



COUNCIL AGENDA: 11/28/17
FILE: 17-355
ITEM: 10.4

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 6, 2017

COUNCIL DISTRICT: 4

SUBJECT: GP17-007. AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM INDUSTRIAL PARK TO COMBINED INDUSTRIAL/COMMERCIAL ON AN APPROXIMATELY 19.4 ACRE SITE, LOCATED ON THE SOUTHWEST CORNER OF WEST TRIMBLE ROAD AND ORCHARD PARKWAY.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council to adopt a resolution approving the 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution, as described in the attached Staff Report.

OUTCOME

Should the City Council approve the proposed General Plan Amendment, approximately 19.4 acres of a 68 gross acre site's General Plan Land Use/Transportation Diagram designation would be changed from Industrial Park to Combined Industrial/Commercial.

Should the City Council deny the General Plan Amendment, the site would retain the Land Use/Transportation Diagram designation of Industrial Park.

BACKGROUND

On November 8, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Planning Commission made a recommendation to the City Council to adopt a resolution approving the 350/370 West Trimble Road General Plan

Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution.

Staff Presentation

Staff stated that the proposed General Plan Amendment was analyzed with respect to conformance with the goals and policies of the General Plan and consistency with the North San José Area Development Policy (Policy). The Combined Industrial/Commercial (CIC) land use designation maintains existing employment lands within North San José and adds additional flexibility to the type of employment uses allowed on the 19.4 acres. Additionally, uses permitted by the CIC land use designation are consistent with those allowed in the Policy, and could help to attract desired commercial amenities, while still allowing flexibility for office and R & D uses supported by the Industrial Park designation.

Public Testimony

The applicant noted that they have worked with the City to bring more commercial support to North San José, and that they have a Planning development application on a separate portion of the larger site for retail uses. Commissioner Yesney asked the applicant the possibility of having future uses oriented towards the river. The applicant responded that they would take into account access to the trail and river, as well as transit, when they propose new development on the site. Commissioner Yesney also stated that future land uses adjacent to the river need to respect habitat value. No community members spoke on the item.

Planning Commission Discussion

Commissioner Pham asked staff where the Guadalupe River Trail starts and ends, and if it was paved. Staff responded that the trail is paved and begins in Downtown just south of Woz Way and ends in Alviso.

The Planning Commission voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council to adopt a resolution approving the 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution.

ANALYSIS

A complete analysis regarding the proposed General Plan Amendment is contained in the attached Planning Commission Staff Report.

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EVALUATION AND FOLLOW UP

If the Amendment is approved, approximately 19.4 acres of the 68 gross acre site's General Plan Land Use/Transportation Diagram designation would be changed from Industrial Park to Combined Industrial/Commercial. This would allow uses on the 19.4 acres consistent with the Combined Industrial/Commercial General Plan land use designation.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. The property owners and occupants within a 1,000 feet radius were sent public hearing notices for the Planning Commission and City Council hearing, as well as all members of the public who requested to be placed on the application's contact list. A notice of the public hearing was also published in the San José Post Record and on the City's website. The Planning Commission agenda was posted on the City of San José website, which included a copy of the staff report, and staff has been available to discuss the project with members of the public.

COORDINATION

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

CEQA

An Initial Study and Negative Declaration were prepared by the Director of Planning, Building, and Code Enforcement for the subject General Plan Amendment and Rezoning. The documents were circulated for public review between September 26, 2017 and October 16, 2017. Two comment letters were received and addressed in Response to Comments. The Negative Declaration states that the proposed General Plan Amendment will not have a significant effect on the environment. The Initial Study, Negative Declaration, and the Response to Comments are available for review on the Planning website at: <http://www.sanjoseca.gov/index.aspx?nid=5701>.

/s/

ROSALYN HUGHEY, SECRETARY
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachments: Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

File No.	GP17-007
Applicant	Scott Landsittel, LBA Realty
Location	350/370 W. Trimble Road
Existing General Plan Land Use Designation	Industrial Park
Proposed General Plan Land Use Designation	Combined Industrial/Commercial
Existing Zoning Districts	IP(PD)
Council District	4
Historic Resource	No
Annexation Date:	February 1, 1971 (Orchard No. 46)
CEQA:	Negative Declaration

APPLICATION SUMMARY:

General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial/Commercial on an approximately 19.4 acre site.

RECOMMENDATION:

1. Consider the Negative Declaration in accordance with CEQA.
2. Recommend that the City Council adopt a resolution approving the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation for the site from Industrial Park to Combined Industrial/Commercial on an approximately 19.4 acre site, located along the southwest corner of West Trimble Road and Orchard Parkway.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
Consistent Policies		Policies IE-1.2, IE-1.3; Policies FS-4.2, FS-4.3, FS-4.4, FS-4.6	
Inconsistent Policies		None	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Industrial Park	IP Industrial Park	Office/R&D
South	Industrial Park	IP(PD) Planned Development	Vacant lot
East	Transit Employment Center	IP Industrial Park IP(PD) Planned Development	Office/R&D Vacant lot
West	Open Space, Parklands, and Habitat	IP(PD) Planned Development	Guadalupe River

RELATED APPROVALS	
Date	Action
1994	Planned Development Zoning to IP(PD) to allow up to 3,220,900 square feet of industrial park and office uses on a 133.96 acre site, and sets an overall maximum FAR of 0.70. (File No. PDC93-017)
2007	Planned Development Rezoning from IP(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning district to allow office/R&D uses and modifications to the development standards to change the height and setbacks to conform to the IP Zoning District on a 16.35 gross acre site (File No. PDC07-091).
2007	Planned Development Permit for the construction of 398,350 sq. ft. office space in two 6-story core and shell buildings on a 16.35 gross acre site (File No. PD07-081).

PROJECT DESCRIPTION

Background

On March 10, 2017, Scott Landsittel applied for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial/Commercial on 19.4 acres of a 68 gross acre site (see Attachment A). Changing the General Plan land use designation to Combined Industrial/Commercial would allow commercial, office, and/or industrial development with a Floor Area Ratio (FAR) up to 12.0.

Site Location

The site is located on the southwest corner of West Trimble Road and Orchard Parkway (APNs 101-02-013 and 101-02-014). The site is located within the North San José Growth Area and the North San José Development Policy area. The subject site surrounds the corporate office buildings for the Lumileds' United States location. The proposed General Plan land use designation changes are proposed at the northwest corner and southeast corner of the subject site (see Attachment A).

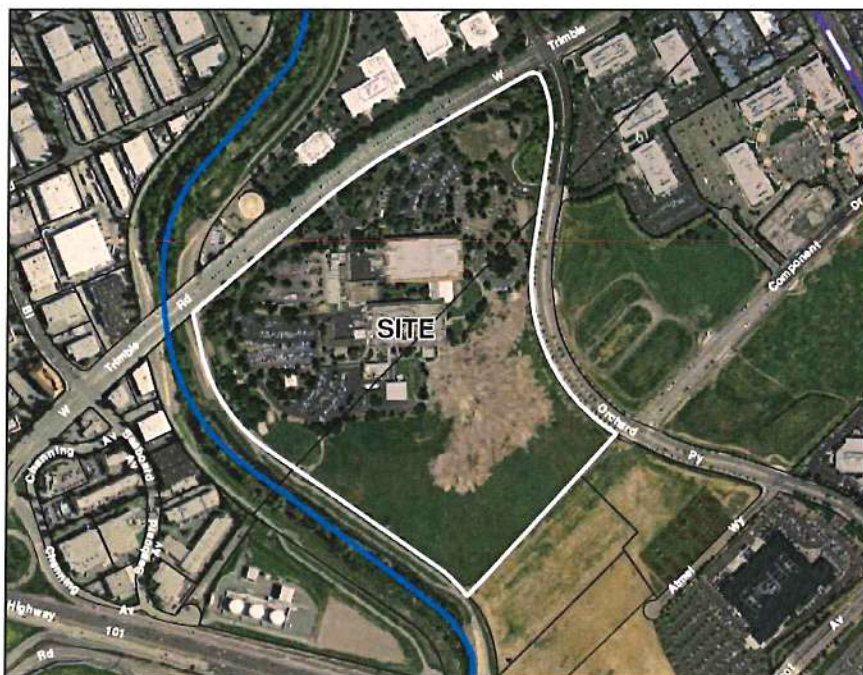


Figure 1: Site Location

North San José Area Development Policy

The subject site is located within the boundary of the North San José Development Policy area. In 2005, City Council approved the North San José Area Development Policy (Policy), which established a specific procedure for the allocation and timing of development capacity within North San José. The Policy has been amended several times since its adoption in 2005. The current version of the Policy was approved in December 2015, and allows a development capacity of 26.7 million square feet of industrial development, 2.7 million square feet of commercial development, 1,000 hotel rooms, and 32,000 residential units. The Policy also identifies necessary transportation improvements to support new development and establishes an equitable funding mechanism for new development to share the cost of those improvements.

ANALYSIS

Existing General Plan Land Use Designation: Industrial Park

The Industrial Park designation is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. This designation is differentiated from the Light Industrial and Heavy Industrial designations in that Industrial Park uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Hospitals may be appropriate within this designation, if it can be demonstrated that they will not be incompatible with Industrial Park uses or other nearby activities. Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should typically be located within a larger industrial building to protect the character of the area and maintain land use compatibility. One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses. The Industrial Park land use designation allows a commercial/industrial FAR up to 10.0 (2 to 15 stories).

Proposed General Plan Land Use Designation: Combined Industrial/Commercial

This category 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. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although 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 in order 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 Combined Industrial/Commercial land use designation allows a commercial/industrial FAR up to 12.0 (1 to 24 stories).

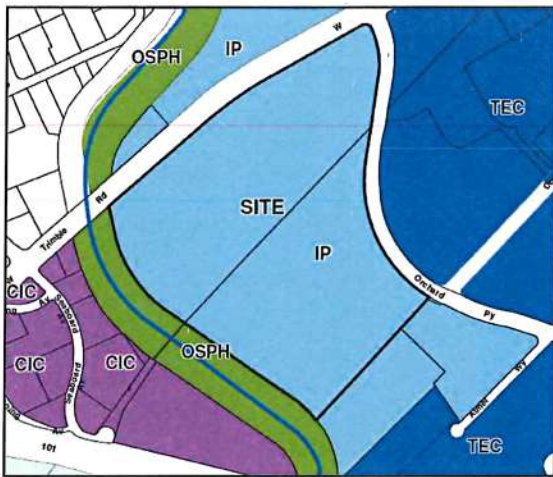


Figure 2: Existing General Plan Land Use Designation

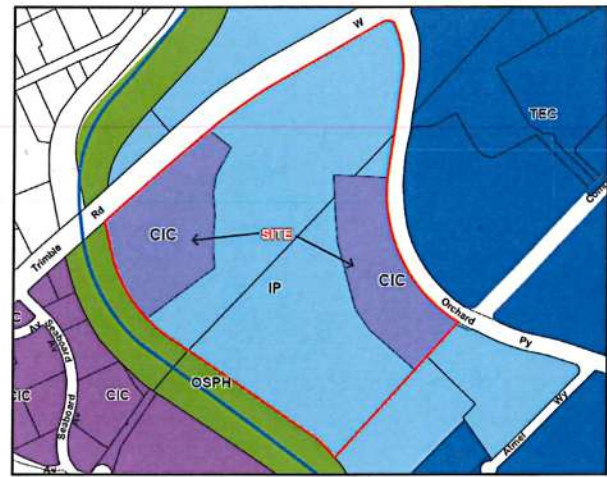


Figure 3: Proposed General Plan Land Use Designation

General Plan Conformance

The proposed amendment was analyzed with respect to conformance with the goals and policies of the Envision San José 2040 General Plan. The proposed General Plan Amendment is **consistent** with the following General Plan goals and policies as discussed below:

1. **Land Use and Employment Policy IE-1.2:** Plan for the retention and expansion of a strategic mix of employment activities at appropriate locations throughout the City to support a balanced economic base, including industrial suppliers and services, commercial/retail support services, clean technologies, life sciences, as well as high technology manufacturers and other related industries.

Land Use and Employment Policy IE-1.3: As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.

Analysis: The North San José Growth Area is the City's largest employment area and predominately includes office/R&D and heavy and light industrial uses. Employees and residents in North San José, however, currently lack adequate access to commercial and retail uses; most residents and employees drive to Milpitas, Fremont, or Santa Clara for personal services and entertainment. The proposed Combined Industrial/Commercial land use designation would support the expansion of commercial development within North San José without inhibiting or negatively impacting adjacent industrial uses. Allowing flexibility for commercial and retail development in North San José could increase the variety of employment sectors within the area and help to create a complete, mixed-employment district which serves the surrounding businesses and nearby residents. Additionally, the proposed Combined Industrial/Commercial designation would not convert the City's limited heavy- and light-industrially designated properties.

2. **Promote Fiscal Beneficial Land Use Policy FS-4.2:** Maintain, enhance, and develop the employment lands within identified key employment areas (North Coyote Valley, the Berryessa International Business Park, the East Gish and Mabury industrial areas, the Evergreen industrial area, the Edenvale Redevelopment Project Area, and the Monterey

Corridor Redevelopment Project Area). Protect existing employment uses within these areas from potentially incompatible non-employment uses.

Promote Fiscal Beneficial Land Use Policy FS-4.3: Maintain employment lands within the North San José industrial area and protect existing employment uses from potentially incompatible non-employment uses. Allow conversion of employment lands to non-employment and residential use only in support of and consistent with the provisions of the North San José Area Development Policy.

Promote Fiscal Beneficial Land Use Policy FS-4.4: Identify, designate and maintain an adequate number of suitable sites for a full range of commercial opportunities, including large-scale commercial centers and neighborhood-scale shopping opportunities, to serve the resident and visitor consumer population fully and to increase sales tax revenue in San José.

Promote Fiscal Beneficial Land Use Policy FS-4.6: Consider conversion from one employment land use to another, except for Light Industrial or Heavy Industrial land uses, where the conversion would retain or expand employment capacity and revenue generation, particularly for intensification on-site if the proposed conversion would result in a net increase in revenue generation.

Analysis: The proposed Combined Industrial/Commercial land use designation maintains existing employment lands within North San José and adds additional flexibility to the type of employment uses allowed on the 19.4 acres. By definition, development and uses under the Combined Industrial/Commercial designation would be compatible with surrounding industrial uses and would not be considered an incompatible employment use. Furthermore, the North San José Area Development Policy allows up to 2.7 million square feet of large and small format commercial development within North San José, thus allowing commercial development to move forward on this site should the proposed General Plan Amendment be approved. The proposed Combined Industrial/Commercial designation would allow commercial and industrial development on portions of the larger site currently underutilized, intensifying the area with revenue generating uses.

North San José Area Development Policy

As indicated above, the subject site is located within the boundary of the North San José Development Policy area. The proposed General Plan amendment is consistent with the North San José Area Development Policy. Uses permitted by the Combined Industrial/Commercial land use designation are consistent with those allowed in the Policy, and could help to attract desired commercial amenities, while still allowing flexibility for research and development and office uses supported by the Industrial Park designation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment. The documents were circulated for public review between September 26, 2017 and October 16, 2017. Comments and responses to those comments are listed on the Negative Declaration/Initial Studies web page at: <http://www.sanjoseca.gov/index.aspx?nid=5701>.

The ND states that the proposed General Plan Amendment will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required.

The entire ND and Initial Study are available for review on the Planning website at: <http://www.sanjoseca.gov/planning>. To find the document, click on the "Environmental Planning" link on menu bar to the left of the screen, then click "Environmental Review" and select the link to "Negative Declaration/Initial Study Library". The project is listed under File No. GP17-007.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff facilitated a community meeting on September 6, 2017 to discuss the proposed General Plan Amendment. A notice for the community meeting was distributed to all land owners and tenants of all properties within 500 feet of the subject site.

Approximately 15 community members attended the community meeting. Attendees expressed concerns about traffic and impacts to the Guadalupe River, and desired the following for proposed development in the future: connectivity to light rail stations and the Guadalupe River Trail, access to restaurants and outdoor seating space, inclusion of a movie theater and/or grocery store, maintenance of existing roadway improvements, and adequate police services in the area.

A notice for the October 25, 2016 Planning Commission 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: Kimberly Vacca

Approved by:



, Planning Official for Rosalynn Hughey,
Interim Planning Director

Date:

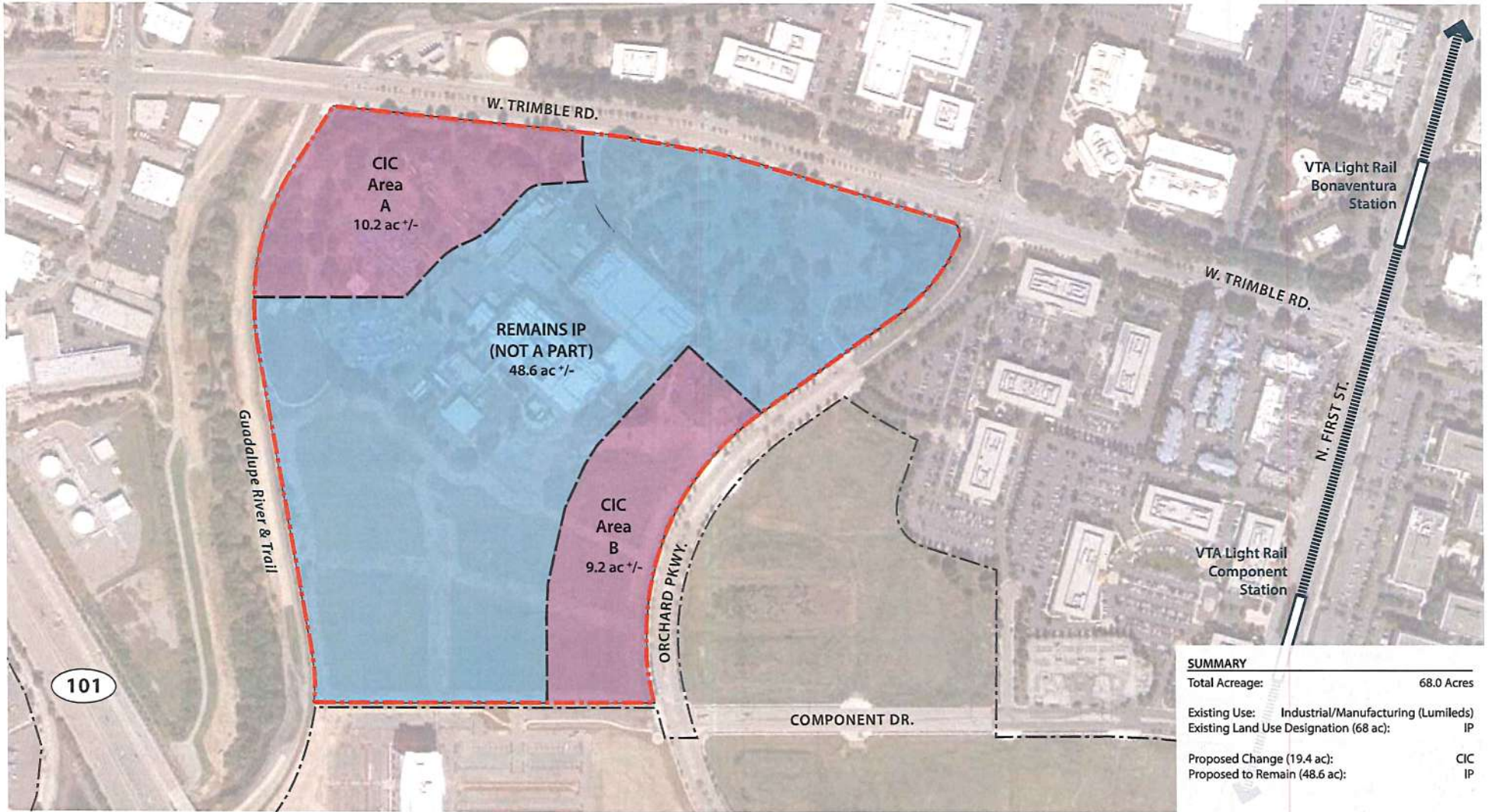
10/17/17

Owner:

LBA RVI – Company I, LP
3347 Michelson Drive, Suite 200
Irvine, CA 94111

Attachments:

- A) Proposed General Plan Amendment Exhibit (submitted by Applicant)
- B) Negative Declaration
- C) Draft Resolution



SUMMARY	
Total Acreage:	68.0 Acres
Existing Use:	Industrial/Manufacturing (Lumileds)
Existing Land Use Designation (68 ac):	IP
Proposed Change (19.4 ac):	CIC
Proposed to Remain (48.6 ac):	IP

Aerial: Google Earth, April 2016

Attachment B:

The Negative Declaration for File No. GP17-007

Can be viewed online at:

<http://www.sanjoseca.gov/index.aspx?NID=5701>

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO COMBINED INDUSTRIAL/COMMERCIAL AT 350 WEST TRIMBLE ROAD

Fall 2017 General Plan Amendment Cycle (Cycle 3)

GP17-007

WHEREAS, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San Jose 2040 General Plan, San Jose, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San Jose Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San Jose for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on October 25, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP17-007 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, on November 28, 2017, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San Jose Municipal Code, public notice was given that on November 28, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San Jose, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Draft Negative Declaration for File No. GP17-007 (Resolution No. _____); and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendment.

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

SECTION 1. The Council's determinations regarding General Plan Amendment File No. GP17-014 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San Jose General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San Jose on _____, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP17-007. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial/Commercial on a 19.4 gross acre site located at the southwest corner of West Trimble Road and Orchard Parkway (350 West Trimble Avenue) (LBA RVA – Company I, LP, Owner).

Council District: 4. CEQA: Negative Declaration, Resolution No. _____. Director of Planning, Building, and Code Enforcement recommends approval (X-X).
Council Action: (X-X)