



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	<b>C17-038</b>
<b>Applicant</b>	<b>Michael Akatiff</b>
<b>Location</b>	<b>Northeast corner of West Julian Street and North Autumn Street</b>
<b>Existing Zoning</b>	<b>LI Light Industrial, HI Heavy Industrial</b>
<b>Council District</b>	<b>3</b>
<b>Historic Resource</b>	<b>No</b>
<b>Annexation Date</b>	<b>March 27, 1950</b>
<b>CEQA</b>	<b>Determination of Consistency with Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto</b>

**APPLICATION SUMMARY:**

Conforming Rezoning from the LI Light Industrial and HI Heavy Industrial Zoning Districts to the TEC Transit Employment Center Zoning District on a 5.38-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**

<b>GENERAL PLAN CONSISTENCY</b>			
<b>General Plan Designation</b>		<b>Transit Employment Center</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>	
<b>Consistent Policies</b>		<b>Implementation Policies IP-1.6 and 8.2</b>	
<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Transit Employment Center	A(PD) Planned Development	Commercial retail center
<b>South</b>	Transit Employment Center	LI Light Industrial	Residential
<b>East</b>	Transit Employment Center	HI Heavy Industrial, LI Light Industrial	Open space
<b>West</b>	Transit Employment Center	HI Heavy Industrial, IP Industrial Park	Office, auto repair, residential

## PROJECT DESCRIPTION

On September 8, 2017, the applicant applied for a Conforming Rezoning of the subject 5.38-gross acre site from the LI Light Industrial and HI Heavy Industrial Zoning Districts to the TEC Transit Employment Center Zoning District. The subject site is comprised of 12 separate legal parcels and is currently developed with a surface parking lot, auto repair and other industrial buildings, and an office building. A project is not proposed for the site at this time; however, this rezoning would allow the subject properties to possibly be redeveloped in the future in a manner consistent with the General Plan designation of Transit Employment Center.

### Site Description and Surrounding Uses

The 5.38-gross acre site is located at the northeast corner of West Julian Street and North Autumn Street. The site is comprised of 12 separate legal parcels and are developed with a surface parking lot, auto repair, a glass studio, a saw sales and services use, and an office building. The site also includes the recently vacated area of Howard Street and Old West Julian Street. The site is currently accessed by North Autumn Street, West Julian Street, and Autumn Parkway. Adjacent to the site are auto repair, office and residential uses to the west, and residential uses to the south across West Julian Street. The Guadalupe River is located to the east across Autumn Parkway (see Figure 1).

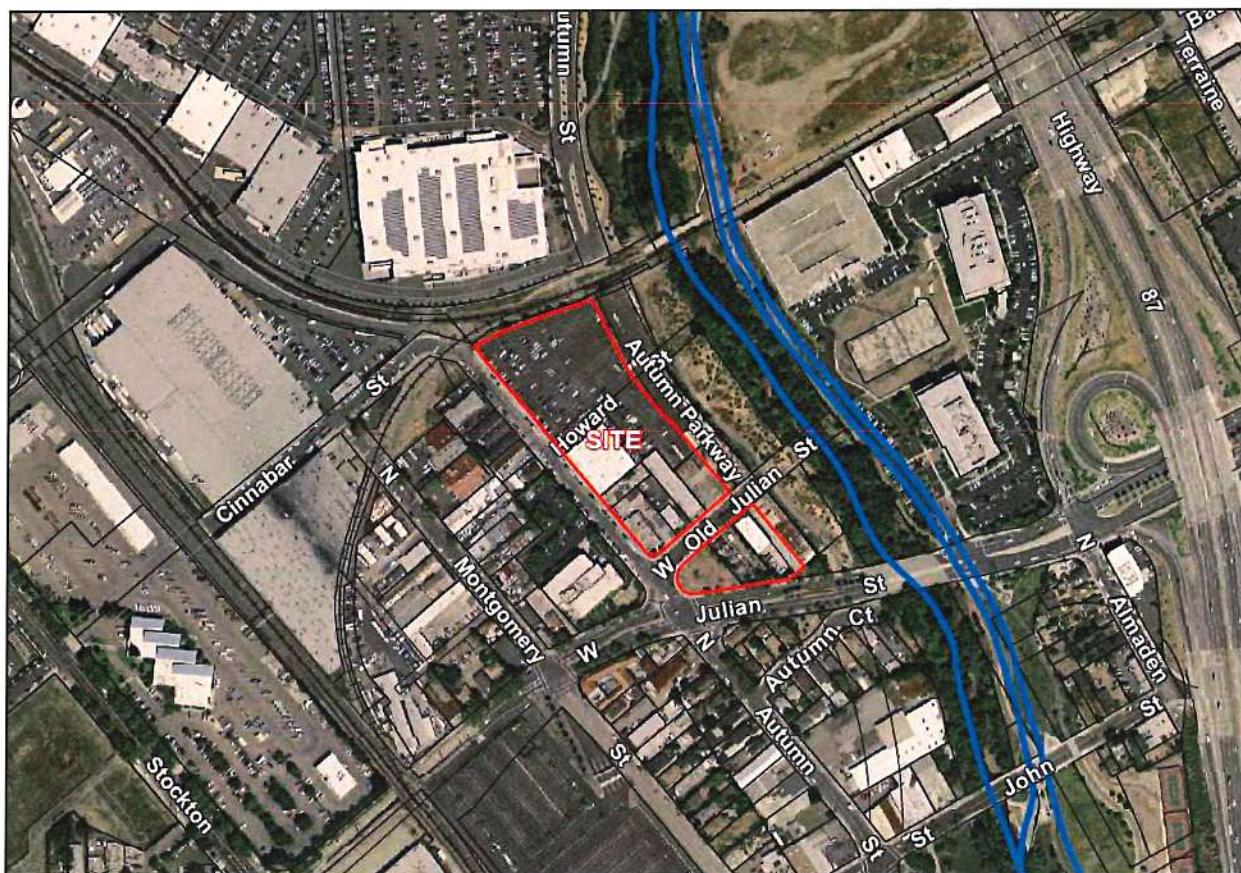


Figure 1: Aerial image of the subject site and surrounding uses

**ANALYSIS**

**Envision San José 2040 General Plan Conformance**

The proposed project was analyzed for conformance with the Envision San José 2040 General Plan. The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of the Transit Employment Center (see Figure 2).

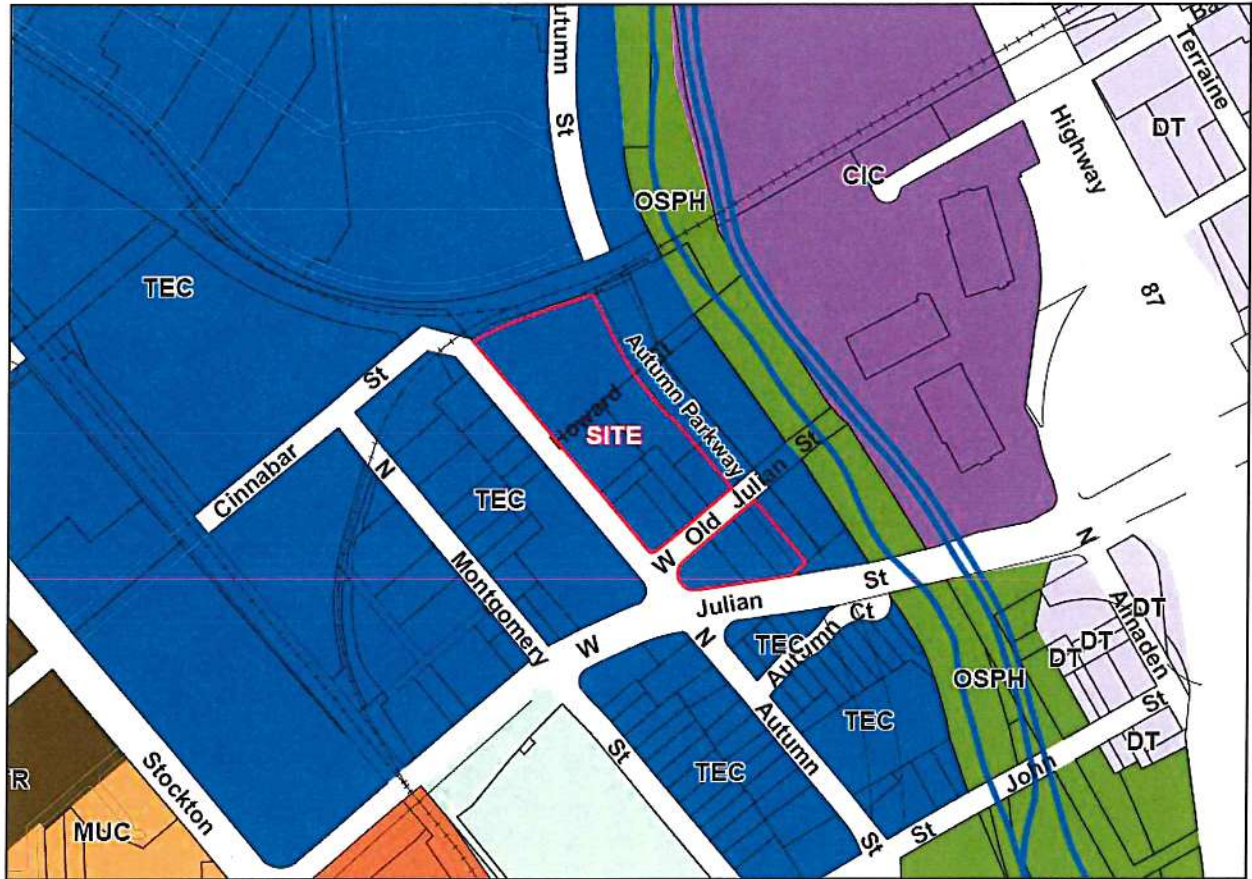


Figure 2: General Plan Land Use/Transportation Diagram

The designation applies to areas planned for intensive job growth because of their proximity to transit and other facilities and services. The development and site design elements of the Transit Employment Center reflect an intense, transit-oriented land use pattern. The designation permits development with retail and service commercial uses on the first two floors, as well as wholly office, research and development, or industrial projects. The designation also supports the development of large hotels of at least 200 rooms and four or more stories in height. The rezoning is consistent with Transit Employment Center land use designation, as the TEC Zoning District would allow office, research and development, industrial, and service commercial uses on the site.

In addition, the rezoning is 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- 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: Pursuant to Table 20-270 of the Zoning Ordinance, the proposed rezoning will apply a conventional zoning district to the subject site in conformance with the General Plan Land Use Designation of Transit Employment Center. The rezoning would allow the property to develop with a range of office, research and development, and industrial uses in the future. The TEC Transit Employment Center zoning district is the most appropriate zoning designation as the site is in close proximity to transit access and the proposed zoning district would allow higher intensity development than the IP Industrial Park zoning district.*

### **Zoning Ordinance Conformance**

The proposed rezoning is in conformance with Table 20-70, Section 20.120.100 of the San José Municipal Code. The Zoning Ordinance identifies the TEC Transit Employment Center Zoning District as a conforming zoning district to the TEC Transit Employment Center General Plan Land Use/Transportation Diagram land use designation.

### ***Uses Allowed***

Of the existing uses on the site, office, light manufacturing, and instructional studios are permitted uses of the TEC Transit Employment Center Zoning District, auto repair is not a permitted use. The rezoning will therefore result in a legal-non conforming auto repair use. Any expansion of a legal non-conforming use would require a Special Use Permit under the Zoning Ordinance. However, the rezoning will bring the properties into conformance with the General Plan and will allow possible future redevelopment as envisioned by the General Plan.

### ***Setback Requirements***

Three of seven existing buildings on the site will not fully conform to the setback requirements of the TEC Transit Employment Center Zoning District. These three buildings have an approximately zero-foot front setback along North Autumn Street and Autumn Parkway which is less than the TEC Transit Employment Center Zoning District minimum building front setback of 15 feet. The rezoning will therefore result in three buildings with a legal non-conforming setback. However, the rezoning will bring the properties into conformance with the General Plan, which is the highest priority.

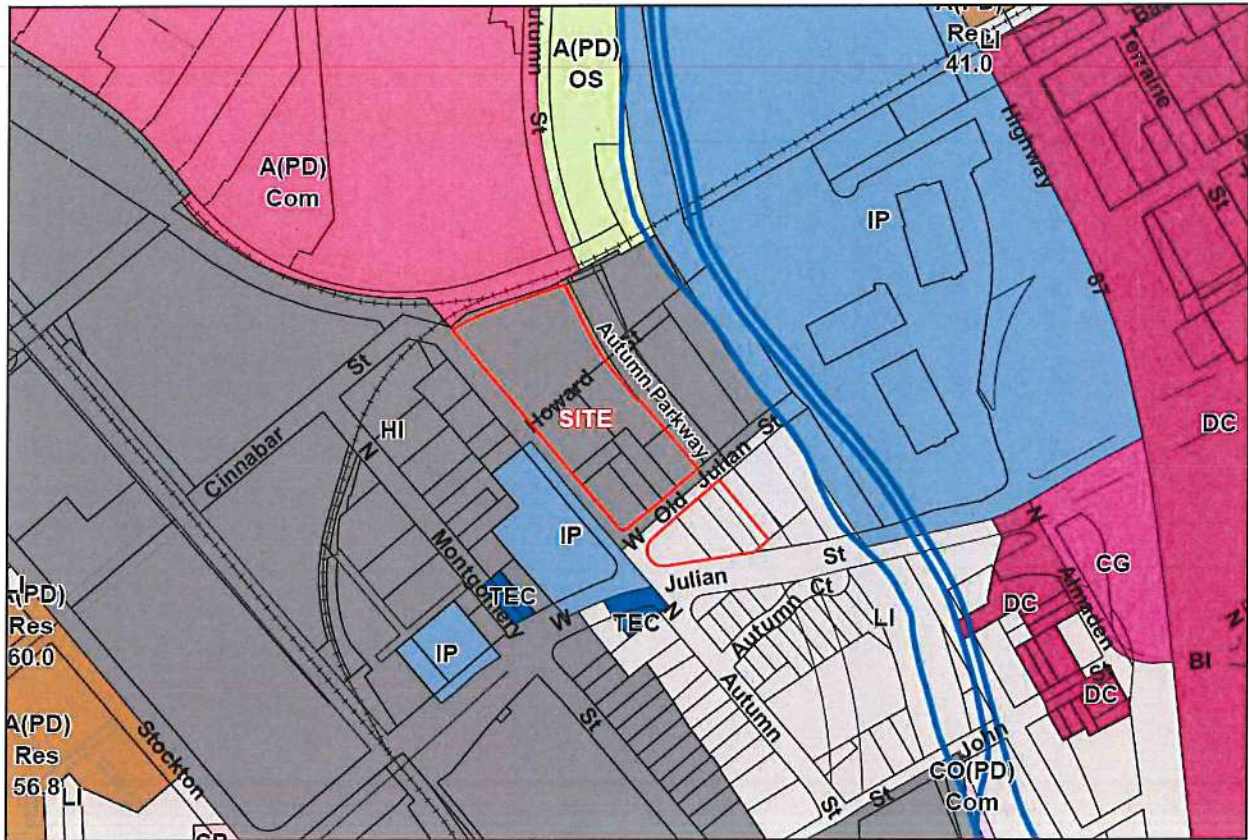


Figure 3: Zoning Map

### 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 Addenda 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 Addenda thereto.

HONORABLE MAYOR AND CITY COUNCIL

November 6, 2017

**Subject: File No. C17-038**

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## **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: Plat Map

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: PLANNING PURPOSES**

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of Old West Julian Street as described in that certain Deed dated January 20, 1870 in Book 15 of Deeds at Page 599, being all of that certain property as described in that certain Grant Deed recorded on September 29, 1975 in Book B635, Page 70, being a portion of Parcel 1 as described in that certain Quitclaim Deed recorded on April 1, 1988 in Book K489, Page 1142, being a portion of that certain property as described in that certain Grant Deed recorded on February 26, 1991 in Book L626, Page 1675, being all of Parcels One and Four, and a portion of Parcels Two and Three as described in that certain Quitclaim Deed recorded on September 15, 1993 in Book N006, Page 1291, being all of Parcels One, Two, Six, Seven, Eight, and a portion of Parcels Three, Four and Five as described in that certain Quitclaim Deed recorded on September 15, 1993 in Book N006, Page 1298, being a portion of Parcels One, Two, Three and Four as described in that certain Grant Deed recorded on June 2, 2010 as Document No. 20728173, being all of Parcels 1, 2 and 3 as described in that certain Grant Deed recorded on June 22, 2010 as Document No. 20747858, being all of the Remnant Property as described in that certain Grant Deed recorded on May 3, 2011 as Document No. 21163261, being all of Parcels One and Two as described in that certain Grant Deed recorded on February 6, 2013 as Document No. 22082411, being all of that certain property as described in that certain Grant Deed recorded on April 12, 2013 as Document No. 22171018, being a portion of that certain APN 259-25-062 parcel as described in that certain Grant Deed recorded on May 23, 2016 as Document No. 23312037, being a portion of that certain property as described in that certain Grant Deed recorded on February 8, 2017 as Document No. 23578754, all of Official Records, Santa Clara County, and being more particularly described as follows:

Beginning at the southwesterly corner of Parcel B as described in that certain Grant Deed recorded on May 22, 1998 as Document No. 14198434 of Official Record, Santa Clara County, said point also being on the northerly line of North Autumn Street;

Thence along the following twenty-eight (28) courses and distances:

1. Along a non-tangent curve to the right having a radius of 550.00 feet, to which point a radial line bears North 33°17'11" West, through a central angle of 10°56'34" for an arc distance of 105.04 feet;
2. Along a curve to the right having a radius of 2970.00 feet, through a central angle of 3°34'39" for an arc distance of 185.44 feet;
3. North 71°14'02" East, 27.82 feet;
4. Along a curve to the left having a radius of 673.26 feet, through a central angle of 0°50'47" for an arc distance of 9.95 feet;
5. South 27°18'08" East, 144.41 feet;
6. Along a curve to the left having a radius of 580.00 feet, through a central angle of 13°41'52" for an arc distance of 138.66 feet;

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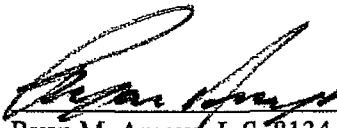
7. South 41°00'00" East, 92.19 feet;
8. North 49°00'00" East, 5.00 feet;
9. South 41°00'00" East, 242.03 feet;
10. South 49°08'42" West, 22.00 feet;
11. South 40°51'18" East, 60.00 feet;
12. North 49°08'42" East, 26.75 feet;
13. South 41°00'00" East, 80.59 feet;
14. Along a curve to the right having a radius of 1163.50 feet, through a central angle of 1°33'40" for an arc distance of 31.70 feet;
15. South 50°33'40" West, 4.50 feet;
16. Along a non-tangent curve to the right having a radius of 1159.00 feet, to which point a radial line bears North 50°33'40" East, through a central angle of 3°49'15" for an arc distance of 77.29 feet;
17. Along a curve to the right having a radius of 20.00 feet, through a central angle of 116°33'16" for an arc distance of 40.69 feet;
18. South 80°56'11" West, 164.21 feet;
19. North 9°03'49" West, 10.00 feet;
20. South 80°56'11" West, 55.00 feet;
21. South 9°03'49" East, 10.00 feet;
22. South 80°56'11" West, 36.21 feet;
23. Along a curve to the right having a radius of 30.00 feet, through a central angle of 58°08'21" for an arc distance of 30.44 feet;
24. North 40°55'28" West, 44.47 feet;
25. North 49°08'42" East, 31.72 feet;
26. North 40°51'18" West, 60.00 feet;
27. South 49°08'42" West, 31.79 feet;
28. North 40°54'41" West, 714.10 feet to the Point of Beginning.

Containing 5.383 ± acres.

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

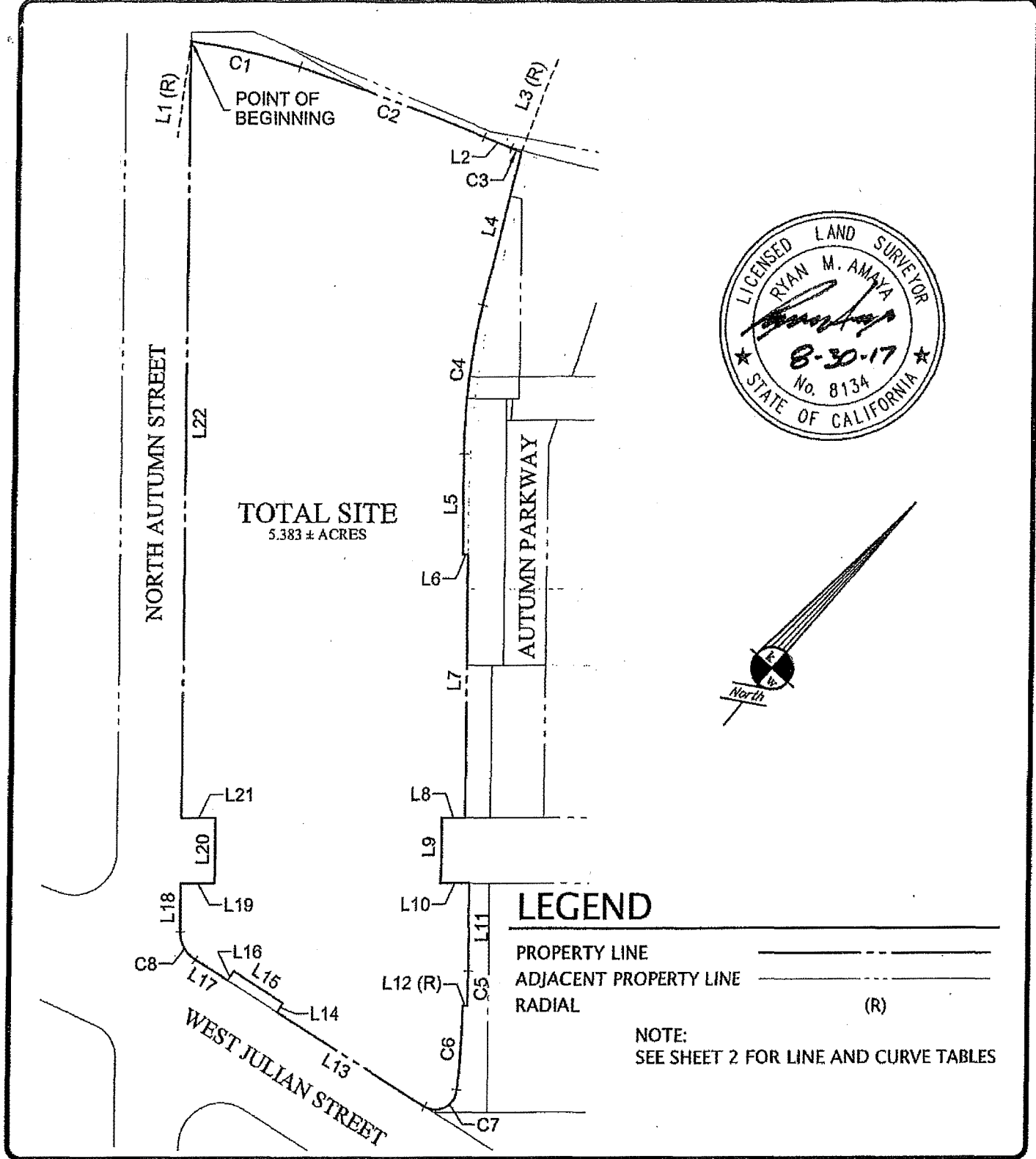
Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

8-30-17  
Date

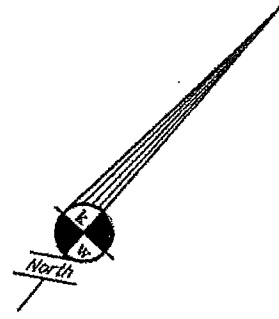
  
Ryan M. Amaya, L.S. 8134







TOTAL SITE  
5.383 ± ACRES



**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RADIAL  (R)

NOTE:  
SEE SHEET 2 FOR LINE AND CURVE TABLES

<p><b>PLAT TO ACCOMPANY LEGAL DESCRIPTION</b> FOR: PLANNING PURPOSES</p>		<p>DATE      AUG., 2017</p>
<p>SAN JOSE</p>		<p>SCALE     1" = 120'</p>
<p>CALIFORNIA</p>		<p>DR. BY     EK</p>
<p><b>EXHIBIT "B"</b></p>		<p>JOB        A16216</p>
<p style="font-size: small;"> <b>KIER &amp; WRIGHT</b>            CIVIL ENGINEERS &amp; SURVEYORS, INC.            3350 Scott Boulevard, Building 22      (408) 727 6665            Santa Clara, California 95054        fax (408) 727 5641         </p>		<p>SHEET NO.</p> <p style="text-align: center; font-size: large;">1 OF 2</p>

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 33°17'11" W	550.00'
L2	N 71°14'02" E	27.82'
L3	S 19°36'45" E	673.26'
L4	S 27°18'08" E	144.41'
L5	S 41°00'00" E	92.19'
L6	N 49°00'00" E	5.00'
L7	S 41°00'00" E	242.03'
L8	S 49°08'42" W	22.00'
L9	S 40°51'18" E	60.00'
L10	N 49°08'42" E	26.75'
L11	S 41°00'00" E	80.59'
L12	S 50°33'40" W	4.50'
L13	S 80°56'11" W	164.21'
L14	N 9°03'49" W	10.00'
L15	S 80°56'11" W	55.00'
L16	S 9°03'49" E	10.00'
L17	S 80°56'11" W	36.21'
L18	N 40°55'28" W	44.47'
L19	N 49°08'42" E	31.72'
L20	N 40°51'18" W	60.00'
L21	S 49°08'42" W	31.79'
L22	N 40°54'41" W	714.10'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	550.00'	10°56'34"	105.04'
C2	2970.00'	3°34'39"	185.44'
C3	673.26'	0°50'47"	9.95'
C4	580.00'	13°41'52"	138.66'
C5	1163.50'	1°33'40"	31.70'
C6	1159.00'	3°49'15"	77.29'
C7	20.00'	116°33'16"	40.69'
C8	30.00'	58°08'21"	30.44'

**PLAT TO ACCOMPANY LEGAL DESCRIPTION  
FOR: PLANNING PURPOSES**

SAN JOSE

CALIFORNIA

DATE AUG., 2017

SCALE N.T.S.

DR. BY EK

JOB A16216

SHEET NO.

2 OF 2

**EXHIBIT "B"**



**KIER & WRIGHT**  
 CIVIL ENGINEERS & SURVEYORS, INC.  
 3350 Scott Boulevard, Building 22 (408) 727 6665  
 Santa Clara, California 95054 fax (408) 727 5641

Project: PLANNING PURPOSES  
8/28/2017

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Boundary: TOTAL SITE

POB: N: 5000.0000 E: 5000.0000

1. Curve Delta: 10°56'34" Radius: 550.00' Length: 105.04'  
PC to RP: SE 33°17'11"  
RP North: 4540.2342 RP East: 5301.8533  
RP to PT: NW 22°20'37"  
Chord: NE 62°11'06" 104.88'  
N: 5048.9406 E: 5092.7652
2. Curve Delta: 03°34'39" Radius: 2970.00' Length: 185.44'  
PC to RP: SE 22°20'37"  
RP North: 2301.9263 RP East: 6221.8412  
RP to PT: NW 18°45'58"  
Chord: NE 69°26'43" 185.41'  
N: 5114.0402 E: 5266.3752
3. Line NE 71°14'02" 27.82'  
N: 5122.9901 E: 5292.7163
4. Curve Delta: -01°50'47" Radius: 673.26' Length: 21.70'  
PC to RP: NW 18°45'58"  
RP North: 5760.4594 RP East: 5076.1247  
RP to PT: SE 20°36'45"  
Chord: NE 70°18'39" 21.70'  
N: 5130.2997 E: 5313.1431
5. Curve Delta: 01°00'00" Radius: 673.26' Length: 11.75'  
PC to RP: NW 20°36'45"  
RP North: 5760.4594 RP East: 5076.1247  
RP to PT: SE 19°36'45"  
Chord: SW 69°53'15" 11.75'  
N: 5126.2591 E: 5302.1092
6. Line SE 27°18'08" 144.41'  
N: 4997.9364 E: 5368.3478
7. Curve Delta: -13°41'52" Radius: 580.00' Length: 138.66'  
PC to RP: NE 62°41'52"  
RP North: 5263.9732 RP East: 5883.7354  
RP to PT: SW 49°00'00"  
Chord: SE 34°09'04" 138.33'  
N: 4883.4589 E: 5446.0039
8. Line SE 41°00'00" 92.19'  
N: 4813.8823 E: 5506.4860
9. Line NE 49°00'00" 5.00'  
N: 4817.1626 E: 5510.2595
10. Line SE 41°00'00" 242.03'  
N: 4634.5002 E: 5669.0455
11. Line SW 49°08'42" 22.00'  
N: 4620.1090 E: 5652.4054
12. Line SE 40°51'18" 60.00'  
N: 4574.7269 E: 5691.6542
13. Line NE 49°08'42" 26.75'  
N: 4592.2253 E: 5711.8870
14. Line SE 41°00'00" 80.59'  
N: 4531.4033 E: 5764.7588
15. Curve Delta: 01°33'40" Radius: 1163.50' Length: 31.70'  
PC to RP: SW 49°00'00"  
RP North: 3768.0786 RP East: 4886.6542  
RP to PT: NE 50°33'40"  
Chord: SE 40°13'10" 31.70'  
N: 4507.1976 E: 5785.2283
16. Line SW 50°33'40" 4.50'  
N: 4504.3390 E: 5781.7529
17. Curve Delta: 03°49'15" Radius: 1159.00' Length: 77.29'  
PC to RP: SW 50°33'40"  
RP North: 3768.0786 RP East: 4886.6542  
RP to PT: NE 54°22'55"  
Chord: SE 37°31'42" 77.27'  
N: 4443.0561 E: 5828.8254
18. Curve Delta: 116°33'16" Radius: 20.00' Length: 40.69'  
PC to RP: SW 54°22'55"

RP North: 4431.4085    RP East: 5812.5670  
RP to PT: SE 09°03'49"  
Chord: SW 22°39'33"    34.02'

			N: 4411.6582	E: 5815.7176
19. Line	SW 80°56'11"	164.21'		
			N: 4385.7901	E: 5653.5580
20. Line	NW 09°03'49"	10.00'		
			N: 4395.6652	E: 5651.9826
21. Line	SW 80°56'11"	55.00'		
			N: 4387.0010	E: 5597.6694
22. Line	SE 09°03'49"	10.00'		
			N: 4377.1259	E: 5599.2447
23. Line	SW 80°56'11"	36.21'		
			N: 4371.4217	E: 5563.4868
24. Curve	Delta: 58°08'21"	Radius: 30.00'	Length: 30.44'	
	PC to RP: NW 09°03'49"			
	RP North: 4401.0471	RP East: 5558.7609		
	RP to PT: SW 49°04'32"			
	Chord: NW 69°59'38"	29.15'		
			N: 4381.3952	E: 5536.0936
25. Line	NW 40°55'28"	44.47'		
			N: 4414.9956	E: 5506.9630
26. Line	NE 49°08'42"	31.72'		
			N: 4435.7451	E: 5530.9550
27. Line	NW 40°51'18"	60.00'		
			N: 4481.1272	E: 5491.7061
28. Line	SW 49°08'42"	31.79'		
			N: 4460.3318	E: 5467.6612
29. Line	NW 40°54'41"	714.10'		
			N: 4999.9938	E: 5000.0035

Perimeter: 2505.50'    Area: 234482.81 sq.ft.    5.383 acres

Error Closure: 0.0071'    Bearing: NW 29°47'24"  
Error North: -0.00616'    Error East: 0.00352'  
Precision: 1: 353,146.01