



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 11, 2018

---

**COUNCIL DISTRICT: 10**

**SUBJECT: FILE NO. C18-010. CONVENTIONAL REZONING FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE LI LIGHT INDUSTRIAL ZONING DISTRICT ON A 6.4-GROSS ACRE SITE LOCATED AT THE NORTH SIDE OF WEST CAPITOL EXPRESSWAY, APPROXIMATELY 200 FEET WESTERLY OF SNELL AVE (231 WEST CAPITOL EXPRESSWAY AND 3911 SNELL AVENUE).**

## RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Vora absent) to recommend that the City Council to:

- a. Adopt a resolution approving an addendum to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto, and
- b. Approve an ordinance of the City of San José rezoning certain real property located at the north side of West Capitol Expressway, approximately 200 feet westerly of Snell Avenue (231 West Capitol Expressway and 3911 Snell Avenue) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on an approximately 6.4 gross acre site.

## OUTCOME

If the City Council approves the rezoning, a range of light industrial uses (e.g. light manufacturing, warehouse/distribution facility, wholesale sale establishment, ministorage, etc.) would be allowed on the subject site.

## **BACKGROUND**

On August 22, 2018, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning. The item was on the consent calendar and no members of the public spoke on the proposed project.

The Planning Commission voted 6-0-1 (Commissioner Vora absent), to recommend approval, as was recommended by staff, to the City Council as part of the consent calendar with no separate discussion.

## **ANALYSIS**

A complete analysis of the issues regarding the proposed Conventional Rezoning, including General Plan conformance, is contained in the attached Planning Commission Staff Report.

## **EVALUATION AND FOLLOW-UP**

If the rezoning is approved, the appropriate entitlement application could be submitted to implement uses consistent with the general development standards of the LI Light Industrial Zoning District.

## **PUBLIC OUTREACH**

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's website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

September 11, 2018

**Subject: File No. C18-010**

Page 3

**CEQA**

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617) was prepared for the project under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. A complete analysis is contained in the attached staff report.

/s/

ROSALYNN HUGHEY, Secretary  
Planning Commission

For questions please contact Interim Deputy Director, Sylvia Do, at (408) 535-7907.

Attachment: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION  
**SUBJECT:** File No. C18-010

**FROM:** Rosalynn Hughey  
**DATE:** July 20, 2018

**COUNCIL DISTRICT:** 10

Type of Permit	Conventional Rezoning
Project Planner	Michelle Flores
CEQA Clearance	Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto
CEQA Planner	N/A

## PROPERTY INFORMATION

Location	231 West Capitol Expressway and 3911 Snell Avenue
Assessor Parcel No.	462-19-013 and 462-19-014
General Plan	Combined Industrial/Commercial
Growth Area	N/A
Existing Zoning	A(PD) Planned Development (File No. PDC06-019)
Historic Resource	N/A
Annexation Date	April 4, 1975 (Edenvale No. 15-A)
Council District	10
Acreage	6.4

## RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to:

1. Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
2. Recommend that the City Council adopt an ordinance of the City of San José rezoning certain real property of approximately 6.4-gross acres, situated on the north side of West Capitol Expressway, approximately 200 feet westerly of Snell Avenue (231 West Capitol Expressway and 3911 Snell Avenue), from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District.

## PROJECT BACKGROUND

As shown on the attached vicinity map (Figure 1), the project site is located on the north side of West Capitol Expressway, approximately 200 feet westerly of Snell Avenue, at 231 West Capitol Expressway and 3911 Snell Avenue. The 6.4-acre site is currently developed with a 133,701 square foot ministorage use (Public Storage). To the rear of the site is an existing mobile home park, a multi-family development to the west, and a gas station with a service station to the east. Across the eight-lane arterial street (West Capitol Expressway) are existing commercial developments and a mini-storage use.

The proposed conventional rezoning is from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District. If the rezoning is approved by the City Council, the applicant will be able to pursue future projects that are consistent with the General Plan Land Use/Transportation Diagram designation of Combined Industrial Commercial and the LI Light Industrial Zoning District. There is currently no development project application on file with the City.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	R-MH Mobilehome Park Residential	Mobile Home Park
South	Neighborhood Community Commercial	A(PD) Planned Development & LI Light Industrial	Gas Station and Mini Storage
East	Combined Industrial/Commercial	LI Light Industrial & A(PD) Planned Development	Gas Station and Flea Market
West	Mixed Use Neighborhood	A(PD) Planned Development	Residential

RELATED APPROVALS	
Date	Action
06/19/2006	File No. AT06-057: Lot Line Adjustment to consolidate 231 West Capitol Expressway and 3911 Snell Avenue into one lot. Permit expired since it was not recorded.
03/16/2006	File No. PDC06-019: Rezoning from CO(PD) and A(PD) to A(PD) for the demolition of one existing ministorage building, and construct two ministorage buildings. (For the addition of 3911 Snell Avenue to project site).
03/20/1981	File No. PD81-014: Planned Development Permit for the ministorage buildings at 231 West Capitol Expressway.
08/11/1980	File No. PDC80-235: Rezoning from C(PD) to A(PD) for ministorage warehouse use for 231 West Capitol Expressway.
08/01/1978	File No. PD78-056: Planned Development Permit for ministorage buildings on 3911 Snell Avenue.
05/02/1978	File No. PDC78-045: Planned Development Rezoning from C(PD) to C(PD) to allow expanded mini-warehouse storage space for 3911 Snell Avenue.
12/19/1977	File No. PD77-080: Planned Development Permit for ministorage buildings on 3911 Snell Avenue.
04/04/1975	Site annexed into the City of San José (Edenvale No. 15-A).

## ANALYSIS

The proposed rezoning application is analyzed with respect to conformance with:

- 1) Envision San José 2040 General Plan
- 2) Title 20 of the Municipal Code (Zoning Ordinance)
- 3) California Environmental Quality Act (CEQA)

### Envision San José 2040 General Plan Conformance

#### *Land Use Designation*

As shown in the attached General Plan map (Figure 2), the proposed project site has an Envision San Jose 2040 General Plan designation of Combined Industrial/Commercial. This designation is intended for commercial, office, or industrial developments or a compatible mix of these uses. The rezoning would allow future redevelopment with uses and intensity consistent with the land use designation of Combined Industrial/Commercial.

#### *General Plan Policies*

The project conforms to the following key 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 enhance Envision General Plan Vision, goals and policies.

*Analysis: The Combined Industrial/Commercial Land Use Designation allows commercial, office, or industrial development or a compatible mix of these uses. This designation occurs in areas with existing development exhibits a mix of commercial and industrial land. The existing mini storage on the subject site is surrounded by a gas station, residential, and other ministorage buildings. The CIC Combined Industrial/Commercial Zoning District does not allow ministorage. Rezoning to the LI Light Industrial Zoning District would allow the continued use of ministorage at this site, and would support the Combined Industrial/Commercial Land Use Designation by providing industrial development.*

2. Implementation Policy IP-1.7: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

*Analysis: Since 1980, the existing Planned Development Zoning has served its purpose in establishing a specific use for the subject site. However, the zoning is no longer necessary and does not allow for the broad range of industrial uses anticipated by the Envision San José General Plan. Future development would need to conform to the LI Light Industrial Zoning District development standards, which are intended to help implement the General Plan.*

3. Implementation Policy IP-8.2: 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 uses 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 LI Light Industrial Zoning District is consistent with the CIC Combined Industrial/Commercial General Plan land use designation. The LI Light Industrial designation would allow future development at the subject site to include light industrial uses as anticipated by the Envision San José 2040 General Plan. The various ranges of permitted uses and development intensities of this zoning classification correspond to the Combined Industrial/Commercial land use designation. The LI Light Industrial Zoning District would allow the current mini-storage use to remain, while also providing flexibility for other permitted uses, such as light manufacturing, warehouse/distribution facility, wholesale sale establishment, and sale of vehicle parts, to be developed. The CIC Combined Industrial/Commercial Zoning District would not allow the existing ministorage, which has been a permitted use since 1977, to redevelop or expand, and it would make the ministorage a legal nonconforming use.*

### Zoning Ordinance Conformance

As noted above, the LI Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Examples of typical uses are warehousing, wholesaling, auto repair, and light manufacturing. The existing storage facility located on 231 West Capitol Expressway was approved in 1981 (File No. PD77-080) and 3911 Snell Avenue (File No. PD81-014). Once the site is rezoned to the LI Light Industrial Zoning District, the ministorage will remain as an allowable use. As shown in the attached Zoning Map (Figure 3), the site is surrounded by other Planned Development Zoning Districts, Residential Zoning Districts, and Light Industrial Zoning Districts.

As previously noted, the ministorage use was approved in 1977 and has been in continuous operation since that time. The Light Industrial Zoning District would enable redevelopment of the site, but future development would be required to provide greater setbacks from the residential on the north and west side of the property. Below is a comparison of the existing Planned Development Zoning District development standards and the development standards of the proposed Light Industrial Zoning District.

Zoning Setback Requirements		
	A(PD) Planned Development Zoning District (Existing)	Light Industrial Zoning District (Proposed)
Front	15 feet	15 feet for building, parking and circulation for passenger vehicles, and parking for trucks and buses; 15 feet from property line or 100 feet from residential, whichever is greater, for loading docks
Side	5 feet	0 from property line or 25 from residential, whichever is greater, for parking and circulation for passenger vehicles, and parking for trucks and buses 0 feet from property line or 100 feet from residential, whichever is greater, for loading docks
Rear	5 feet	0 from property line or 25 from residential, whichever is greater, for parking and circulation for passenger vehicles, and parking for trucks and buses 0 feet from property line or 100 feet from residential, whichever is greater, for loading docks

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, was prepared for the project under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which will require major revisions to the previous EIR, or new information of substantial importance is available.

The proposed rezoning would not result in any new or substantially increased significant impacts beyond those previously identified in the Envision San José 2040 General Plan EIR, as supplemented. The proposed rezoning from A(PD) Planned Development Zoning District to LI Light Industrial Zoning District shall provide a compatible land use and would not result in any impacts beyond those identified in the previously identified certified EIRs.

Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts beyond those previously identified certified EIRs. Additionally, the proposed rezoning would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the previously certified EIRs; nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR.

**PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. 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.

**Project Manager:** Michelle Flores  
**Approved by:** *SMWA DO* Sylvia Do, Acting Planning Official  
*8/15/18*

**ATTACHMENTS:**

Exhibit A: Legal Description &amp; Plat Map

Exhibit B: Draft Ordinance

Exhibit C: Draft Resolution

<b>Owner:</b>	<b>Applicant:</b>	<b>Applicant's Representative:</b>
Storage Equities, Inc 701 Western Avenue Glendale, CA 91201	Mark Kennedy/Public Storage 701 Western Avenue Glendale, CA 91201	Rose Bacinski 2568 Rudder Way Oceanside, CA 92054





Figure 3: Zoning District Map

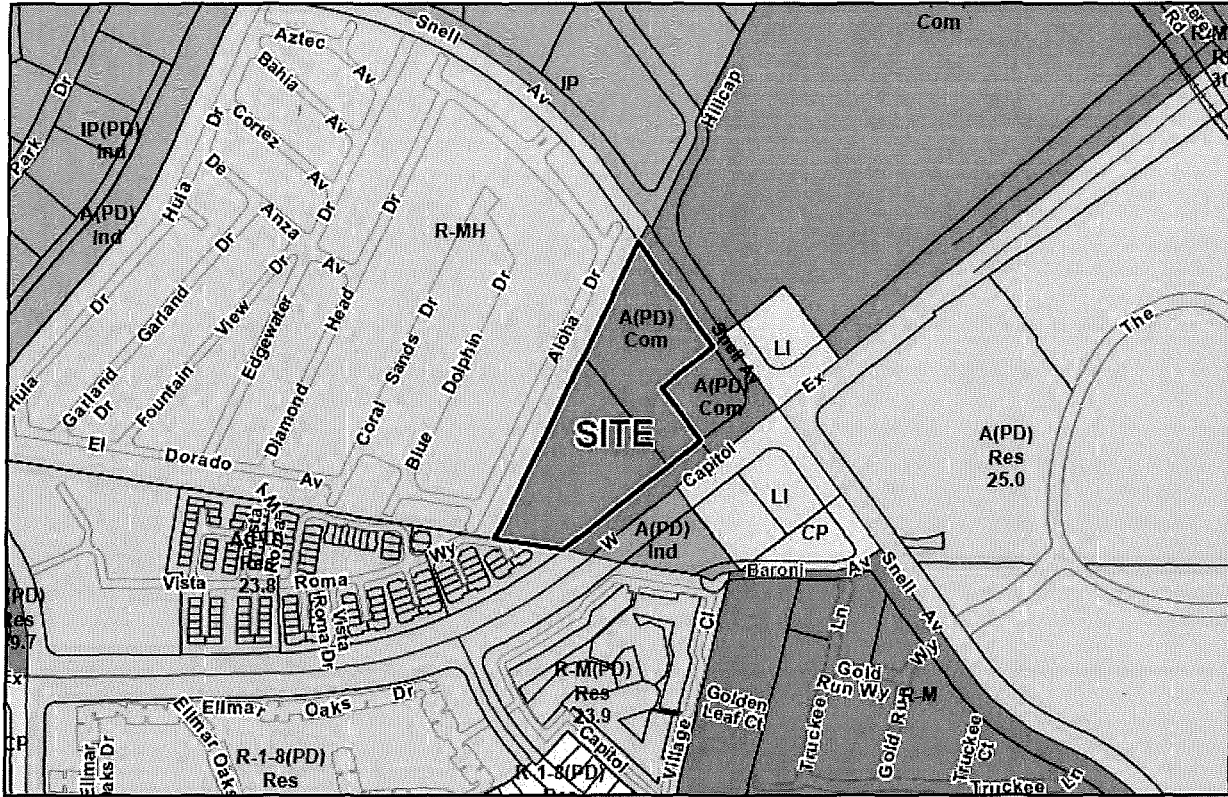


EXHIBIT A

City of San Jose Santa Clara County, California  
June 5, 2018

LEGAL DESCRIPTION

PARCEL A

PARCEL A, AS SHOWN ON PARCEL MAP FILED MARCH 3, 1978 IN BOOK 414 OF MAPS PAGES 11 AND 12, SANTA CLARA COUNTY RECORDS.

APN: 462-19-014  
OWNER: STORAGE EQUITIES, INC.

PARCEL B

PARCEL ONE:

PARCEL B, AS SHOWN UPON THAT CERTAIN PARCEL MAP, BEING A PORTION OF PARCEL 2, AS SHOWN ON THE PARCEL MAP FILED JUNE 30, 1971, IN BOOK 285 OF MAPS, AT PAGE 37, WHICH MAP WAS FILED MARCH 3, 1978, IN BOOK 414 OF MAPS, AT PAGE 11, SANTA CLARA COUNTY RECORDS.

PARCEL TWO:

AN EASEMENT 15 FEET WIDE FOR THE INSTALLATION; REPAIR, REBUILD, MAINTAIN, OPERATE AND USE SUCH GAS, ELECTRICAL FACILITIES, TELEPHONE LINES, SANITARY SEWERS, STORM DRAINS, WATER MAINS AND UTILITIES, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH MOST CORNER OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDING ON JUNE 30, 1971, IN BOOK 285 OF MAPS, AT PAGE 37, IN THE RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE SOUTH 57° 41' 00" WEST, ALONG THE SOUTHEASTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP, 120.00 FEET; THENCE NORTH 38° 19' 00" WEST, TO A POINT THAT LIES 15.00 FEET, EASTERLY AT RIGHT ANGLES FROM THE NORTHWEST LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED TO FRANZO BORGHI, RECORDED JUNE 30, 1937, IN BOOK 830 OF OFFICIAL RECORDS, PAGE 239 IN THE RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 38° 19' 00" WEST, TO SAID NORTHWEST LINE OF THE FRANZO BORGHI PARCEL OF LAND; THENCE NORTH 25° 51' 56" EAST, ALONG SAID NORTHWESTERN LINE OF FRANZO BORGHI PARCEL OF LAND, 383.05 FEET, NORTH, SOUTHWESTERLY LINE OF SNELL AVENUE AS DESCRIBED IN A DEED RECORDED ON BOOK D255 OF OFFICIAL RECORDS, PAGE 40, IN THE RECORDS OF SANTA CLARA COUNTY, CALIFORNIA; THENCE SOUTH 36°40' 50" EAST, ALONG SAID SOUTHWEST LINE OF SNELL AVENUE TO A POINT THAT LIES 15.00 FEET EASTERLY AT RIGHT ANGLES FROM SAID NORTHWEST LINE OF THE FRANZO BORGHI PARCEL OF LAND; THENCE SOUTH 25° 51' 56" WEST, PARALLEL TO SAID FRANZO BORGHI PARCEL OF LAND TO THE POINT OF BEGINNING.

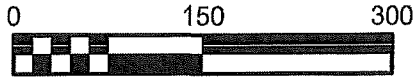
APN: 462-19-013  
OWNER: STORAGE EQUITIES, INC.

*[Handwritten signature]*  
6/5/18



LARS ANDERSEN & ASSOCIATES, INC.  
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
4694 WEST JACQUELYN AVENUE FRESNO CA 93722  
Ph: 559 276-2790 Fx: 559 276-0850 Web: LARSANDERSEN.COM

**EXHIBIT B**  
**REZONING PLAT MAP**  
 Conforming Rezoning File No. C18-010  
 City of San Jose Santa Clara County, California



Scale : 1" = 150'

**LEGEND**

- PROPERTY BOUNDARY
- EXISTING PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY

**RESIDENTIAL**  
 APN: 462-19-005  
 OWNER: Mhc California Hawaiian Lp

**PARKING LOT**  
 APN: 462-18-007  
 OWNER: Syuly Enterprises

D= 02°33'45"  
 R= 3947.00'  
 L= 176.53'

D= 02°33'45"  
 R= 4053.00'  
 L= 181.27'

**GAS STATION**  
 APN: 462-18-003  
 OWNER: Mehrabi Karim/  
 Anyan Ali

PM 285 M 37  
**GAS STATION**  
 APN: 462-19-006  
 OWNER: Adion Inc/  
 Gurpreet Sih

**GAS STATION**  
 APN: 462-43-005  
 OWNER: Santock Investments Ltd/  
 Stephen Ng

**VACANT BUILDING**  
 APN: 462-43-009  
 OWNER: Barrous Domolrios J

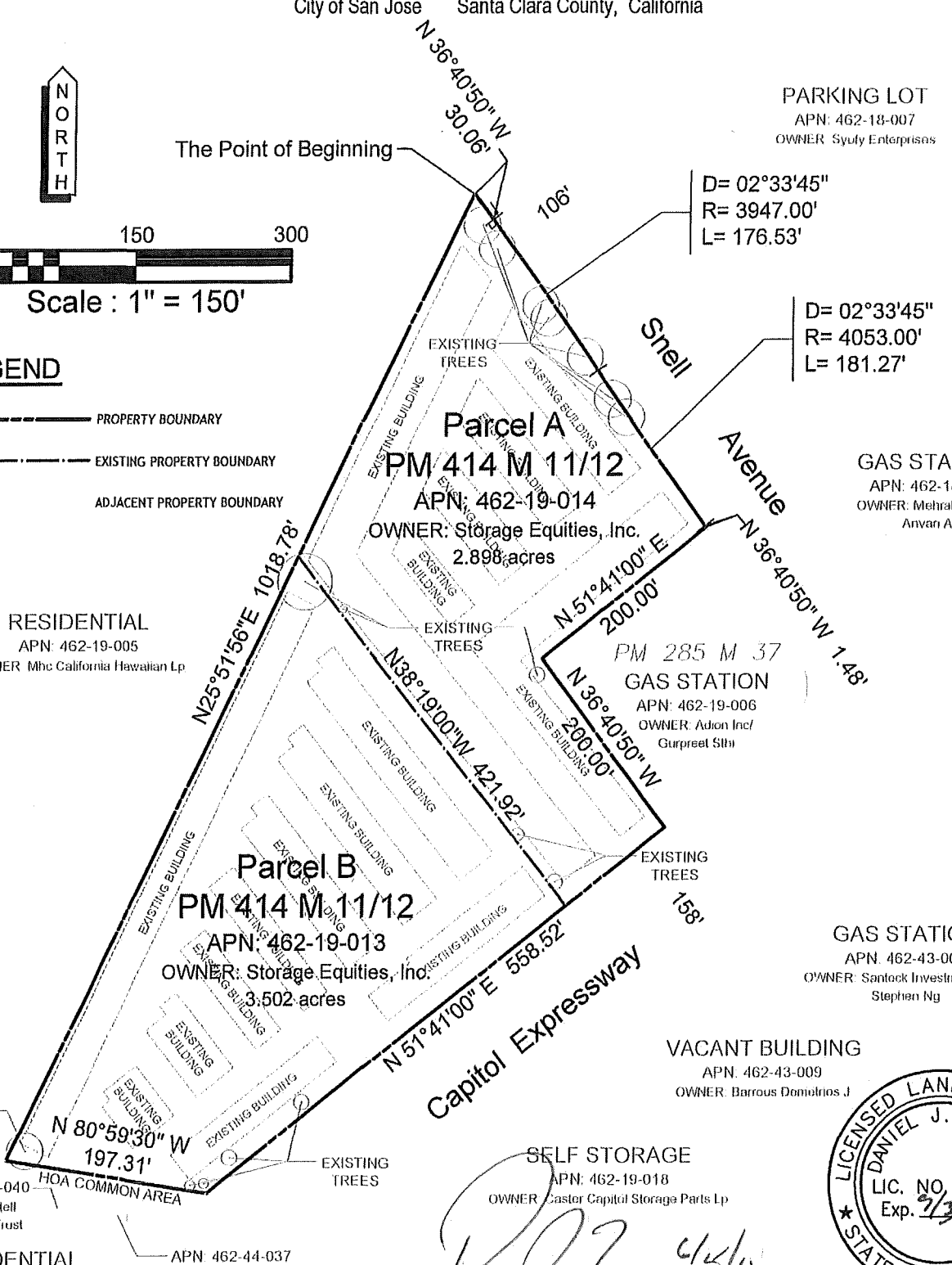
**SELF STORAGE**  
 APN: 462-19-018  
 OWNER: Easter Capitol Storage Parts Lp



*[Handwritten signature and date: 6/5/14]*

EXISTING TREE  
 APN: 462-44-040  
 OWNER: Partell Family Living Trust

**RESIDENTIAL**  
 APN: 462-44-037  
 OWNER: Korz Oscar Li & Wendy



**LARS ANDERSEN & ASSOCIATES, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
 4694 WEST JACQUELYN AVENUE FRESNO CA 93722  
 Ph: 559 276-2790 Fx: 559 276-0850 Web: LARSANDERSEN.COM

PROJECT: 231 W CAPITOL EXPY SAN JOSE, CA	REVISION DATE: 06/05/18
PLANNING REZONING FILE NO: C18-010	SCALE: AS SHOWN
PROJECT NO: 17051	BY: DF
TITLE: REZONING PLAT MAP	ISSUES/REV.: 1
DRAWING NO.	

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 6.4 GROSS ACRES SITUATED ON THE NORTH SIDE OF WEST CAPITOL EXPRESSWAY APPROXIMATELY 200 FEET WESTERLY OF SNELL AVENUE AND ON THE WEST SIDE OF SNELL AVENUE APPROXIMATELY 200 FEET NORTHERLY OF CAPITOL EXPRESSWAY (231 WEST CAPITOL EXPRESSWAY AND 3911 SNELL AVENUE) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE LI LIGHT INDUSTRIAL ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, an Addendum to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the LI Light Industrial Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on the project;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred to as "subject site," is hereby rezoned as LI Light Industrial Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

**SECTION 3.** The district map of the City is hereby amended accordingly.

**SECTION 4.** The land development approval that is the subject of City File No. C18-010 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_ 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 231 WEST CAPITOL EXPRESSWAY AND 3911 SNELL AVENUE REZONING PROJECT ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AS ADDENDED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED**

**WHEREAS**, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (“General Plan Update FPEIR”), which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José 2040 General Plan; and

**WHEREAS**, the Planning Commission of the City certified said General Plan Update FPEIR, which certification was not appealed; and

**WHEREAS**, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011, setting forth certain findings pertaining to the General Plan Update FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

**WHEREAS**, subsequent to said actions on the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental EIR



("SEIR") to the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

**WHEREAS**, the Planning Commission of the City certified said SEIR, which certification was not appealed; and

**WHEREAS**, in connection with the adoption of a resolution approving said SEIR to the Envision San José 2040 General Plan Greenhouse Gas Reduction Strategy (Planning File No. PP15-060), the City Council adopted Resolution No. 77617 on December 15, 2015 setting forth certain findings pertaining to the SEIR, all pursuant to the provisions of CEQA; and

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared and approved an Addendum to the General Plan Update FPEIR and SEIR for the 231 West Capitol Expressway and 3911 Snell Avenue Rezoning Project under Planning File No. C18-010 (the "Addendum"), all in accordance with CEQA; and

**WHEREAS**, the 231 West Capitol Expressway and 3911 Snell Avenue Rezoning Project (the "Project") analyzed under the Addendum consists of a conventional rezoning from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on a 6.4 gross acre site located on the north side of West Capitol Expressway and on the west side of Snell Avenue (231 West Capitol Expressway and 3911 Snell Avenue), in San José, California; and

**WHEREAS**, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved General Plan Update FPEIR and SEIR, as addended, nor will the Project result in an increase in the severity of significant effects identified in the General Plan Update FPEIR and SEIR, as addended; and

**WHEREAS**, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

**WHEREAS**, the City Council has reviewed and considered the General Plan Update FPEIR and SEIR, as addended, and the Addendum and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the General Plan Update FPEIR and SEIR, as addended, and the Addendum for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the General Plan Update FPEIR and SEIR, as addended, as all modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying General Plan Update FPEIR and SEIR, as addended, prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the General Plan Update FPEIR and SEIR, as addended, represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at

200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. C18-010). The General Plan Update FPEIR and SEIR, as addended, and the Addendum are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk