

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SEE BELOW

FROM: Planning Commission

DATE: November 13, 2018

COUNCIL DISTRICT: 6

SUBJECT: FILE NO. GP18-002: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM INDUSTRIAL PARK TO COMBINED INDUSTRIAL/COMMERCIAL ON A 11.56-GROSS ACRE SITE AT 550 AND 570 MERIDIAN AVENUE, INCLUDING STAFF'S RECOMMENDED ADDITION OF 1.12 ACRES DIRECTLY NORTH AT 460 MERIDIAN AVENUE, FOR A TOTAL OF 12.68-GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted (6-1-0; Commissioner Marquez opposed) to recommend that the City Council take the following actions:

- a) Consider the Negative Declaration in accordance with CEQA; and
- b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial/Commercial for the approximately 11.56-gross acre site (550 and 570 Meridian Avenue) and staff's recommended addition of the 1.12 acres directly north, for a total of 12.68-gross acre site, located at the northeast corner of Meridian Avenue and Parkmoor Avenue (460 Meridian Avenue).

OUTCOME

1. If City Council approves the applicant's General Plan Amendment request, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended from Industrial Park to Combined Industrial/Commercial for the approximately 11.56-gross acre site.
2. If City Council approves the applicant's General Plan Amendment request and staff's recommended addition, the Envision San José 2040 General Plan Land

Use/Transportation Diagram would be amended from Industrial Park to Combined Industrial/Commercial on an approximately 12.68-gross acre site.

3. If City Council denies the General Plan Amendment request, the site would retain the Land Use/Transportation Diagram designation of Industrial Park.

BACKGROUND

On October 24, 2018, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. Planning staff recommended approval of the General Plan Amendment along with an additional 1.12-acre site directly north of the subject site. The Planning Commission made a recommendation to the City Council to consider the Negative Declaration in accordance with CEQA and adopt staff's recommendation to approve the applicant's proposed General Plan Amendment with the additional 1.12-acre site.

Staff Presentation

Staff presented a summary of the proposed General Plan Amendment that included a description of the proposed project, including details of the public engagement process with summarized comments and concerns from the nearby residents.

Public Testimony

The applicant spoke in support of staff's recommendation and stated that the ownership group has no immediate plans for additional development on the property. The applicant expressed the desire to move from Industrial Park to Combined Industrial/Commercial because the Combined Industrial/Commercial designation would allow for a broader variety of uses and believed it would be better in the long term for the area.

Commissioner Ballard asked the applicant how old the buildings are on the subject site and if the ownership group owned the additional parcels north of the site associated with staff's recommendation. The applicant answered that the ownership group did not own the two parcels included by staff and that the buildings on the applicant's site are modern buildings built in 2003. Commissioner Ballard also questioned the applicant if they explored any designation that would allow residential. The applicant responded in adherence to the City's employment policies, they did not explore any designation that would allow for residential and emphasized there are no future development plans, but believed Combined Industrial/Commercial offers more flexibility for future uses.

Commissioner Leyba asked the applicant if he would generally be in support of staff's recommendation to include an additional 1.12 acres as Combined Industrial/Commercial. The applicant responded that he has no position on staff's recommendation but desires his application to be considered regardless of the staff recommendation to add the site to the north.

Three members of the public spoke in opposition to the proposed General Plan Amendment. The first member of the public expressed concerns with traffic and congestion. Additionally, the community member expressed her frustration with the existing motorcycle sales business (Spirit Motorcycles) located on Meridian Avenue between Saddle Rack Street and Harmon Avenue because of associated noise and issues with vagrancy. The second community member echoed the concerns related to Spirit Motorcycles and spoke to the impacts that the business has had with regards to noise and traffic. She also stated her concerns with allowing commercial land uses and that it would allow similar uses to the motorcycle sale dealership that would disrupt the neighborhood.

Commissioner Griswold stated that land use designations cannot ensure that somebody is going to be a good neighbor. She stated that the Planning Commission cannot make decisions that would require someone to be a good neighbor and that the Commission must make decisions broadly based on the General Plan. She noted that the motorcycle shop sounded like a problem, but suggested if the land use designation was changed, perhaps better tenants would be allowed.

Commissioner Allen echoed Commissioner Griswold's statement, adding businesses can be "good or bad actors" regardless of use. He emphasized it is not in the Commission's purview to anticipate or otherwise predict whether a business will be a good neighbor.

The last community member spoke against the project for similar reasons, including traffic, congestion, and the replacement of high paying jobs for low paying jobs.

Planning Commission Discussion

Commissioner Ballard asked the applicant and staff about the potential for other designations that also allowed for residential uses. Staff responded that the General Plan contains strict policies against the conversion of industrial land to residential uses. Staff noted that if the applicant had proposed residential, they would not have supported the proposed General Plan amendment. Staff also noted that the subject site is within the Race Street Light Rail Urban Village which is anticipated to begin the Urban Village planning process in 2019. Through that process, staff will plan for new residential development on an Urban Village-wide scale.

Commissioner Leyba addressed the community and expressed empathy for the neighborhood. He recognized that the Code Enforcement Division has very limited resources. He also recognized the problem with noise and traffic associated with motorcycles and stated that the Combined Industrial/Commercial designation would be a more flexible designation that he believed would allow better uses that are more compatible with residential.

Commissioner Vora echoed the statements of Commissioner Leyba regarding flexibility of uses. She agreed that businesses are looking for density and stressed the importance of housing in combination with businesses.

Commissioner Yesney stated she believed this to be an excellent location for this land use in part because of the residential surrounding the site. She emphasized that Combined Industrial/Commercial would allow more potential for better and higher quality uses.

Commissioner Griswold agreed that Combined Industrial/Commercial provided better options and may lead to high quality commercial tenants and development.

Commissioner Allen agreed with the comments of the other Commissioners. He thanked the community members and echoed Commissioner Leyba's concern with regards to Code Enforcement's lack of resources. He also stated that by supporting new revenue generating uses, he hopes the City can improve funding of services such as Code Enforcement.

Commissioner Leyba made a motion to adopt staff's recommendation for approval of the applicant's General Plan Amendment request with the staff's recommended additional 1.12-gross acre site. Commissioner Griswold seconded the motion.

Commissioner Ballard spoke to the motion and expressed her reluctance to support the proposed General Plan Amendment. She emphasized the need for more housing, especially in a housing crisis. Lastly, she spoke to the building vacancies on the subject site and said there are non-profit companies that could potentially occupy the office buildings, which would be of service to the community.

Commissioner Marquez thanked the community members for coming to the meeting and expressing their concerns. She made comments regarding the Initial Study and Negative Declaration for the project and felt that the environmental document should have been a mitigated negative declaration and could have been more robust and detailed. She noted that the City is understaffed, but stressed the need for accurate and more detailed environmental review.

In response to Commissioner Marquez's comments about the environmental document, the Deputy City Attorney responded that because there are no significant environmental impacts resulting from this project, the negative declaration is appropriate.

Commissioner Vora asked staff if they conveyed to the community that the Combined Industrial/Commercial land use designation would be a preferred designation. Staff responded that the analysis of the General Plan Amendment request was focused on consistency with General Plan policies.

A vote was taken on Commissioner Leyba's motion, and the motion passed (6-1-0; Commissioner Marquez opposed).

ANALYSIS

For complete analysis, please see the Planning Commission staff report (attached).

EVALUATION AND FOLLOW UP

If the General Plan Amendment is approved as recommended by staff and the Planning Commission, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation change from Industrial Park to Combined Industrial/Commercial on the 11.56-gross acre site, including staff's recommendation of the addition of 1.12 acres located directly north, for a total of 12.68-gross acres.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. On Monday, July 9, 2018, at City Hall, approximately 11 community members attended a joint community meeting for File No. GP18-002. Residents and stakeholders expressed their concerns and asked questions related to existing uses and expansion of the motorcycle shop, traffic, height, and procedural processes. 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 Jose 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 October 2, 2018 and October 22, 2018. No comment letters were received. The Negative Declaration states that the proposed General Plan Amendment will not have a significant effect on the environment. The Initial Study and Negative Declaration are available for review on the Planning website at:
<http://www.sanjoseca.gov/index.aspx?nid=5701>.

/s/
ROSALYNN HUGHEY, Secretary
Planning Commission

For questions please contact Michael Brilliot, Deputy Director, at 408-535-7831.

Attachment: Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

File No.	GP18-002
Applicant:	Sean Morley
Location	550, 570 and 460 Meridian Avenue
Existing General Plan Land Use Designation	Industrial Park
Proposed General Plan Land Use Designation	Combined Industrial/Commercial
Existing Zoning	IP Industrial Park
Council District	6
Historic Resource	No
Annexation Date:	June 20, 1994 (Sunol No. 61), April 18, 1985 (Sunol No. 49), March 4, 1981 (Sunol No. 42), October 3, 1963 (Sunol No. 27), February 10, 1967 (Sunol No.4)
CEQA:	Negative Declaration for 550, 570 and 460 Meridian Avenue

APPLICATION SUMMARY:

General Plan Amendment to change the General Plan land use designation from Industrial Park to Combined Industrial/Commercial on a 11.56-gross acre site.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Consider the Negative Declaration in accordance with CEQA; and
2. Recommend that the City Council approve the applicant's request to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial for the approximately 11.56-gross acre site (550 and 570 Meridian Avenue) along with staff's recommended addition of an additional 1.12 acres directly north, for a total of 12.68-gross acre site, located at the northeast corner of Meridian Avenue and Parkmoore Avenue (460 Meridian Avenue).

PROJECT DATA

GENERAL PLAN CONSISTENCY	
General Plan Designation	Industrial Park
Consistent General Plan Policies	Urban Village Major Strategy, Innovative Economy Goal IE-1, IE-1.2, IE-1.3, FS-4.1, FS-4.6

SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Industrial Park/Urban Residential	LI Light Industrial/ A(PD)	Motorcycle sales shop and multifamily residential
South	Industrial park	IP Industrial Park	Office building and freeway
East	Neighborhood Community/Commercial	CP Commercial Pedestrian/ A(PD)	Multifamily residential
West	Transit Residential	A(PD)	Commercial shopping center

RELATED APPROVALS	
Date	Action
2/28/2014	Conditional Use Permit to allow motorcycle dealership with incidental accessory sales and auto service in an existing 8,936 square foot commercial building on a 0.34 gross acre site.
11/19/2013	Conforming Conventional Zoning from HI Heavy Industrial to IP Industrial Parking Zoning District to allow office uses in an existing industrial building on a 4.292 gross acre site
9/15/2000	Conditional Use Permit for demolition of a two-story commercial building and construction of a 75,931 square-foot R&D building and a 4-level 149,345 square-foot parking garage on a 6.46 gross acre site
7/12/2000	Conforming Rezoning from C-3 Commercial District to I Industrial District to allow industrial uses on a 1.23 gross acre site

PROJECT DESCRIPTION

Background:

On March 07, 2018, the applicant submitted an application for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial/Commercial on an 11.56-gross acre site. Changing the General Plan land use designation to Combined Industrial/Commercial would allow flexibility for development of a mixture of compatible commercial and industrial land uses, including retail uses, with a Floor Area Ratio (FAR) up to 10.0 on a 11.56-acre site (550 and 570 Meridian Avenue). Staff's alternative would include the subject site plus an approximately 1.12-acre site (460 Meridian Avenue) located directly north of the applicant's proposed site. The property owner and tenant at 460 Meridian Avenue were notified of the proposed General Plan land use amendment.

Since annexation, the subject site has been occupied by a combination office and industrial uses. The most recent being a research and development office and warehouse. The applicant has represented that they would like more flexibility with future tenants and cited difficulties locating users on site within the limitations of the Industrial Park land use designation. Staff's alternative would include two additional parcels that have historically been used for retail commercial uses, most recently as a motorcycle sales shop (Spirit Motorcycles). Staff's

alternative to include the 1.12-acre site would be consistent with the historical use of the site and existing context of the area.

Site Location:

The subject 11.56 gross-acre site is comprised of six parcels and includes an existing surface parking lot, three office buildings and a warehouse and associate landscaping. The site includes 363,677 square-feet of existing buildings with approximately 150,204 square-feet of warehouse structures and 213,473 square-feet of office space.

Staff's alternative would include the subject site and an approximately 1.12-acre site, comprised of two parcels, an existing 7,000 square-foot commercial building, an existing 10,000 square-foot commercial building, and associated surface lot and landscaping.

The subject site is surrounded by commercial and multifamily residential homes to the north, a large commercial shopping center to the west, offices to the south, and multifamily residential homes and offices to the east. The site is located within the Race Street Light Rail (west of Sunol) Urban Village.

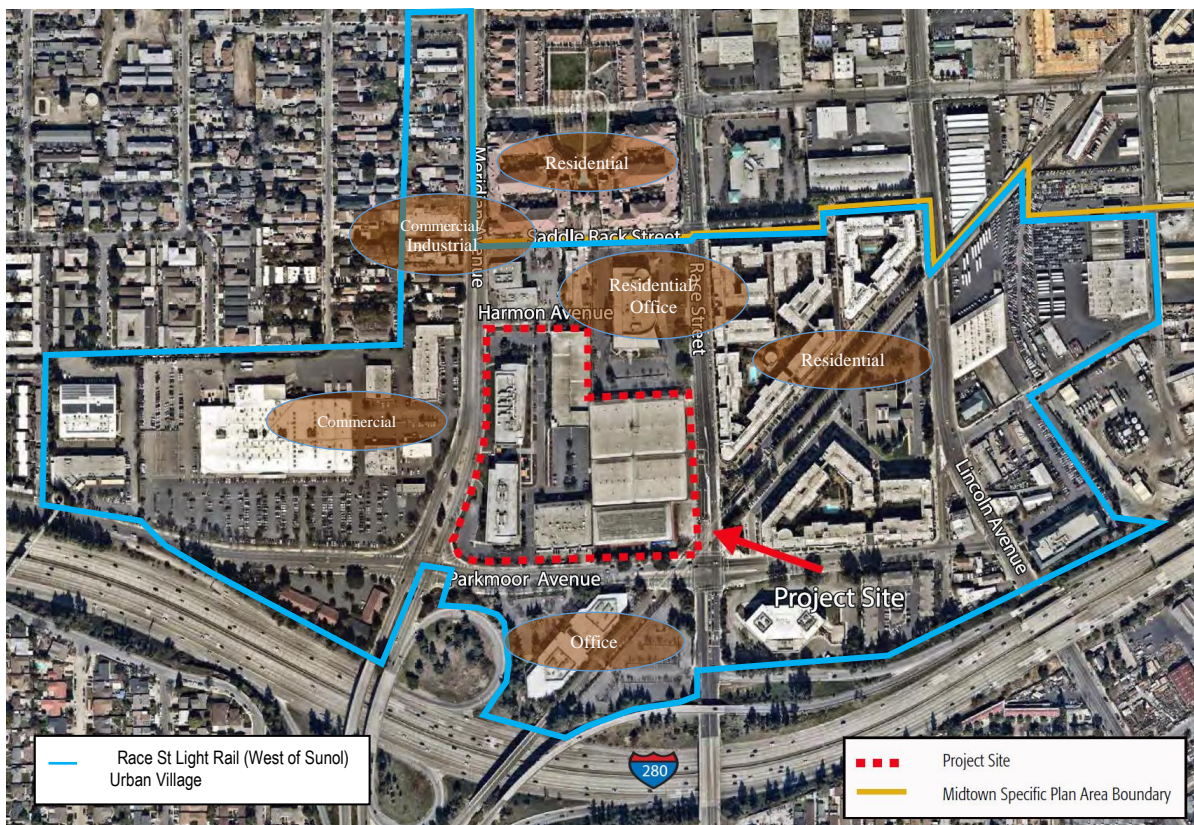


Figure 1: Aerial Image of Subject Site

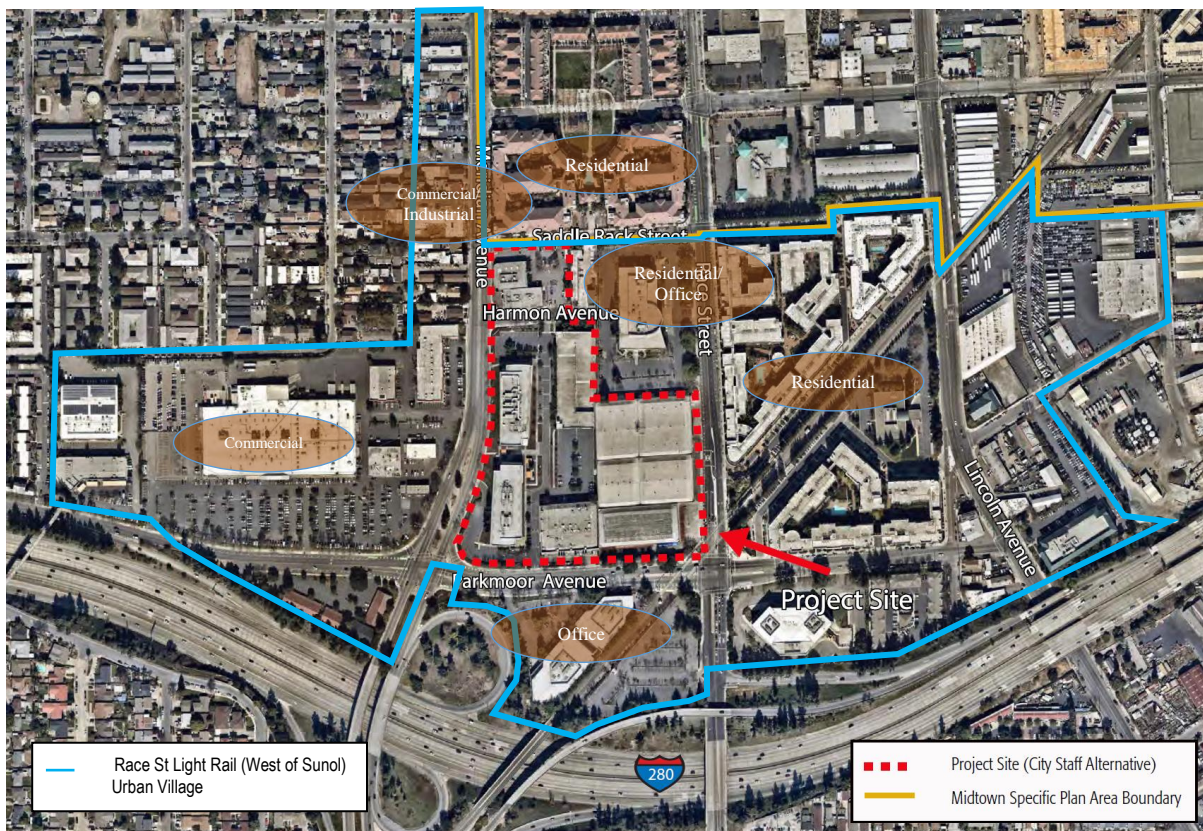


Figure 2: Aerial Image of Staff Alternative

ANALYSIS

The proposed General Plan Amendment was analyzed with respect to and conformance with the following plans and policies: 1) Envision San José 2040 General Plan; 2) City of San José Municipal Code; 3) California Environmental Quality Act of 1970, as amended (CEQA).

Envision San José 2040 General Plan Conformance

Existing General Plan Land Use Designation

The subject site is designated **Industrial Park** on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

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. Additional flexibility may be provided for retail and service commercial uses within the North San José Development Policy area through the City's

discretionary review and permitting process. 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 FAR up to 10.0.

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 FAR up to 12.0

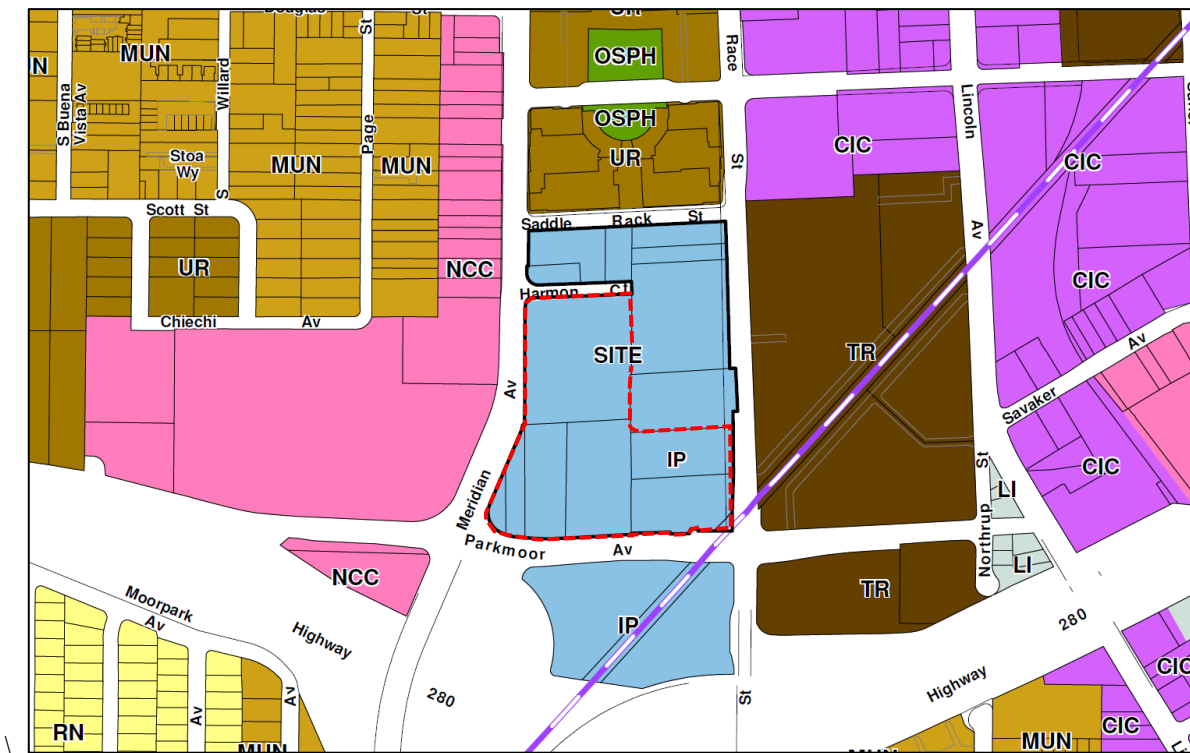


Figure 3: Existing General Plan Land Use Designation

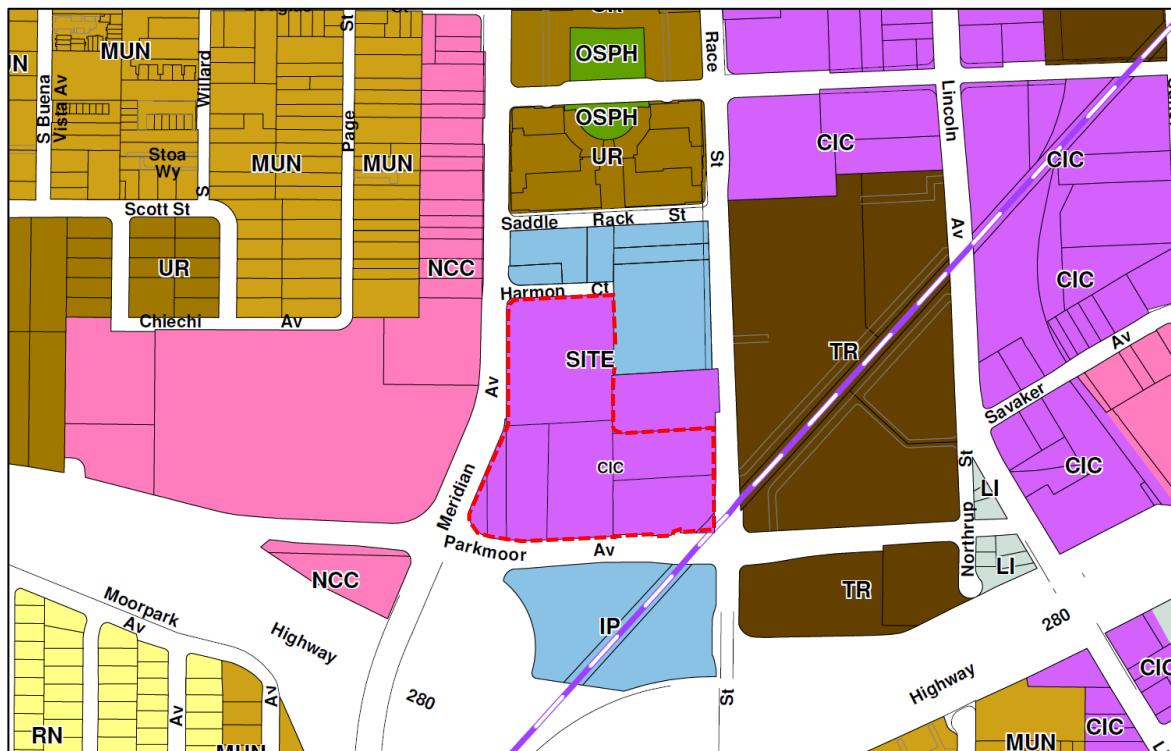


Figure 4: Proposed General Plan Land Use Designation

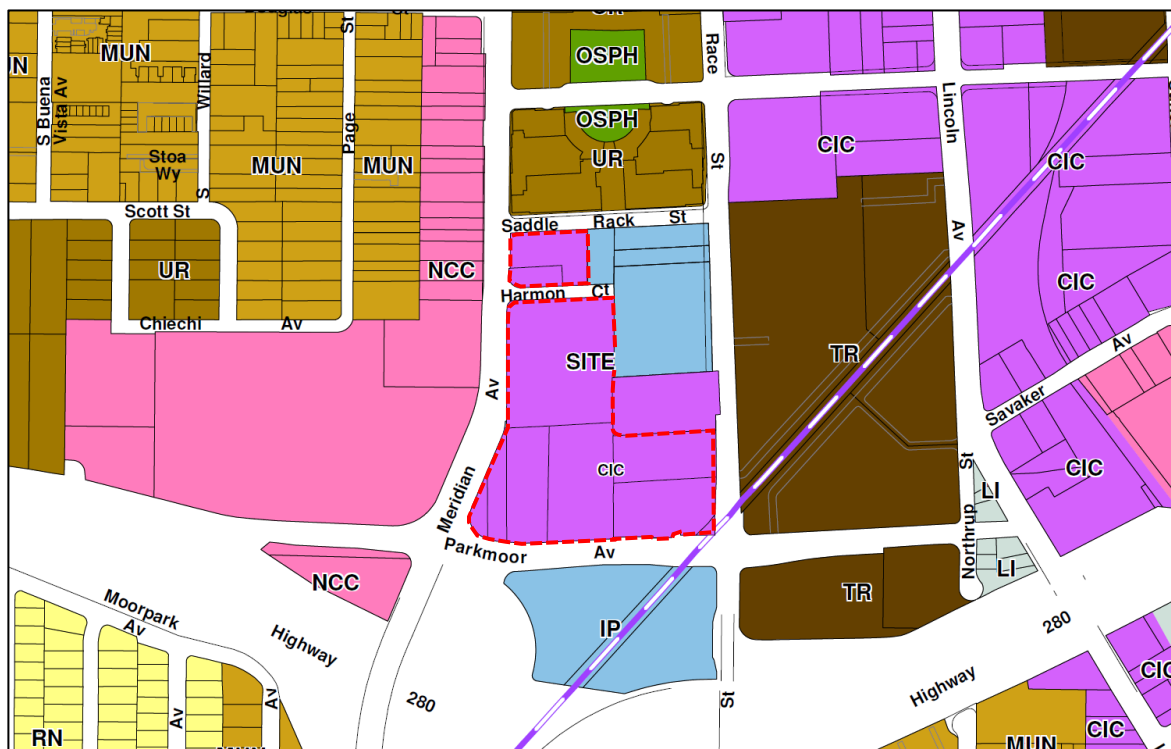


Figure 4: Proposed Staff Alternative General Plan Land Use Designation

The proposed project is consistent with the following Major Strategies, goals and policies of the Envision San José 2040 General Plan:

1. **Urban Village Major Strategy:** The Urban Village Major Strategy promotes the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals. The General Plan establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities.

Analysis: The subject site is located within the Race Street Light Rail Urban Village, which is in Horizon 2. The Urban Village does not have an adopted Urban Village plan, but funding has been identified to develop an Urban Village plan, which is anticipated to be completed in spring 2021. The applicant's proposed General Plan Amendment as well as the staff alternative would further the Urban Village Major Strategy by allowing a more diverse mix of commercial uses adjacent to transit and nearby multifamily housing.

2. **Innovative Economy Goal IE-1:** Proactively manage land uses to provide and enhance economic development and job growth in San Jose.

Innovative Economy Policy IE-12: 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.

Fiscal Sustainability Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

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 applicant's proposed General Plan Amendment to Combined Industrial/Commercial promotes the strategic expansion of a mixture of commercial and employment activities to support a balanced economic base. The proposed project is appropriately located because the subject site is within a designated Growth Area which supports a mix of employment and business support uses that contribute to the long-term achievement of economic development and job growth goals of the General Plan. Further, the proposed land use change would expand employment opportunities and allow for greater flexibility to increase revenue generation.

Staff's alternative would include two additional parcels that have historically been occupied by retail businesses. Because of the limited size of the two parcels (1.12-acres) and their location along the Meridian Avenue commercial corridor, the Urban Village would benefit from the increased range of commercial uses allowed under the Combined Industrial/Commercial land use designation. Expanding the flexibility rather than limiting uses to office, research and development, and other more space intensive industrial uses typical of the Industrial Park land use designation, would advance the goals and policies above by increasing opportunities for employment and revenue generating uses in this area of the City.

Municipal Code

The subject site is currently zoned IP Industrial Park. Future commercial development may require a Conforming Rezoning and other Development Permits. The proposed project does not propose any development, and any future development would be analyzed for conformance with the General Plan, Municipal Code, and applicable City Council Policies.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Negative Declaration (ND) for the proposed project and staff alternative 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 October 2, 2018 and October 22, 2018. Comments and responses to those comments are listed on the Negative Declaration/Initial Studies web page at:

<http://www.sanjoseca.gov/index.aspx?nid=6194>

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. GP18-001.

PUBLIC HEARING NOTIFICATION

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 staff report is also posted on the City’s website. Staff has been available to respond to questions from the public.

Community Meeting

On Monday, July 9th, 2018 at City Hall, approximately 11 community members attended a joint community meeting for File No. GP18-002. Residents and stakeholders expressed their concerns and asked questions related to existing uses and expansion of the motorcycle shop, traffic, height, and procedural processes.

Residents of Midtown Plaza, were specifically concerned about the General Plan Amendment as it relates to the expansion of Spirit Motorcycles, and traffic and noise associated with the business. Staff clarified that the existing motorcycle sales business is unrelated to the proposed project, and has an approved Conditional Use Permit for a motorcycle dealership with incidental

sales and auto service. A Tenant Improvement permit for an expansion of a motorcycle repair and warehouse was also recently permitted by the Building Division.

Other residents expressed concerns that the General Plan Amendment would increase traffic in the area and would allow far larger buildings. Staff stated that the proposed project review was limited to the proposed General Plan Amendment and that any future use or development of the site would be reviewed for consistency with the General Plan, Municipal Code, and City Council policies including public notification and community outreach. Further, the proposed project would be included within the City's 2018 General Plan Amendment Long-Range Traffic Impact Analysis and reviewed under the City's Traffic Analysis Guidelines.

Project Manager: Robert Rivera

Approved by: *MLB*, Deputy Director for Rosalynn Hughey, Planning Director

Date: 10/16/18

Attachments:	
A)	Draft Resolution
B)	Initial Study Negative Declaration and Addendum
C)	Public Correspondence

Owner:	Applicant:
DRT/GVC LLC Three Embarcadero Center, Suite 2310 San Francisco, CA 94111	Sean Morley, Morley Bros., LLC 475 Alberto Way, Suite 210 Los Gatos, CA 95032

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 550, 570 AND 460 MERIDIAN AVENUE

Fall 2018 General Plan Amendment Cycle (Cycle 4)

File No. GP18-002

WHEREAS, the City Council is authorized by Title 18 of the San José 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 José 2040 General Plan, San José, 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 José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on October 24, 2018, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan, File No. GP18-002 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 December 4, 2018, 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 José Municipal Code, public notice was given that on December 4, 2018 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, 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 Amendments, the Council reviewed and considered the Negative Declaration File No. GP18-002 (Resolution No. ____); and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendments;

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. GP18-002 are 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

COUNTY OF SANTA CLARA

$$\begin{pmatrix}) \\) \\) \end{pmatrix} \text{ SS}$$

Dated: _____

County of Santa Clara)

Whereby certify that the amendments to the San José General Plan specified in the Exhibit “A” were adopted by the City Council of the City of San José on _____ stated in its Resolution No. _____.

Witness my hand and the seal of said office this _____ day of _____, 20____.

TONI J. TABER, CMC
City Clerk

EXHIBIT “A”

File No. GP18-002. A General Plan Amendment to change the Land Use/Transportation Diagramland use designation from Industrial Park to Combined Industrial/Commercial on a 11.56-gross acre site located on the northeast corner of Meridian Avenue and Parkmoor Avenue (550, 570 and 460 Meridian Avenue) (Douglas & Nancy Vierra, Owner).

Council District: 6.

DRAFT

Attachment B:

The Initial Study Negative Declaration and
Addendum

for GP18-002

Can be viewed online at:

<http://www.sanjoseca.gov/index.aspx?nid=6194>

Re: your "Free WHEELING" business practices

Monday, June 25, 2018

11:03 AM

Subject	Re: your "Free WHEELING" business practices
From	Martin Chiotarrab
To	khourysan@aol.com; Shaye Chiotarrab
Cc	Rivera, Robert; Carrillo, Oscar; Singh, Kamille; sean@moreleyrbos.com; robmarch@emastersgroup.com; k@aol.com
Sent	Monday, June 25, 2018 8:15 AM

Dear Sandra,

Many thanks for your email. I understand your concern and I will discuss it with our General contractor. The whole work should be performed and finished at the end of July, although most of the more noisy work should be done in the next couple of weeks. I understand based in your email that equipment might have been delivered to the site this morning early, but I want to clarify whether the contractor started working at that time. The team has a very tied schedule to conclude the works in record time of 6 weeks – this is beneficial not only for us a company but as well for the neighbors. If we reduce the working hours we will just take longer. Having said that I agree that the team should not start working until a reasonable time.

I will discuss with the GC and I apologize for disturbing you.

Many thanks

Kind regards

Martin Chiotarrab

President

T 408 571 6000

F 408 571 6100

C 305 542 8686

Martin@SpiritMotorcycles.com

460 Meridian Ave. San Jose, CA. 95126

www.SpiritMotorcycles.com

From: <khourysan@aol.com>

Date: Monday, June 25, 2018 at 7:17 AM

To: Martin Chiotarrab <martin@spiritmotorcycles.com>, Shaye Chiotarrab

<shaye@spiritmotorcycles.com>

Cc: <khourysan@aol.com>, <robert.rivera@sanjoseca.gov>, <oscar.carrillo@sanjoseca.gov>, <kamille.singh@sanjoseca.gov>, <sean@moreleyrbos.com>, <robmarch@emastersgroup.com>, <k@aol.com>

Subject: RE: your "Free WHEELING" business practices

Martin and Shaye,

Over the past several years since you became the new "Neighbor" in this area, the community has become very disruptive. Many of the city codes set in place have not been followed and you continue to do whatever you choose.

Some of the main disruptions are:

- noisy motorcycles, fumes
- inappropriate use of parking lot for selling promotional events
- Saturday afternoon events in the parking lot with vendors, food, music with amplifiers, various activities with motorcycles,
- too many people associate in parking lot
- noise from music, motorcycles pervades over the entire community on Saddle Rack, Meridian into the surrounding neighborhoods

Now you are expanding, renovating and causing havoc in this community. There is no thought about the people who live on Saddle Rack Street, sleep, eat, have a live here, go to work and want to come home to some quietude.

Request: do the right thing, think of us, your neighbors, and tell your contract people to come here at 9:00 a.m, leave at 3:00 p.m. so we can have our day, too and stop your parking lot promotional events and choose an appropriate venue.

Just this morning at 5:30 a.m., a contract worker stopped by to drop off a piece of equipment right on the street outside our condo and several workers have been arriving since that time. Does this sound fair to you? I don't think so....do you want to wake up at this time outside your home?

Your neighbor,
Sandra Khoury
1390 Saddle Rack St.

RE: 550 Meridian Ave (File No. GP18-002)

Tuesday, July 03, 2018

8:52 AM

Subject	RE: 550 Meridian Ave (File No. GP18-002)
From	Rivera, Robert
To	'Shaun Ahmadian'
Sent	Tuesday, July 03, 2018 8:43 AM

Hi Shaun,

At this point there are no solidified plans. The developer or applicant may have an idea of what they want, but nothing has been proposed. Once they make a decision, they would need to send in specific plans for review, which would go through another approval process.

The change from Industrial Park to Combined Industrial/Commercial, gives them a bit more flexibility as to what they could propose. It is also more reflective of the current conditions on site. More retail and commercial buildings rather than large office buildings.

Hope this helpful,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Shaun Ahmadian [<mailto:ssahmadian@gmail.com>]

Sent: Tuesday, July 03, 2018 7:17 AM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Subject: Re: 550 Meridian Ave (File No. GP18-002)

Thanks, Robert.

Is there a plan for further development?

Thanks

Shaun

On Mon, Jul 2, 2018 at 5:26 PM, Rivera, Robert <robert.rivera@sanjoseca.gov> wrote:
Hi Shaun,

The proposed project is changing the land use transportation diagram of the General Plan. There is no development associated with the project. At this point the applicant is proposing to change a color on the map, changing the potential for allowable uses from Industrial Park, to Combined Industrial/Commercial.

For more intensive development, another application and permitting process would be needed with submittal plan sets and more detail. This would be reviewed and brought to public hearing for a decision.

Hope this clears up what is being proposed. If you have any questions feel free to email or call.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Shaun Ahmadian [mailto:ssahmadian@gmail.com]

Sent: Monday, July 02, 2018 4:11 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>; sean@moreleyrbos.com

Subject: Re: [550 Meridian Ave](#) (File No. GP18-002)

Hi -

I received a mail notice about the following project and wanted to get more details.

Can someone please provide what the proposed project will do, and what would be built in it's place.

Thanks

Shaun

RE: University Art Proect

Wednesday, July 11, 2018

4:48 PM

Subject	RE: University Art Proect
From	Rivera, Robert
To	'Walt/3'
Sent	Friday, July 06, 2018 2:39 PM

Hi Walt,

The General Plan Amendment does not include the University Art building. I believe Spirit motors is opening a vehicle repair shop in that area.

Thank you,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Walt/3 [<mailto:wroseberry@pacbell.net>]

Sent: Friday, July 06, 2018 2:09 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Subject: University Art Proect

So what is being planned for the former University Art building on Saddle Rack & Meridian?

--

Walt

RE: Community Planning Meeting

Wednesday, July 11, 2018

4:48 PM

Subject	RE: Community Planning Meeting
From	Rivera, Robert
To	'Sophie L'
Sent	Friday, July 06, 2018 2:41 PM

Hi Sophie,

There is no business proposed on the project. The project is proposing to change the land use transportation diagram from Industrial Park to Combined Industrial/Commercial.

Thank you,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Sophie L [<mailto:luusophie@yahoo.com>]

Sent: Friday, July 06, 2018 1:29 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Subject: Community Planning Meeting

Hello Robert,

I'm a homeowner at 1310 Saddle Rack St, San Jose, CA 95126, and I would like to know what business will be in the proposed proposed project. I received a letter from the city but the letter doesn't reveal much.

Thank you,

Sophie Luu

Begin forwarded message:

From: TMGService <TMGService@emastersgroup.com>

Date: July 6, 2018 at 15:18:10 EDT

To: TMGService <TMGService@emastersgroup.com>

Subject: Correction to Community Planning Meeting Announcement

CORRECTION

Community Planning Meeting: **MONDAY**, July 9th, 6:00, City Hall Conference Rm. 1743

Spirit Motors is not the applicant and is **not associated** with the proposed project. The proposed General Plan Amendment would **not allow the expansion of the Motorcycle Shop**.

The General Plan Amendment is proposing to change the Land Use Designation from Industrial Park to Combined Industrial/Commercial only with no development associated with the project.

For more information please contact Robert Rivera, Project Manager, 408-535-4843 or email robert.rivera@sanjoseca.gov

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

RE: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

Wednesday, July 11, 2018
4:49 PM

Subject	RE: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.
From	Rivera, Robert
To	'Rob March'
Sent	Friday, July 06, 2018 8:33 AM

There is a community meeting to discuss the General Plan Amendment on July 9th and the project will most likely be deferred to Fall of 2019. We initially schedule to anticipate a fall of 2018 hearing, but considering the project scope and the review time, it would most likely be deferred to Fall 2019.

Does that help clarify the issue? Give me a call and we can discuss too.

Thanks,

Robert Rivera

Planner I
City of San Jose
(408) 535-4843
www.sanjoseca.gov/planning

From: Rob March [<mailto:robmarch@emastersgroup.com>]

Sent: Thursday, July 05, 2018 8:48 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Cc: Rob March <robmarch@emastersgroup.com>

Subject: RE: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

Hi Robert

Thank you for forwarding to Stefanie.

Please confirm, is there a plan review / amendment meeting on July 9th or is this delayed to Fall of 2018?

I remain confused about the need to attend this meeting or not for GP 18 -006?

Thanks

Rob

408 221 6631

From: Rivera, Robert <robert.rivera@sanjoseca.gov>

Sent: Thursday, July 5, 2018 3:21 PM

To: Rob March <robmarch@emastersgroup.com>

Subject: RE: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

My apologies Rob,

I just realized that this project was a different General Plan Amendment and it does have a project associate with it. Let me forward your email along to Stefanie Farmer, she's the project manager for the rezoning and development permit. Because of the project specific analysis required for this project, we can expect this project to be heard sometime in Fall of 2019. We only hear General Plan Amendments once per year, and this would most likely not make the schedule for Fall 2018.

She can send you a copy of their proposal.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Rivera, Robert

Sent: Thursday, July 05, 2018 3:10 PM

To: 'Rob March' <robmarch@emastersgroup.com>

Subject: RE: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

Hi Rob,

Thanks for reaching out. The proposed project does not have any elevations because there is no development associated with the project. The project is proposing to change the color on the map, the Land Use Designation of the site. Really it would only change the front portion of the site to allow for some potential neighborhood serving commercial. So if this project is approved, it changes the color on the map, and if the applicant or the owner decides they would like to build something, then they would need to go through a new approval process, submit plans and provide community outreach and notification.

I hope this clarifies the project. Let me know if you have more questions and I'd be happy to answer them.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Rob March [<mailto:robmarch@emastersgroup.com>]

Sent: Thursday, July 05, 2018 2:22 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Cc: Rob March <robmarch@emastersgroup.com>

Subject: FW: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

Subject: FW: Hellyer Commons - Notice of Community Meeting Regarding 459 Piercy Rd.

Hi Robert:

Would you be so kind to **send a few elevations** for the project #: BGP18-006 – 495 Piercy Road - to me as soon as possible. We would be the neighbors for this project and it would put all at piece if we new the 'look' and the target audience of the project?

Thanks

Rob March

Association Manager, Hellyer Commons COA and VCC South San Jose COA (both Commercial Owners Associations).

Re: status update on 460 Meridian, 550 Meridian

Wednesday, July 11, 2018

4:57 PM

Subject	Re: status update on 460 Meridian, 550 Meridian
From	Carrillo, Oscar
To	Rivera, Robert
Cc	Hart, Jared
Sent	Monday, July 09, 2018 8:45 AM

Hi Robert,

They are not currently meeting all of the conditions noted in their Conditional Use Permit (CP13-089 if I recall) and I anticipate citations will be issued based on the most recent inspections conducted by the assigned inspector. The fines begin at \$250 for each violation and escalate to \$500 and then \$1000 for continued violations.

Code Enforcement does not have a say as to whether a Planning or Building permit is issued, the respective Division would make that call. In certain situations the Building Department will not issue a permit when there is a building violation on the property. When a property is flagged by Code Enforcement in AMANDA with a Building violation, usually the Building Department will not issue a permit associated with the violation until Code approves the plan set. In these cases, Code's plan check mostly consists of ensuring the violations are properly addressed in the plan submittal. If the proposed scope of work addresses the violations, Code will stamp the plans and send the customer back to Development Services to proceed with the regular permitting process.

This particular property was flagged as having a Planning violation in 2016, which shows in AMANDA as a VTP folder. But as I stated previously, Code does not dictate whether or not permits are issued. I apologize that I do not have more information, but please let me know if you have any questions. Feel free to call or email me anytime.

Thank you,

Oscar Carrillo, Code Enforcement Supervisor
Planning, Building and Code Enforcement
200 E. Santa Clara Street
San Jose, California 95113-1905
Phone: (408) 535-6826
Email: oscar.carrillo@sanjoseca.gov

From: Rivera, Robert
Sent: Friday, July 6, 2018 2:45 PM
To: Carrillo, Oscar
Cc: Hart, Jared
Subject: RE: status update on 460 Meridian, 550 Meridian

Hi Oscar,

We have a community meeting on Monday July 9th and a big concern will be Spirit Motors and their presence in the neighborhood. What is being done by code enforcement to make sure they comply, and how were they issued building permits/ planning permits with active code enforcement cases?

I just want to be able to answer any community questions that may come up regarding spirit motors.

Thanks,

Robert Rivera
Planner I
City of San Jose
(408) 535-4843
www.sanjoseca.gov/planning

From: Carrillo, Oscar
Sent: Friday, June 29, 2018 8:55 AM
To: Rivera, Robert <robert.rivera@sanjoseca.gov>
Cc: 'khourysan@aol.com' <khourysan@aol.com>; Singh, Kamille <kamille.singh@sanjoseca.gov>
Subject: Re: status update on 460 Meridian, 550 Meridian

Hi Robert,

No, they are not abiding by a few of the conditions noted in their permit, including unpermitted outdoor storage. I believe they also have been flagged for continuing to have unpermitted storage containers in the parking lot.

Sandra,

Kamille has been out of the office most of this week. I hope she is able to return sometime next week and provide me with an update.

Thank you,

Oscar Carrillo, Code Enforcement Supervisor
Planning, Building and Code Enforcement
200 E. Santa Clara Street
San Jose, California 95113-1905

Phone: (408) 535-6826
Email: oscar.carrillo@sanjoseca.gov

From: Rivera, Robert
Sent: Friday, June 29, 2018 8:44 AM
To: 'khourysan@aol.com'; Carrillo, Oscar; Singh, Kamille
Subject: RE: status update on 460 Meridian, 550 Meridian

Hi Sandra,

As I mentioned on the phone, the project and construction has been permitted through planning and building. Oscar and Kamille, can you give me an update on the code enforcement issues of the project? I believe the property has conditions preventing them from doing outdoor storage in the back. Are they abiding by these conditions?

Also, the notice has been sent out and you can expect them in the mail by Friday or early next week.

Thanks,

Robert Rivera
Planner I
City of San Jose
(408) 535-4843
www.sanjoseca.gov/planning

From: khourysan@aol.com [<mailto:khourysan@aol.com>]
Sent: Friday, June 29, 2018 8:09 AM
To: Rivera, Robert <robert.rivera@sanjoseca.gov>; Carrillo, Oscar <Oscar.Carrillo@sanjoseca.gov>; Singh, Kamille <kamille.singh@sanjoseca.gov>
Cc: khourysan@aol.com
Subject: status update on 460 Meridian, 550 Meridian

Hello all,

I have not received an update on above issues.

I would like an update today.

Robert, there has been no revised notice sent out on the July 9th meeting.

Sandra Khoury

408 772-4612

Re: GP18-002 Plng. Mtg. on July 9th-Follow-up

Friday, July 27, 2018

11:26 AM

Subject	Re: GP18-002 Plng. Mtg. on July 9th-Follow-up
From	khourysan@aol.com
To	Rivera, Robert; Hart, Jared
Cc	khourysan@aol.com; Carrillo, Oscar
Sent	Friday, July 27, 2018 9:09 AM

Robert,

I acknowledge the summary and sign in sheet for GP18-002, July 9 meeting. However, I think your wording for follow-up report is nebulous, tentative, as if it may not get done, and if/when it is finally written, where/when does the citizen know where to find it on the website. The words highlighted in red are examples of what appears to be a loose, open-ended process with no true dates to follow. I would like some firm dates so I will know when to look for reports.

Also, what has code enforcement reported to you as I have not heard back from Oscar/Kamille.

Concerned taxpayer and homeowner
Sandra Khoury

-----Original Message-----

From: Rivera, Robert <robert.rivera@sanjoseca.gov>

To: 'khourysan@aol.com' <khourysan@aol.com>; Hart, Jared <Jared.Hart@sanjoseca.gov>

Sent: Thu, Jul 26, 2018 1:59 pm

Subject: RE: GP18-002 Plng. Mtg. on July 9th-Follow-up

Hi Sandra,

Please find attached the attendance sheet for the project.

The notes for the Community Meeting are brief but serve as a reminder to staff for the eventual Staff Report. Once a staff report is written, it'll be available and posted on our website prior to a hearing date.

- Community members were concern about traffic in the area, and potential for traffic impacts related to the project.
- Concerns were expressed about the unknown future use of the site. Staff explained that any proposed development in the future would require a planning process similar to the General Plan Amendment where notification and community outreach are required.
- A community member expressed concern about the existing bus and truck traffic in the area, and that allowing more flexibility may increase traffic.
- Community members expressed concern over the maintenance of the existing area. They believe the street and park maintenance should be addressed.

- Community members expressed the desire for the building uses to be maintained as is, instead of changed.
- Staff explained that no development is proposed with the application and that the application is for a General Plan Amendment to change the Land Use Designation from Industrial Park to Combined Industrial Commercial. **The potential to increase traffic would be reviewed as part of the cumulative traffic analysis** for all General Plan Amendments and any future, proposed developments would **require an environmental review** which would assess the traffic related impacts.

If you have any more questions feel free to email or call.

Thanks,

Robert Rivera

Planner I
City of San Jose
(408) 535-4843
www.sanjoseca.gov/planning

From: khourysan@aol.com [<mailto:khourysan@aol.com>]

Sent: Thursday, July 26, 2018 12:11 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>; Hart, Jared <Jared.Hart@sanjoseca.gov>

Cc: khourysan@aol.com

Subject: Re: GP18-002 Plng. Mtg. on July 9th-Follow-up

Robert,

I still have not received the information requested in my July 18 email below; in your email you mentioned it would

be sent to me on Monday, July 23rd.

I still want the staff July 9th report/minute meeting notes and a list of attendees for GP18-002.

Concerned taxpayer and homeowner,

Sandra Khoury

-----Original Message-----

From: Rivera, Robert <robert.rivera@sanjoseca.gov>

To: 'khourysan@aol.com' <khourysan@aol.com>; Hart, Jared <Jared.Hart@sanjoseca.gov>

Sent: Fri, Jul 20, 2018 5:28 pm

Subject: RE: Plng. Mtg. on July 9th

Hi Sandra,

I wanted to send you a quick email before the week was over. I'm still gathering information from the meeting and I'll be sure to send you over a copy of the materials on Monday.

As for your questions,

1. Staff incorporates all written and verbal comments from the meeting into the Staff Report for the project. We will include any emails as public record for the file and will include any verbal comments from the Public Hearing on the project. They usually have all the meetings recorded so any comments that are made by the community during Planning Commission or City Council Hearings will be saved.
2. General Plan Amendments are decided by [City Council and the Mayor](#). Please follow the link for the City Council website where you can find information on all councilmembers. They all have one vote to approve or deny the project, and the majority wins.
3. The hearing date for the project has not been set, but can be expected to be fall 2018, possibly October or November.
4. If the project is approved, it will be posted on our website and recorded in the public record. We typically do not send out notifications of when a project is approved.

Hope this answers some of your questions. Feel free to email if you have any more.

Also I'll be sure to get you the notes and sign in sheets from the meeting on Monday.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: khourysan@aol.com [<mailto:khourysan@aol.com>]

Sent: Wednesday, July 18, 2018 12:25 AM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>; Hart, Jared <Jared.Hart@sanjoseca.gov>

Cc: khourysan@aol.com

Subject: Plng. Mtg. on July 9th

Hello Robert and Jared,

In the next few days,

I would like a copy of the meeting notes from the Community Planning Mtg. of July 9th and a list of the people who signed the register for Meridian Avenue.

Also, in the next few days,

I would like the concerns below answered now that I have attended your planning meeting as it will be helpful for me to understand the process you and the city use to get project to the public, etc.

1. I would like to know how your staff processes all the verbal and written input you received from the meeting SO THESE WILL BE USED IN THE DECISION MAKING PROCESS.

2. Names of the people that make the decisions for planning, etc.

3. When will the decision be made and process used to make this decision

4. How do you let the community involved know if/when the amendment was approved.

thanks for your help,

Sandra Khoury

408 772-4612

1380 Saddle Rack St. #202