

STAFF REPORT
PLANNING COMMISSION

FILE NO.: CP12-050

Submitted: 11/29/12

PROJECT DESCRIPTION: Conditional Use Permit to allow a 1,700 square-foot medical office suite, in an existing industrial condominium office building (Building F/150) in a 98,000 square-foot industrial park office development on a 7.4 gross acre site.

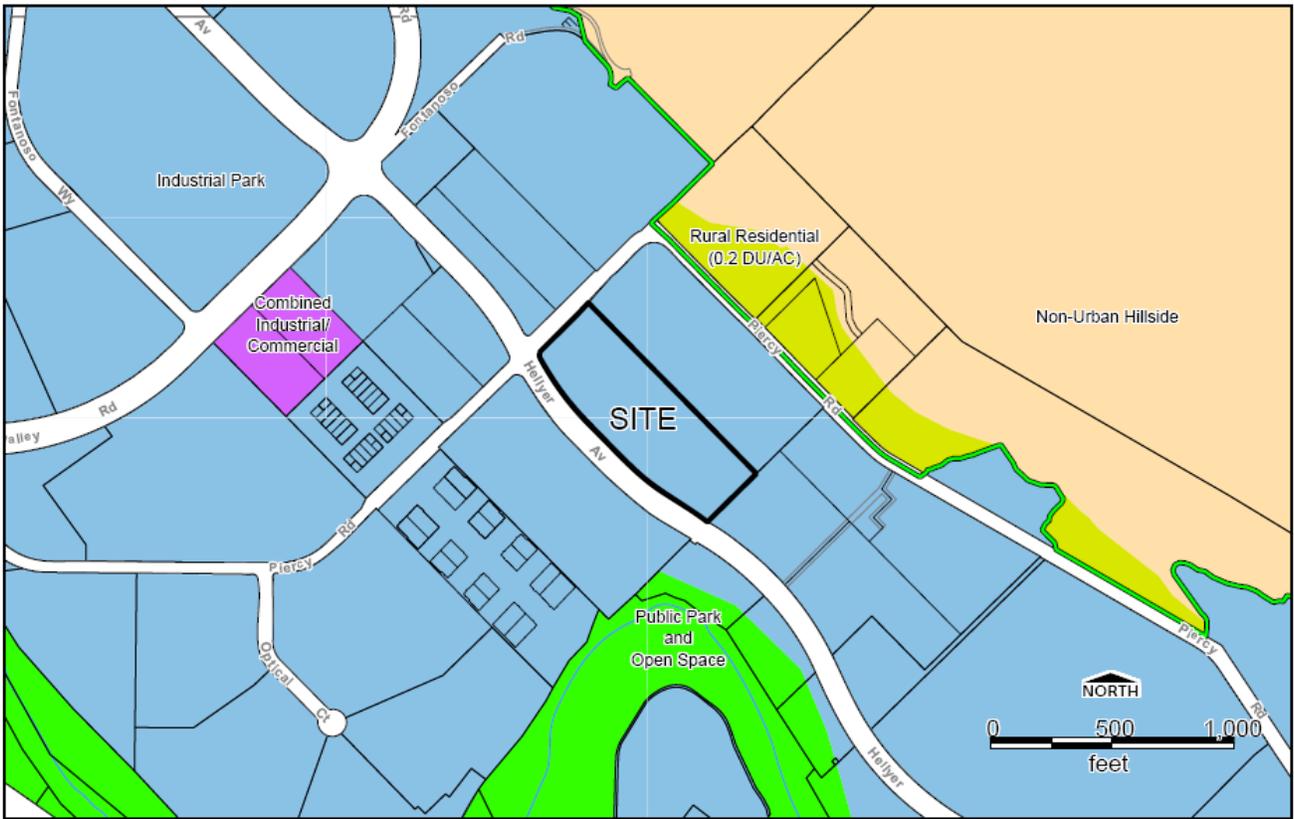
Zoning	IP- Industrial Park
General Plan	Industrial Park
Council District	2
Annexation Date	05/06/1999
Historic Resource	No
Redevelopment Area	Edenvale

LOCATION: East side of Hellyer Avenue, and approximately 500 feet south of the intersection of Piercy Road and Hellyer Avenue (6120 Hellyer Avenue).

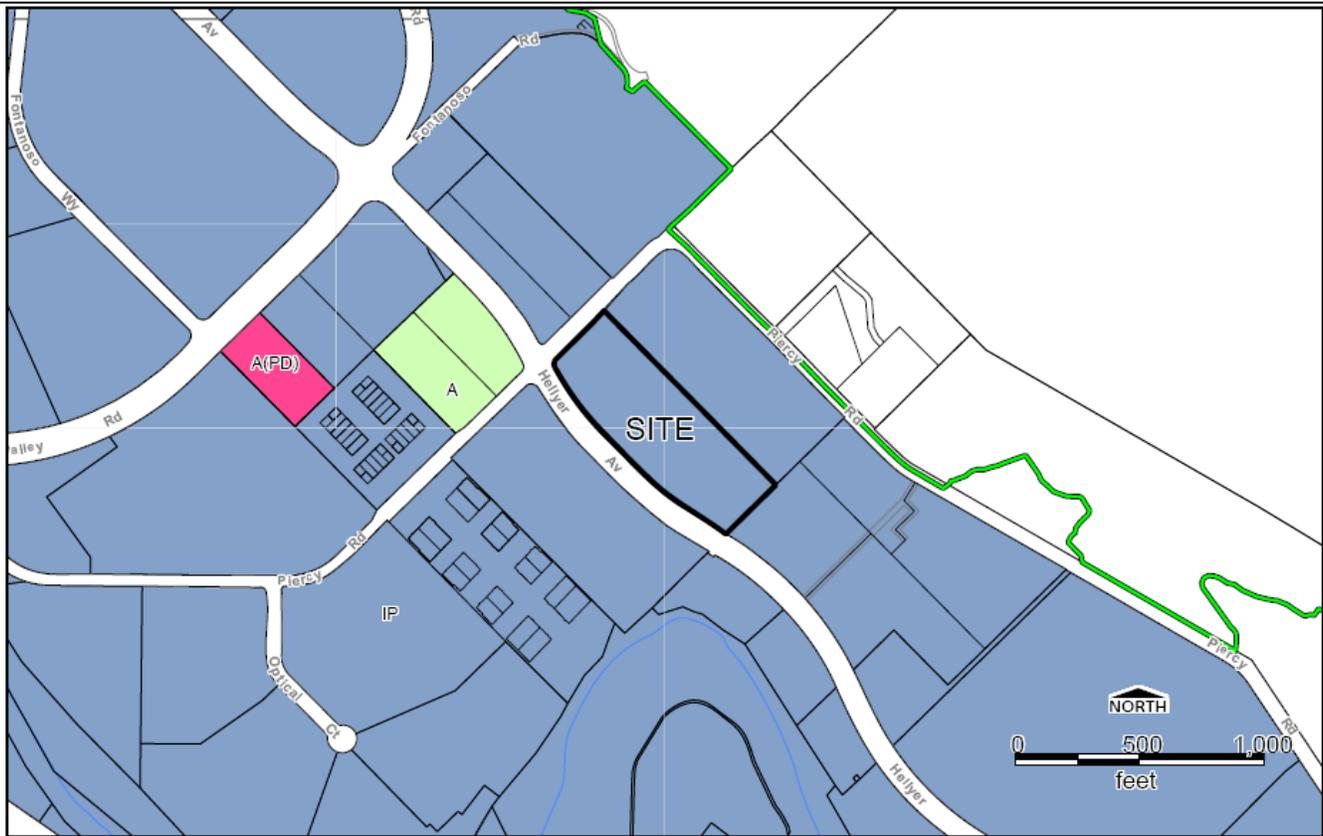
Aerial Photo



General Plan



Zoning



RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit for the following reasons, and include the findings and conditions as shown in the attached draft Resolution.

1. The project conforms to the General Plan.
2. The proposed project complies with all applicable provisions of the IP - Industrial Park Zoning District.
3. The project is compatible with the surrounding land uses.
4. Sufficient parking will be provided for the proposed uses and other future allowed uses within the Industrial Park complex.

BACKGROUND

On November 29, 2012, John Moniz applied for a Conditional Use Permit to allow a 1,700 square foot medical office suite in an existing 5,800 square-foot industrial condominium office building (Building F/150). This industrial building is located within a larger 7.4-acre industrial park office development known as Hellyer Commons. The larger site is located in the IP – Industrial Park Zoning District. The IP Zoning District allows by right medical offices and clinics under the Commercial Support designation, if the Commercial Support uses do not occupy more than 20% of a given building. However, if the applicant wishes to go over the 20% limitation for medical office specifically, then a Conditional Use Permit (CUP) is required to allow a medical office in the IP Zoning District. In this instance, the applicant requests to convert a third of the building to be permitted for medical office use.

The 7.4 acre Hellyer Commons is located at the southeast corner of Piercy Road and Hellyer Avenue. The site is currently developed with sixteen one-story office condominium buildings, a parking lot and landscaping. Conditional Use Permits File No. CP09-057, CP09-058, CP09-059 and CP09-061 were approved by the Planning Commission on July 14, 2010 to allow four other buildings in the industrial park complex to include medical offices. Conditional Use Permit File No. CP10-053 was approved by the Planning Commission on November 17, 2010 to allow a fifth building on the subject parcel to include a medical office. The subject site is surrounded by a church to the northeast, vacant industrial park properties to the southeast and southwest, and a single family residence to the northwest.

On May 14, 2010, a Special Use Permit (SP10-014) was approved to allow an off-site alternating parking arrangement between Hellyer Commons, LLC and the Family Community Church on the 8.9 gross acre site to the northeast. This permit allows Hellyer Commons to make use of up to 316 parking spaces in the Church parking lot during specified business hours. Two existing driveways connect the subject sites and allow easy access to the proposal additional parking.

ANALYSIS

The primary areas analyzed for the Conditional Use Permit include: 1) conformance to the Envision San Jose 2040 General Plan, 2) conformance to the applicable provisions of the Zoning Ordinance, 3) compatibility of the proposed use with surrounding land uses, and 4) compliance with the California Environmental Quality Act.

San Jose 2040 General Plan Conformance

The subject site is designated as Industrial Park on the General Plan Land Use/Transportation Diagram. Areas identified exclusively for Industrial Park uses usually contain a very limited amount of supportive and compatible commercial uses providing support for the needs of businesses and their employees in the immediate industrial area. The General Plan states that commercial/office uses should be located within a larger industrial building to protect the character of the area and maintain land use compatibility. The proposal complies with the intent of these policies since the proposed medical offices would be contained within existing industrial buildings requiring little modification thereby not precluding the potential conversion back to industrial park uses if the market conditions change in the future.

Zoning Ordinance Conformance

The larger Industrial Park Campus is zoned IP – Industrial Park, in conformance with the associated General Plan land use designation. The IP Zoning District allows by right General Business offices and Medical Office and Clinic uses under the Commercial Support designation, if those Commercial Support uses do not occupy more than 20% of a given building. However, if the applicant wishes to go over the 20% limitation, then a Conditional Use Permit (CUP) is required to allow a Medical Office in the IP Zoning District. In this instance, the applicant would like approximately a third of the building to be permitted for Medical Office.

Parking

Development of the subject site occurred with a Special Use Permit (SP04-064) and Special Use Permit Amendment (SPA04-064-01) which provided 298 spaces on site. This number of parking spaces is intended to support a variety of office and industrial park uses, which are parked at either 1 space per 250 square feet, or 1 per 350 square feet. The required parking per the Zoning Ordinance for the proposed medical offices would be 1 space per 250 square feet of net floor area, which in large quantities could lead to insufficient parking. Without a mix of office and industrial uses, uses requiring a different parking ratio, there could be a situation where there is insufficient parking on site if all the buildings are occupied. Hence, on May 14, 2010, a Special Use Permit (SP10-014) was approved to allow an off-site alternating parking arrangement between Hellyer Commons, LLC and the adjacent Family Community Church. This permit allows Hellyer Commons the use of up to 316 parking spaces in the Church parking lot during specified business hours when the activities at the church are minimal.

Additionally, the Special Use Permit Amendment (SP04-064-01) limits the hours of operation of the industrial buildings, such that they shall be closed and not in operation at all on Sunday, Monday through Friday after 7:00 p.m., and on Saturday after 5:00 p.m. to allow the full parking lot to be used for the adjacent church. The proposed medical offices are aware of these restrictions, which will be carried forward into their permit (see attached draft resolution).

Two existing driveways connect the subject sites and allow easy access to the additional parking. As noted on the plan set, the subject site along with the neighboring church site will have enough parking stalls to accommodate the required parking ratios for the wide variety of allowed uses in the IP zoning district. Therefore, the proposed use will not impact, or require further modification of, the previously approved Church project.

Land Use Compatibility

The subject site was constructed as an industrial park and is comprised of 16 condominium buildings ranging from 4,400 square feet to 12,000 square feet in size, the majority being 5,800 square feet. The IP-Industrial Park Zoning District allows various industrial uses and a significant amount of office-type uses under the heading of Office, General Business. However, due to the scale and configuration of the buildings, it is more likely that they will be primarily occupied by general business and professional offices, commercial support and some smaller scale research and development uses, as is the case today. The buildings themselves have significant window areas and do not lend themselves to more intense industrial processes. As such, a medical office is a suitable use at this location and is compatible with the other uses on site.

The industrial park uses beyond the project boundary are primarily office, and research and development uses, and are not heavy industrial in nature. The introduction of limited medical office uses into this largely commercial/office setting is not expected to negatively impact the operation of adjacent industrial businesses. Some manufacturing, including the use of potentially hazardous materials, does occur in the broader area.

Environmental Review

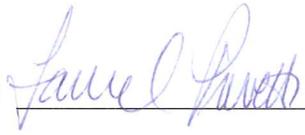
The project was found to be exempt from environmental review under Section 15301(a), Existing Facilities of the CEQA Guidelines, which exempts the leasing, licensing, or minor alteration of existing public or private facilities, involving negligible or no expansion of use. Only minor modifications would be made to the interior of the existing the structure. The project is in an area where all public services and facilities are available to allow for maximum development permissible under the General Plan, and the area in which the project is located is not environmentally sensitive.

CONCLUSION

Based on the above analysis, staff concludes that the proposed medical offices conform to the intent of the General Plan and the requirements of the Zoning Ordinance. The proposed medical office use is compatible with surrounding land uses, and has enough parking to accommodate any future variety of allowed uses. No major modifications are proposed to the buildings which could be used in the future for industrial/office purposes depending on market demand.

PUBLIC OUTREACH

Notices of the public hearing for this project were sent to all property owners within 500 feet of the subject property. A sign describing the project has been displayed at the project site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report and staff has been available to discuss the project with members of the public. No member of the public has made a comment or objection to the proposed project.

Project Manager: Kristinae Toomians**Approved by:****Date:**

19 Dec 2012

Owner/Applicant:	Attachments:
<p>3Dos, LLC 6010 Hellyer Ave, #1W San Jose, CA 95138</p> <p>Kondal & Neelima Singireddy 5457 Manderston Dr San Jose, CA 95138</p> <p>John S. Deboni, Et Al 6120 Hellyer Ave, Ste 175 San Jose, CA 95138-1068</p> <p>John Moniz 8055 Camino Arroyo Gilroy, CA 95020</p>	<p>Draft Resolution Plan Set</p>

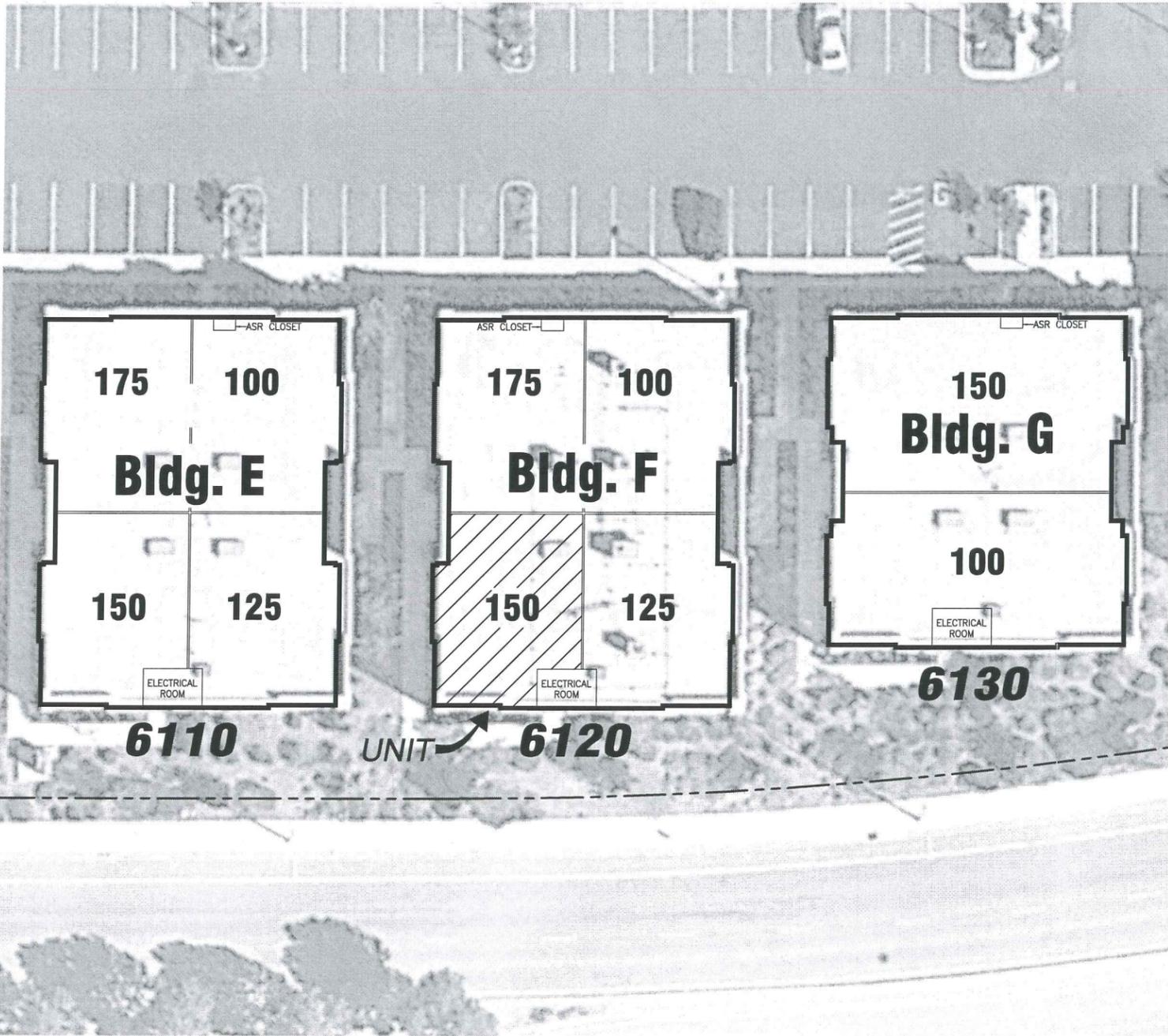
Parking Information

Parking is provided by on-site spaces and off-site shared spaces
 Parking summary is as follows:
 • Parking available on FCC site - 316 stalls (see site plan for details)
 • Parking available on Hellyer Commons, LLC site - 314 stalls

The Hellyer Commons/Family Community Church reciprocal parking agreement states in part:
Hellyer Commons, LLC and their Permittees and Tenants shall have the right to park on FCC property during the hours of 6:00 AM to 7:00 PM on Monday through Friday, plus Saturday until 5:00 PM.

Project Description:

The scope of this application is to entitle the medical office (dentistry) use for the subject address. No exterior construction or modification to the existing site improvements is proposed.



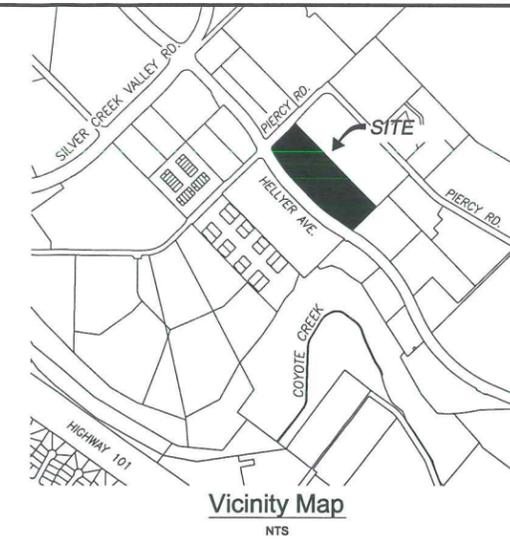
BUILDING PLAN (EXISTING)

nts



EXISTING ELEVATION

nts



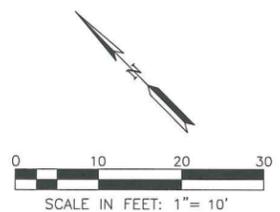
Vicinity Map
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CONDITIONAL USE PERMIT
 6120 HELLYER AVENUE, #150
BUILDING PLAN/ELEVATION
 SAN JOSE CALIFORNIA
 CUP12-050

DATE	BY	CHK	SCALE	DATE
				NOV. 15, 2012



SHEET
C-3
 OF 3 SHEETS
 JOB NO.
 122036-001