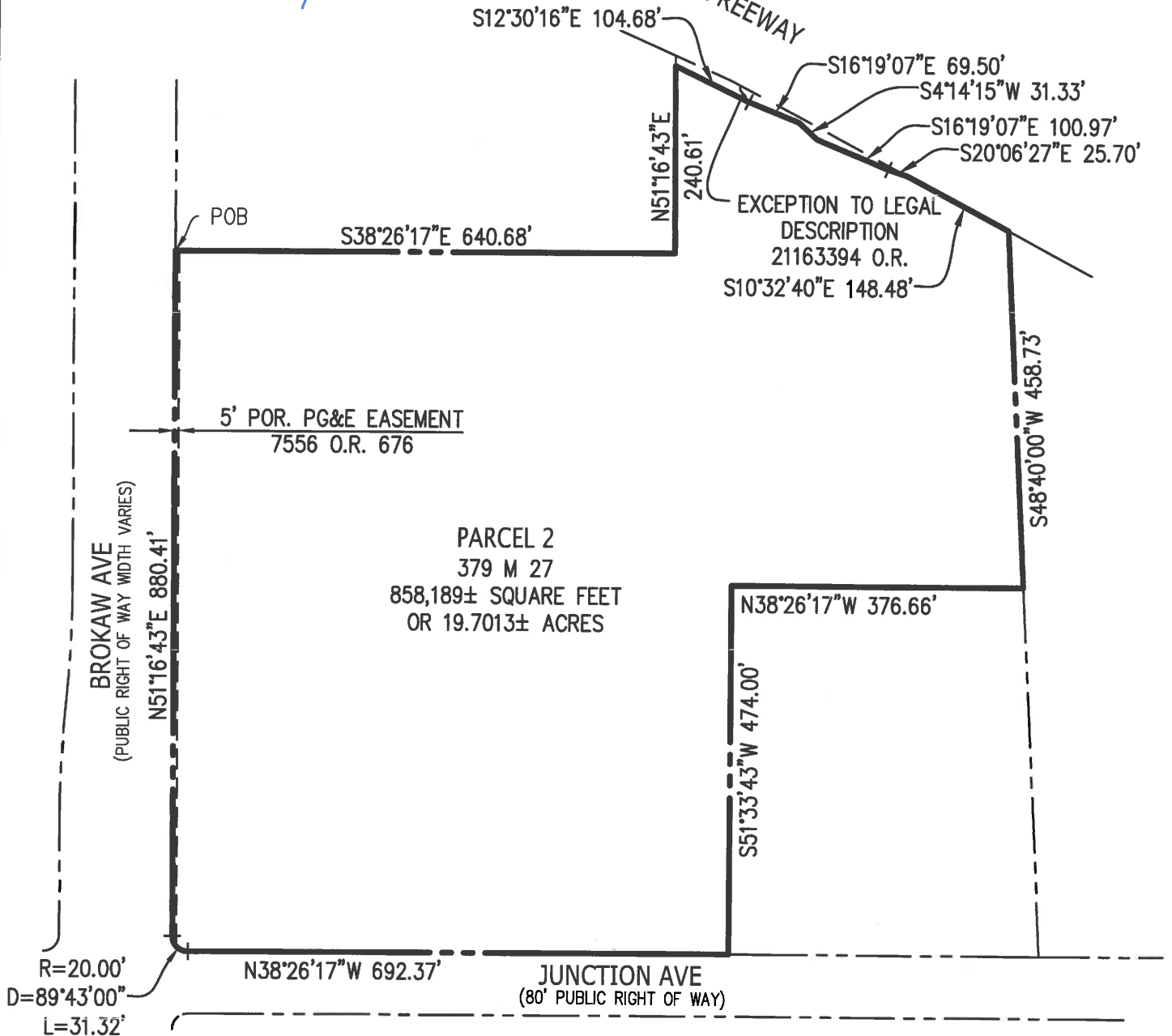
LEGEND

OR OFFICIAL RECORDS
 POR. PORTION
 POB POINT OF BEGINNING
 M MAPS



0 100' 200' 400'
 Scale 1" = 200'

Handwritten signature and date: 11/20/19



KIER+WRIGHT

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 Livermore, CA 94551

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EXHIBIT "B"
PARCEL 2
379 M 27

SAN JOSE,

CALIFORNIA

DATE	NOV., 2019
SCALE	1" = 200'
BY	REG
JOB NO.	A19642
SHEET	1 OF 1