

SPECIAL USE PERMIT

FILE NO. SP11-024

LOCATION OF PROPERTY southeast corner of Montague Expressway and Oakland Road (1534 Montague Expressway)

ZONING DISTRICT IP Industrial Park

GENERAL PLAN DESIGNATION IP Industrial Park

PROPOSED USE Special Use Permit to allow an approximately 10,400 square foot wholesale establishment within an existing Industrial building on a 10.4 gross-acre site

ENVIRONMENTAL STATUS Exempt

APPLICANT REXEL ELECTRICAL AND DATACOM SUPPLIES

ADDRESS P.O. Box 9057
Addison, TX 75001

FACTS

1. This Special Use Permit is to allow approximately 10,400 square feet of wholesale uses within an existing Industrial building on a 10.4 gross-acre site.
2. The site is located in the IP Industrial Park Zoning District.
3. The site has a designation of Industrial Park on the adopted San José 2020 General Plan Land Use/ Transportation Diagram.
4. Table 20-110 of Title 20 of the San Jose Municipal Code requires a Special Use Permit for wholesale sale establishment use in the IP Industrial Park Zoning District.
5. The surrounding area is characterized by industrial uses.
6. The subject site is developed with industrial uses comprised of several industrial buildings built in 1980. When originally approved, this development was not subject to the City's Industrial Design Guidelines. Primary uses existing uses on the site include warehouses and industrial services.
7. The site is developed with an existing 20,500 square foot building; the building is one of six (6) of six buildings within the entire property. No new square feet are proposed in the subject site.
8. There is one more tenant plus one vacant tenant space in the same building where the proposed uses will be located.
9. Sixteen (16) parking spaces are required for the proposed use per Table 20-190 of Title 20 of the San Jose Municipal Code.

10. The total parking requirement per Table 20-190 of Title 20 of the San Jose Municipal Code are three-hundred and twenty two (322) parking spaces; the entire development of six buildings provided 422 parking spaces, which provides a surplus of 100 parking spaces.
11. Under the provisions of Section 15303 of CEQA this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.

FINDINGS

The Director of Planning concludes and finds, based on the analysis of the above facts, that:

1. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, in that the proposed uses are compatible with existing uses in the surrounding area and will support the balance of diverse industrial needs promoted by the San Jose 2020 General Plan.
 - b. Impair the utility or value of property of other persons located in the vicinity of the site in that the proposed industrial use will reduce the amount of vacant square footage in the building.
 - c. Be detrimental to public health, safety, or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in Title 20, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area in that the parking will continue to meet Title 20 standards plus existing on-site loading will not be impacted.
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind of quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate in that it is located in one of the mayor expressways and it is adequately served by an existing street network and public transportation system.
 - b. By other public or private service facilities as are required, in that the proposed project is very well served and accessible to public transportation, and multiple bus lines.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Director of Planning approves, pursuant to Part 7 of Chapter 20.100 of the San José Municipal Code, the subject proposal to allow an approximately 10,400 square feet wholesale establishment within an existing Industrial building located in the Industrial Park Zoning District.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:

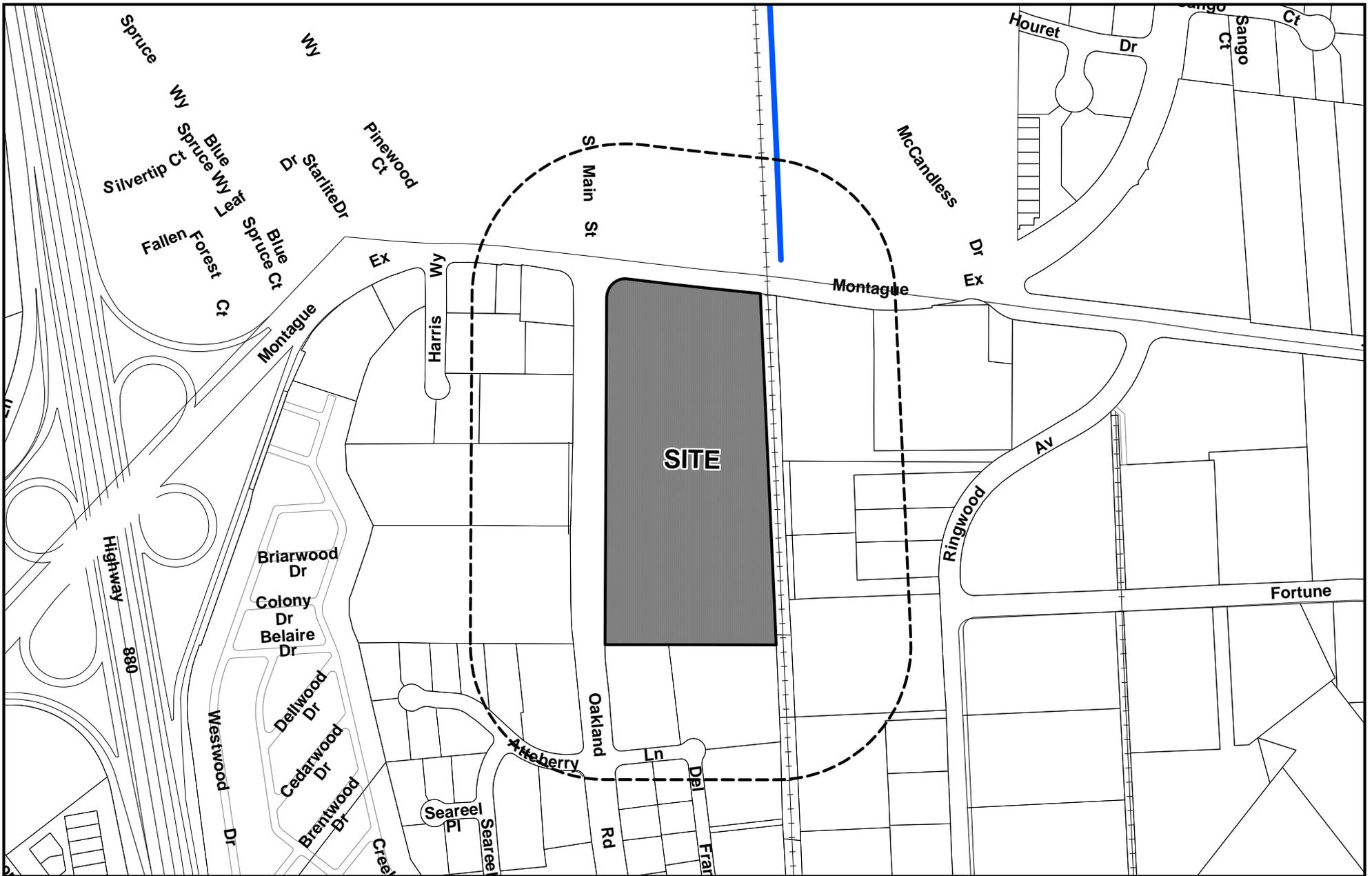
- a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
3. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
 4. **Certificate of Occupancy.** No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
 5. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
 6. **Exterior Alterations.** No exterior alterations to the structure are included in this permit.
 7. **Conformance with Plans.** Construction and development shall conform to approved Special Use Permit plans entitled, "Tenant Improvement for REXEL ELECTRICAL & DATA COM SUPPLIES," dated June 18, 2011, on file with the Department of Planning Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
 8. **Limitation on Wholesale Uses.** This Permit allows up to 10,400 square feet of wholesale uses in an existing building, as shown on the approved Special Use Permit plans.
 9. **Permit Expiration/Deadline for Commencing Construction.** This Special Use Permit shall automatically expire four years from and after the date of approval by the Director of Planning, or by the Planning Commission on appeal, granting this Permit, if within such four-year period, the proposed use of this site has not commenced, pursuant to and in accordance with the provisions of this Special Use Permit. The date of issuance is the date this Permit is approved by the Director of Planning, Building and Code Enforcement. However, the Director of Planning may approve a **Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20.** The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.

10. **Revocation.** This Special Use Permit is subject to revocation for violation of any of its provisions or conditions.
11. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
12. **Fire Safety.** The applicant shall meet all requirements of the Fire Department at the Building Permit stage.
13. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
14. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. All trash/recycling containers are to be stored inside or in the identified enclosure when not being serviced for off-hauling. Trash areas shall be maintained in a manner to discourage illegal dumping.
15. **Outside Storage.** No outside storage is permitted as part of this permit.
16. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
17. **Hours of Operation.** No wholesale commercial uses shall operate between the hours of 12:00 midnight and 6:00 a.m.
18. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
19. **Signs.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
20. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, SP11-024, shall be printed on all construction plans submitted to the Building Division.

APPROVED and issued this 29th day of July, 2011.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy



File No: SP11-024

District: 4

Noticing Radius: 500 Feet

