



CITY COUNCIL STAFF REPORT

File No.	C17-012
Applicant	AMG & Associates, LLC
Owner	A. P. Propane, INC
Location	295 East Virginia Street
Existing Zoning	A(PD) Planned Development (File No. PDC83-065)
General Plan Land Use Designation	Transit Residential
Council District	3
Historic Resource	No
Annexation Date	March 27, 1950 (Original City)
CEQA	Mitigated Negative Declaration for the Virginia Studios Project

APPLICATION SUMMARY:

Conforming Rezoning from the A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District on a 1.72-gross acre site at 295 East Virginia Street.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance approving the Conforming Rezoning to the R-M Multiple Residence Zoning District on a 1.72-gross acre site at 295 East Virginia Street.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Transit Residential <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.1, IP-1.6, and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Highway 280	Highway 280	Highway 280
South	Residential Neighborhood, Neighborhood / Community Commercial	LI - Light Industrial, CP - Commercial Pedestrian, A(PD) Planned Development (File No. PDC01-035)	Gas station, a vacant warehouses building, multi-family housing
East	Residential Neighborhood	CP - Commercial Pedestrian, R-2 - Two-Family Residence	Single-family residences
West	Residential Neighborhood	R-M - Multiple Residence	Single-family residences

PROJECT DESCRIPTION

On May 4, 2017, the applicant, AMG & Associates, LLC, applied for a Conforming Rezoning from the A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District on a 1.73-gross acre site.

Site Description and Surrounding Uses

The subject site is located on the north side of Virginia Street, located at the northwest corner of East Virginia Street and includes the vacated part of 6th Street that ends in a cul-de-sac, as shown in Figure 1. The subject site is currently vacant and is adjacent to Highway 280 to the north. The off-ramp of Highway 280 is situated to the west of the site; the east side of the site is South 7th Street and an on-ramp to Highway 280. A vacant warehouse building and a gas station are situated south of the site.



Figure 1: Aerial image of the subject site

Background

The subject property is currently located in the A(PD) Planned Development Zoning District (File No. PDC83-065) that allows general commercial uses. The applicant has requested a conforming rezoning to the R-M Multiple Residence Zoning District, which would bring the zoning into conformance with the Transit Residential General Plan Land Use/Transportation Diagram land use designation.

A Site Development Permit (File No. H17-019) is currently on file that proposes the construction of a six-story residential building with 301 below-market rate studio units for seniors. This Site Development Permit is currently under review and would be considered at a Planning Director's Hearing if the rezoning is approved.

ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the *Envision San José 2040 General Plan*, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site has an *Envision San José 2040 General Plan* Land Use/Transportation Diagram land use designation of Transit Residential (see Figure 2).



Figure 2: General Plan Land Use/Transportation Diagram

The Transit Residential designation is for new high-density residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment use, such as office, retail, hotels, hospitals and private community gathering facilities. The proposed rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the

Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* Vision, goals and policies.
3. 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 R-M Multiple Residence Zoning District is listed as a conforming district for the General Plan Land Use Designation of Transit Residential. The proposed rezoning allows higher density residential development and higher density residential-commercial mixed use development.

Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-270, Section 20.120.110 of the San José Municipal Code, which identifies the R-M Multiple Residence Zoning District as a conforming district to the Transit Residential General Plan Land Use/Transportation Diagram land use designation.

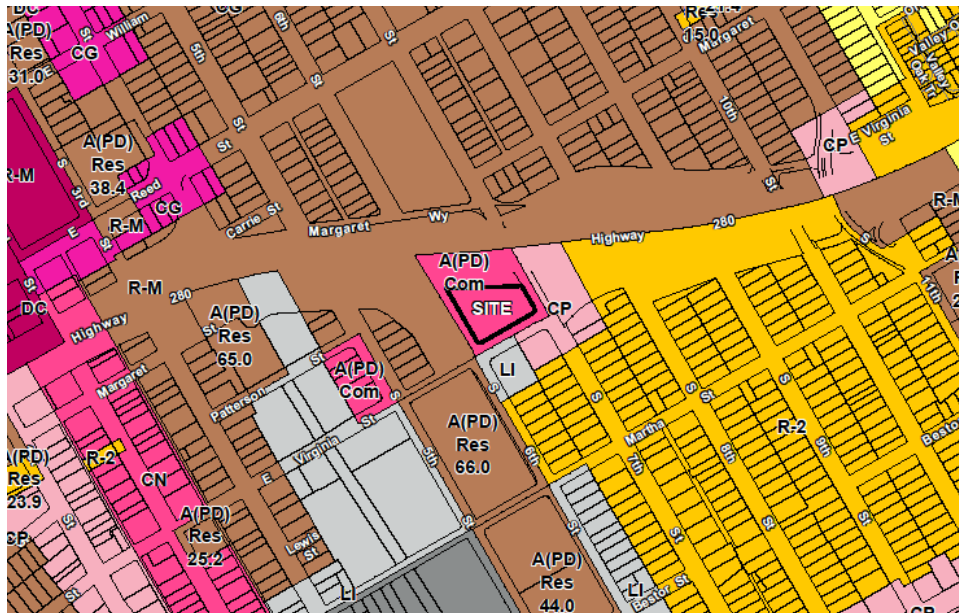


Figure 3: Zoning Map

The R-M Multiple Residence Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-50, including one-family dwelling, two-family dwelling, multiple dwelling, mixed use residential/commercial development, and other uses such as residential care facilities. This rezoning would facilitate the current site development permit application for an affordable housing project on file.

Setbacks and Heights

The front property line of the subject site is located along South 7th Street, the side setback of the property is along East Virginia Street and Highway 280, and the rear property line abuts the freeway off-ramp. The development standards for a R-M Multiple Residence Zoning District require a 10-foot front setback from South 7th Street, a 7.5-foot side setback along East Virginia, a 5 feet along Highway 280, and a 15-foot rear setback from the Highway 280 off-ramp. The maximum height allowed is 45 feet. Therefore, future development would be evaluated for conformance to these development standards and all other municipal code regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Mitigated Negative Declaration (MND) entitled “The Virginia Studios Project” was prepared by the Director of Planning, Building, and Code Enforcement for the subject Rezoning and the Site Development Permit. The IS/MND was completed in compliance with the California Environmental Quality Act (CEQA) to reflect an independent judgment and analysis of the project.

The document was circulated for public review between September 11, 2018 and October 1, 2018. Five public comment letters were received during the public circulation period. Comments were received from the Amah Mutsun Tribal Band, Caltrans, Santa Clara Valley Water District, and two members of the public: Aurelia Sanchez, and Carol Valentine.

Detailed responses to comments can be found on the City’s website as listed below. The Amah Mutsun Tribal Band identified the project to be within an area once occupied by Tamien speakers that is now represented by the Muwekma Tribal Band. Caltrans commented on the goals for a priority development area, and the need for an encroachment permit. The Santa Clara Valley Water District acknowledged they reviewed the MND. Aurelia Sanchez and Carol Valentine commented on the adequacy of vehicle parking spaces, clarification regarding air quality impact findings, reinstating the bus stop at South 7th Street and Martha, allocation of park fees, and the need for traffic calming along South 7th Street.

The Final IS/MND identified potentially significant environmental impacts and determined that the proposed project would not have a significant effect on the environment with the incorporation of certain mitigation measures. The primary environmental issues addressed in the IS/MND were the potential impacts to air quality, biology, and hazards, and hazardous materials from the project. The MND includes mitigation measures for the previously stated resource areas that would reduce any potentially significant project impacts to a less-than-significant level. The

mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and in the associated permit as a part of the project.

The Final IS/MND, supporting technical documents, Response to Comments, and other related environmental documents are available on the Planning web site at:

<http://www.sanjoseca.gov/index.aspx?NID=6158>.

PUBLIC HEARING NOTIFICATION

A community meeting was held on April 12, 2018, at Biblioteca Latinoamericana Branch Library with approximately 15 community members in attendance. No specific comments were provided about the rezoning.

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 1,000 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. No public comment letters have been received to date.

/s/

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

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

Attachments: Legal Description
Plat map

**295 EAST VIRGINIA STREET
REZONE OF APN 472-25-092
AND A VACATED PORTION OF 6TH STREET**

PARCEL 1:

ALL OF LOTS 11, 12, 13, 17, 18, 19 AND 20 AND THAT PORTION OF LOTS 9, 10, 14, 15 AND 16, AS SHOWN ON THE MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS, AT PAGE 86, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA.

The exterior boundary of **APN 472-25-092** is further described as follows:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF VIRGINIA STREET, 60.00 FEET WIDE, WITH THE SOUTHWESTERLY LINE OF 7TH STREET, 80.00 FEET WIDE; THENCE SOUTH 59° 22' 56" WEST ALONG SAID NORTHWESTERLY LINE, 275.98 FEET TO THE NORTHEASTERLY LINE OF 6TH STREET, 80.00 FEET WIDE; THENCE NORTH 30° 38' 46" WEST ALONG SAID NORTHEASTERLY LINE, 277.86 FEET TO THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO PLEASY ROBINSON AND WIFE, RECORDED FEBRUARY 3, 1970, IN BOOK 8819, PAGE 102 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID LAND OF ROBINSON AND ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 3, 1968, IN BOOK 8285, PAGE 135 OF OFFICIAL RECORDS AND ALONG THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO JAMES R. BARROW AND OTHERS, RECORDED JANUARY 13, 1970, IN BOOK 8798, PAGE 252, OF OFFICIAL RECORDS; THENCE NORTH 86° 36' 12" EAST, 310.49 FEET TO SAID SOUTHWESTERLY LINE OF 7TH STREET; THENCE SOUTH 30° 39' 00" EAST, 135.90 FEET TO THE **POINT OF BEGINNING**.

EXCLUDING THEREFROM THAT PORTION OF LOTS 13 AND 20, AS SHOWN ON THE MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS AT PAGE 86, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF VIRGINIA STREET, 60.00 FEET WIDE, WITH THE SOUTHWESTERLY LINE OF 7TH STREET, 80.00 FEET WIDE; THENCE SOUTH 60° 06' 59" WEST ALONG SAID NORTHWESTERLY LINE, 275.98 FEET TO THE NORTHEASTERLY LINE OF 6TH STREET, 80.00 FEET WIDE; THENCE NORTH 29° 53' 01" WEST ALONG SAID NORTHEASTERLY LINE, 30.00 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID NORTHEASTERLY LINE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 31.42 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHWESTERLY, 10.00 FEET FROM SAID NORTHWESTERLY LINE OF VIRGINIA STREET; THENCE TANGENT TO SAID CURVE NORTH 60° 06' 59" EAST, 235.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY

HAVING A RADIUS OF 20.00 FEET; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 31.42 FEET TO SAID SOUTHWESTERLY LINE OF 7TH STREET; THENCE SOUTH 29° 53' 01" EAST, 30.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL 2:

A PORTION OF 6TH STREET AS SHOWN ON MAP OF THE SCHAAD SUBDIVISION OF BLOCK 33, REED ADDITION TO THE CITY OF SAN JOSE, FILED JULY 9, 1907, IN BOOK L OF MAPS, AT PAGE 86, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA; AND AS VACATED BY DOCUMENT No. _____ ON _____, 2017 IN BOOK ____ AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, CALIFORNIA;

The exterior boundary of Vacated South 6th Street is further described as follows:

COMMENCING AT THE SOUTHERLY CORNER OF SAID LOT 20 OF BLOCK 33, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY OF SAID 6TH STREET, NORTH 30°38'46" WEST A DISTANCE OF 9.97 FEET TO **THE TRUE POINT OF BEGINNING;**

THENCE NORTH 59°22'56" EAST A DISTANCE OF 19.99 FEET TO THE SOUTHERLY END OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG SAID 20.00 FOOT RADIUS CURVE THROUGH A DELTA OF 89°58'18" AND AN ARC LENGTH OF 31.41 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°37'55" WEST A DISTANCE OF 28.28 FEET; THENCE NORTH 30°38'46" WEST A DISTANCE OF 247.94 FEET TO A POINT; THENCE NORTH 86°36'12" WEST A DISTANCE OF 24.39 FEET TO THE START OF A 40.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THENCE SOUTHWESTERLY ALONG SAID 40.00 FOOT RADIUS CURVE THROUGH A DELTA OF 117°14'58" AND AN ARC LENGTH OF 81.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 27°58'43" WEST A DISTANCE OF 68.30 FEET TO A POINT ON THE OLD WESTERLY RIGHT OF WAY LINE OF SAID 6th STREET; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 30°38'46" WEST A DISTANCE OF 177.07 FEET; THENCE LEAVING SAID OLD WESTERLY RIGHT OF WAY LINE SOUTH 61°33'14" EAST A DISTANCE OF 71.79 FEET TO THE START OF A 10.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG SAID 10.00 FOOT RADIUS CURVE THROUGH A DELTA OF 59°03'50" AND AN ARC LENGTH OF 10.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 88°54'51" EAST A DISTANCE OF 9.86 FEET; THENCE NORTH 59°22'56" EAST A DISTANCE OF 34.55 FEET TO THE **TRUE POINT OF BEGINNING.**

Said **APN 472-25-092 AND that Vacated Portion of South 6TH St.** containing 1.72 acres, more or less.

BEARINGS BASED ON THAT MAP FILED IN BOOK 842 OF MAPS AT PAGE 13, IN THE RECORDERS OFFICE OF SANTA CLARA COUNTY, STATE OF CALIFORNIA.



CLOSURE CHECK OF ZONING PARCEL

Name: New Parcel Style : 1

STARTING AT MOST EASTERLY POINT ON VIRGINIA THEN CLOCKWISE

North: 19997.9855' East: 23778.1022'

Segment #1 : Line

Course: S59°22'56.41"W Length: 236.036'

North: 19877.7707' East: 23574.9731'

Segment #2 : Line

Course: S59°22'56.00"W Length: 19.990'

North: 19867.5896' East: 23557.7700'

Segment #3 : Line

Course: S59°22'56.00"W Length: 34.550'

North: 19849.9930' East: 23528.0369'

Segment #4 : Curve

Length: 10.309' Radius: 10.000'

Delta: 59°03'50" Tangent: 5.665'

Chord: 9.858' Course: S88°54'51.00"W

Course In: N30°37'04.00"W Course Out: S28°26'46.00"W

RP North: 19858.5989' East: 23522.9438'

End North: 19849.8062' East: 23518.1806'

Segment #5 : Line

Course: N61°33'14.00"W Length: 71.790'

North: 19884.0021' East: 23455.0581'

Segment #6 : Line

Course: N30°38'46.40"W Length: 177.064'

North: 20036.3358' East: 23364.8023'

Segment #7 : Curve

Length: 81.856' Radius: 40.000'

Segment #7 : Curve
(CONTINUED)

Delta: 117°14'58" Tangent: 65.594'

Chord: 68.302' Course: N27°58'42.80"E

Course In: N59°21'13.60"E Course Out: N3°23'48.00"W

RP North: 20056.7252' East: 23399.2156'

End North: 20096.6549' East: 23396.8456'

Segment #8 : Line
Course: N86°36'12.00"E Length: 24.392'

North: 20098.1000' East: 23421.1947'

Segment #9 : Line
Course: N86°36'12.00"E Length: 310.486'

North: 20116.4958' East: 23731.1353'

Segment #10 : Line
Course: S30°39'00.28"E Length: 105.897'

North: 20025.3930' East: 23785.1209'

Segment #11 : Curve
Length: 31.427' Radius: 20.000'

Delta: 90°01'56" Tangent: 20.011'

Chord: 28.292' Course: S14°21'57.86"W

Course In: S59°20'59.72"W Course Out: S30°37'04.00"E

RP North: 20015.1971' East: 23767.9150'

End North: 19997.9856' East: 23778.1012'

Perimeter: 1103.797' Area: 75038.04 Sq. Ft.
Error Closure: 0.0010 Course: N79°05'08.00"W
Error North: 0.00018 East: -0.00095
Precision 1: 1086657.000



EXHIBIT "B"

NOTES

1. NO BUILDINGS, STRUCTURES OR SIGNIFICANT PHYSICAL FEATURES ON PROJECT SITE.
2. SIGNIFICANT TREES AND VEGETATION ARE AS SHOWN.
3. BEARINGS ARE BASED ON CENTERLINE OF VIRGINIA STREET AS SHOWN ON THAT MAP FILED IN BOOK 842 OF MAPS AT PAGE 13 IN THE RECORDERS OFFICE OF SANTA CLARA COUNTY.
4. S.C.C.O.R. - SANTA CLARA COUNTY OFFICIAL RECORDS.



$\Delta = 117^{\circ} 14' 58''$
 $L = 81.86'$, $R = 40.00'$

INTERSTATE 280
 OFF RAMP

LONG CHORD:
 $527^{\circ} 58' 43''$ W
 68.30'

$N 86^{\circ} 36' 12''$ W
 24.39'

INTERSTATE 280

$310.49'$
 $S 86^{\circ} 36' 12''$ E

PARCEL 1
 AMERIGAS PROPANE, L.P.,
 A DELAWARE LIMITED PARTNERSHIP

PROPOSED CHANGE TO ZONING DESIGNATION

TOTAL AREA: 1.72 ACRES

$\Delta = 59^{\circ} 03' 50''$
 $L = 10.31'$, $R = 10.00'$

LONG CHORD:
 $N 88^{\circ} 54' 51''$ W
 9.86'

$N 30^{\circ} 38' 46''$ W
 9.97'

6th ST.

$N 59^{\circ} 22' 56''$ E
 34.55'

TRUE POINT OF
 BEGINNING
 PARCEL 2

$\Delta = 89^{\circ} 58' 18''$
 $L = 31.41'$, $R = 20.00'$

LONG CHORD:
 $S 75^{\circ} 37' 35''$ E
 28.28'

$N 59^{\circ} 22' 56''$ E

E. VIRGINIA

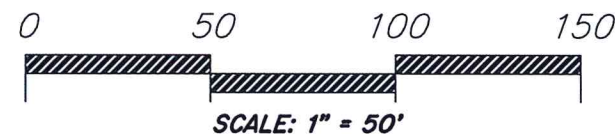
POINT OF COMMENCEMENT - PARCEL 2
 SOUTHEAST CORNER OF
 VACATED 6th STREET AND
 OLD SOUTHERLY CORNER OF
 LOT 20 OF BLOCK 33

LONG CHORD:
 $N 14^{\circ} 21' 58''$ E
 28.28'

$\Delta = 90^{\circ} 00' 00''$
 $L = 31.42'$, $R = 20.00'$

TRUE POINT OF
 BEGINNING
 PARCEL 1
 (OLD EASTERLY
 CORNER OF LOT 13
 OF BLOCK 33)

7th ST.
 $S 30^{\circ} 39' 00''$ W



Drawn By: JNL
 Date: 07-20-17
 Scale: 1"=50'
 Job No.: NC 15185
 Phone: 866.526.4214

**VIRGINIA ST.
 ZONING CHANGE**
 SAN JOSE CALIFORNIA

MVE Inc.
 1117 L Street, Modesto, CA 95354
 866.526.4214 | www.mve.net
 Northern California | Southern California | Nevada

SHEET
1
 OF 1

Plot October 30, 2018 at 2:48 PM P:\CAD\15185\15185 MAP\15185 BUDGET FOR ZONE CHANGE.dwg