



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 2, 2019

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**COUNCIL DISTRICT: 2**

**SUBJECT: FILE NO. C18-029. CONVENTIONAL REZONING FROM THE IP INDUSTRIAL PARK TO CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT ON AN APPROXIMATELY 5.08-GROSS ACRE SITE LOCATED ON THE NORTHEASTERN SIDE OF THE HELLYER AVENUE AND PIERCY ROAD INTERSECTION AT 459 AND 469 PIERCY ROAD.**

## **RECOMMENDATION**

The Planning Commission voted 6-0 to recommend that the City Council:

1. Adopt a resolution adopting the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Plan for 459 and 469 Piercy Road Hotel Projects; and
2. Approve an ordinance rezoning certain real property of approximately 5.08 gross acres, situated on the northeastern side of the Hellyer Avenue and Piercy Road intersection (459 and 469 Piercy Road), from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

## **OUTCOME**

Should the City Council approve the rezoning, a range of industrial and commercial uses would be allowed on the subject site.

## **BACKGROUND**

On March 27, 2019, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning, which appeared on the Consent Calendar of the Agenda. The item was left on the consent calendar and no members of the public spoke on the proposed project.

The Planning Commission voted 6-0 to recommend approval, as recommended by staff, to the City Council as part of the consent calendar with no separate discussion.

## **ANALYSIS**

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

## **EVALUATION AND FOLLOW-UP**

If the rezoning is approved, the appropriate entitlement application could be submitted to implement uses consistent with the general development standards of the CIC Combined Industrial Commercial Zoning District. There are also two Site Development Permit applications currently under review for these sites. The first Site Development Permit (File No. H18-016) is associated with 469 Piercy Road (APN: 678-93-040) and is to allow the demolition of two existing structures of approximately 4,800 square feet and 1,661 square feet for the construction of a 175-room Hotel with a public eating establishment. The second Site Development Permit (File No. H18-029) is associated with 459 Piercy Road (APN: 678-93-039) and is to allow the construction of a 112-room Hotel. The hotel uses would be considered at a Planning Director's Hearing if the rezoning is approved and when the project review has been completed.

## **PUBLIC OUTREACH/INTEREST**

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

## **COORDINATION**

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

HONORABLE MAYOR AND CITY COUNCIL

April 2, 2019

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**CEQA**

An Initial Study (IS) and Mitigated Negative Declaration (MND) entitled “459 and 469 Piercy Road Hotel Projects” was prepared by the Director of Planning, Building, and Code Enforcement for the subject Rezoning and the two Site Development Permit Applications. The IS/MND was completed in compliance with the California Environmental Quality Act (CEQA) to reflect an independent judgment and analysis of the project. A complete analysis is contained in the attached staff report.

/s/

Rosalynn Hughey, Secretary  
Planning Commission

For questions, please contact Planning Official, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report  
(including as attachments the proposed rezoning ordinance and the proposed resolution adopting the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Plan)



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Rosalynn Hughey

**SUBJECT:** File No. C18-029

**DATE:** March 27, 2019

**COUNCIL DISTRICT:** 2

<b>Type of Permit</b>	Conventional Rezoning
<b>Project Planner</b>	Stefanie Farmer
<b>CEQA Clearance</b>	Mitigated Negative Declaration for 459 and 469 Piercy Road Hotel Projects
<b>CEQA Planner</b>	Krinjal Mathur

## RECOMMENDATION

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

1. Adopt a resolution adopting the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Plan for 459 and 469 Piercy Road Hotel Projects; and
2. Adopt an ordinance rezoning certain real property of approximately 5.08 gross acres, situated on the north eastern side of Hellyer Avenue and Piercy Road intersection (459 and 469 Piercy Road), from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

## PROPERTY INFORMATION

<b>Location</b>	459 and 469 Piercy Road
<b>Assessor Parcel No.</b>	678-93-039 and 678-93-040
<b>General Plan</b>	Industrial Park
<b>Growth Area</b>	New Edenvale
<b>Existing Zoning</b>	Industrial Park
<b>Historic Resource</b>	N/A
<b>Annexation Date</b>	May 6, 1999 (Riverside No. 48)
<b>Council District</b>	2
<b>Acreage</b>	5.08 gross acres

## PROJECT BACKGROUND

As shown on the attached [vicinity map \(Figure 1\)](#), the project site is located on the northeastern side of the Hellyer Avenue and Piercy Road intersection at 459 and 469 Piercy Road. The subject site consists of two separate parcels and is approximately 5.08 gross acres total. The parcel closest to the intersection contains a single-family residence with a detached garage, and the adjacent parcel is undeveloped.

To the north of the site is an office development and to the east are vacant parcels. Southeast of the project site is an industrial complex with various businesses and a church. Directly south of the site are vacant parcels and to the southwest is an industrial warehouse and a single-family residence.

The proposed conventional rezoning is from the Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. If the rezoning is approved by the City Council, the applicant could pursue future projects that are consistent with the Combined Industrial Commercial Zoning District, such as hotels, offices, retail, manufacturing, and research and development. There are also two Site Development Permit applications currently under review for these sites. The first Site Development Permit (File No. H18-016) is associated with 469 Piercy Road (APN: 678-93-040) and is to allow the demolition of two existing structures of approximately 4,800 square feet and 1,661 square feet respectively for the construction of a 175-room Hotel with a public eating establishment. The second Site Development Permit (File No. H18-029) is associated with 459 Piercy Road (APN: 678-93-039) and is to allow the construction of a 112-room Hotel. The hotel uses require Site Development Permits, which would be considered at a Planning Director's Hearing if the rezoning is approved and when the project review has been completed.

In addition, the City Council adopted a City-initiated General Plan Text Amendment on November 16, 2018 to allow flexibility for hotels within the Edenvale Area Development Policy (EADP) with a discretionary planning permit. To promote new commercial development that supports the build-out and attraction of employers and workers to the EADP area, as well as to further General Plan economic development goals and policies, staff proposed updating the Industrial Park land use designation to extend flexibility for service commercial uses, including hotels, within the EADP area. There are approximately 745 acres of land designated Industrial Park within the approximately two-thousand-acre Policy area. The intent of the approved text amendment is to advance the Regional Employment Center Major Strategy and other General Plan economic development goals and policies by allowing flexibility for service commercial uses to support existing and future employers and their employees.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Industrial Park	IP Industrial Park	Offices / Vacant
South	Industrial Park	IP Industrial Park, Agriculture	Residential / Vacant
East	Industrial Park	IP Industrial Park	Industrial Office Complex / Church
West	Industrial Park	IP Industrial Park, Agriculture	Residential / Warehouse

RELATED APPROVALS	
Date	Action
11/16/2018	City-initiated General Plan Text Amendment to make minor revisions to the Envision San Jose 2040 General Plan (see discussion above)(File No. GPT18-003).

## ANALYSIS

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

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

### **Envision San José 2040 General Plan Conformance**

#### *Land Use Designation*

As shown in the attached **General Plan map (Figure 2)**, the proposed project site has an Envision San José 2040 General Plan designation of Industrial Park. The Industrial Park designation is intended for a wide variety of industrial users, such as research and development, manufacturing, assembly, testing and offices. The designation allows compatible commercial uses on-site when those uses are of a scale and design providing support to the businesses and employees in the immediate industrial area. Additional flexibility may be provided for retail and service commercial uses, including hotels within the Edenvale Development Policy area, through the City's discretionary review and permitting process.

The rezoning would allow future redevelopment with uses and intensity consistent with the land use designation of Industrial Park.

#### *General Plan Policies*

The project conforms to the following key General Plan policies:

1. Major Strategy #4 – Innovation/Regional Employment Center: Emphasize economic development within the City to support San José's growth as center of innovation and regional employment.

*Analysis: The subject is located within the Edenvale growth area which is identified as a regional employment center. The recent council adopted text amendment (File No. GPT18-003) above allowed flexibility for service commercial uses to support existing and future employers and their employees. This rezoning would allow a greater amount of commercial uses at the subject site, such as hotel, personal service, office, or retail development, that would serve the surrounding Industrial Park businesses within the EADP area.*

2. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and enhance Envision General Plan Vision, goals and policies.

*Analysis: The Industrial Park land use designations allow industrial uses on-site and limited commercial uses which are compatible with and serve the nearby industrial uses, including hotels. Rezoning to the CIC Combined Industrial/Commercial Zoning District permits both industrial and commercial development to support the surrounding industrial area and allows additional compatible commercial uses that may not be permitted in the Industrial Park Zoning District.*

3. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial, and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed uses and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: The rezoning would replace the existing Industrial Park Zoning District with a Conventional Zoning District which corresponds to the uses and development envisioned in the General Plan. The CIC Combined Industrial/Commercial Zoning District is also consistent with the Industrial Park General Plan land use designations. The CIC Combined Commercial/Industrial zoning designation would allow a compatible mixture of commercial and industrial uses as anticipated by the Envision San José 2040 General Plan. The various ranges of permitted uses and development intensities of this zoning classification correspond to the site's land use designations. The CIC Zoning district would allow the site to provide flexibility for other permitted uses, such as a Hotel, Business Support Use, Office, General Business, personal services, and manufacturing and development, to be developed.*

### **Edenvale Area Development Policy Conformance**

Development within the Edenvale Area is subject to the EADP, updated and adopted by City Council on November 18, 2014 by Resolution No. 77220, for the allocation of appropriate transportation infrastructure improvements. Adoption of the EADP allows for the following:

1. Manage the traffic congestion associated with near term development in the Edenvale Policy Area (Edenvale Area);
2. Promote General Plan goals for economic development, particularly high technology driven industries;
3. Encourage a citywide reverse commute to jobs at southerly locations in San José: and;
4. Provide for transit-oriented, mixed-use residential and commercial development to increase internalization of automobile trips and promote transit ridership. The EADP accomplishes these goals by allowing certain industrial, office, and commercial developments to proceed prior to the construction of traffic mitigation measures required to address identified intersection Level of Service impacts.

The subject site is located in the Edenvale Area Development Policy and future development would be subject to a Traffic Impact Fee (TIF) associated with the base maximum floor area ratio. The proposed rezoning is consistent with the EADP by allowing industrial uses as well as compatible commercial uses to develop.

### **Zoning Ordinance Conformance**

As shown in the attached [Zoning Map \(Figure 3\)](#), the site is currently zoned Industrial Park. As noted above, the General Plan's Industrial Park designation is intended for a wide variety of industrial uses and allows limited compatible commercial uses on-site, such as hotels. The proposed CIC Zoning District is consistent with these designations as it is intended for commercial or industrial uses or a compatible mixture of the two uses. The Zoning District allows a broader range of commercial uses, such as hotels, and some industrial uses primarily industrial park in nature.

The CIC Combined Industrial/Commercial Zoning District would enable redevelopment of the site without the limitations of a Planned Development Zoning District. Future development would be required to adhere to the conventional CIC Zoning District.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

An Initial Study (IS) and Mitigated Negative Declaration (MND) entitled "459 and 469 Piercy Road Hotel Projects" was prepared by the Director of Planning, Building, and Code Enforcement for the subject Rezoning and the two Site Development Permit Applications. 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 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 biological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and noise and vibration 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 IS/MND was circulated for public review between January 29, 2019 and February 19, 2019, for a 20-day comment period. One public comment letter was received during the public circulation period from the Muwekma Ohlone Indian Tribe. Based on supporting documentation, the letter provided cultural resources management recommendations in dealing with potential adverse effects on any and all ancestral heritage sites located within the tribe's aboriginal territory. Responses to comments can be found on the City's website as listed below.

The IS/MND, MMRP, 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=6302>.

#### PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1000 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:** Stefanie Farmer

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

#### ATTACHMENTS:

Exhibit A: Aerial Map

Exhibit B: General Plan Land Use Transportation Diagram Designation Map

Exhibit C: Zoning District Map

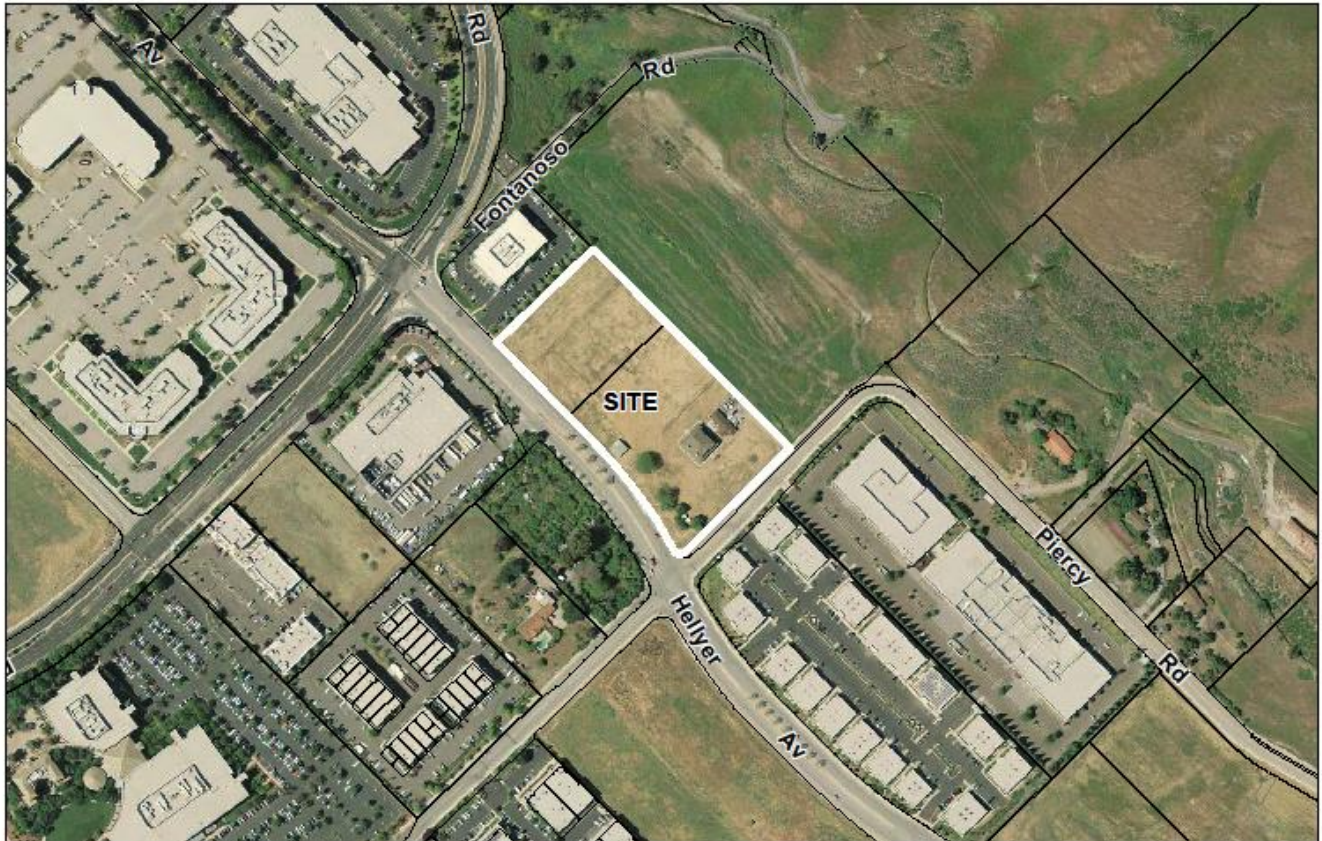
Exhibit D: Draft Environmental Resolution

Exhibit E: Draft Ordinance, with Exhibit A (legal description) and Exhibit B (Plat Map)

Owner:	Applicant:
KNEA TIMOTHY L AND TENA C ET AL PO BOX 2574 Morgan Hill, CA, 95038-2574	Sunny Bhanot 18181 Butterfly Boulevard, Unit 125 Morgan Hill, California, 95037



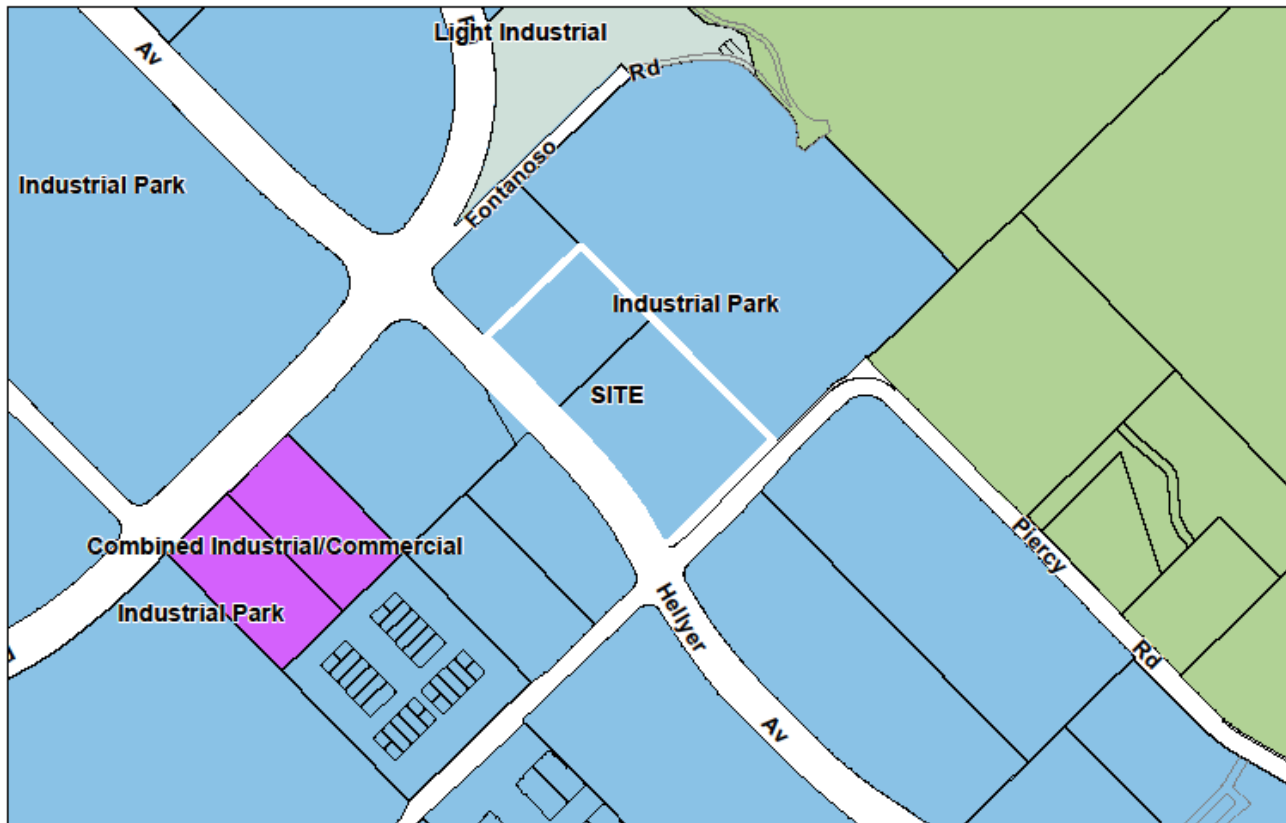
**Exhibit A: Aerial of Site**



**File No: C18-029**  
**District: 2**

**AERIAL**

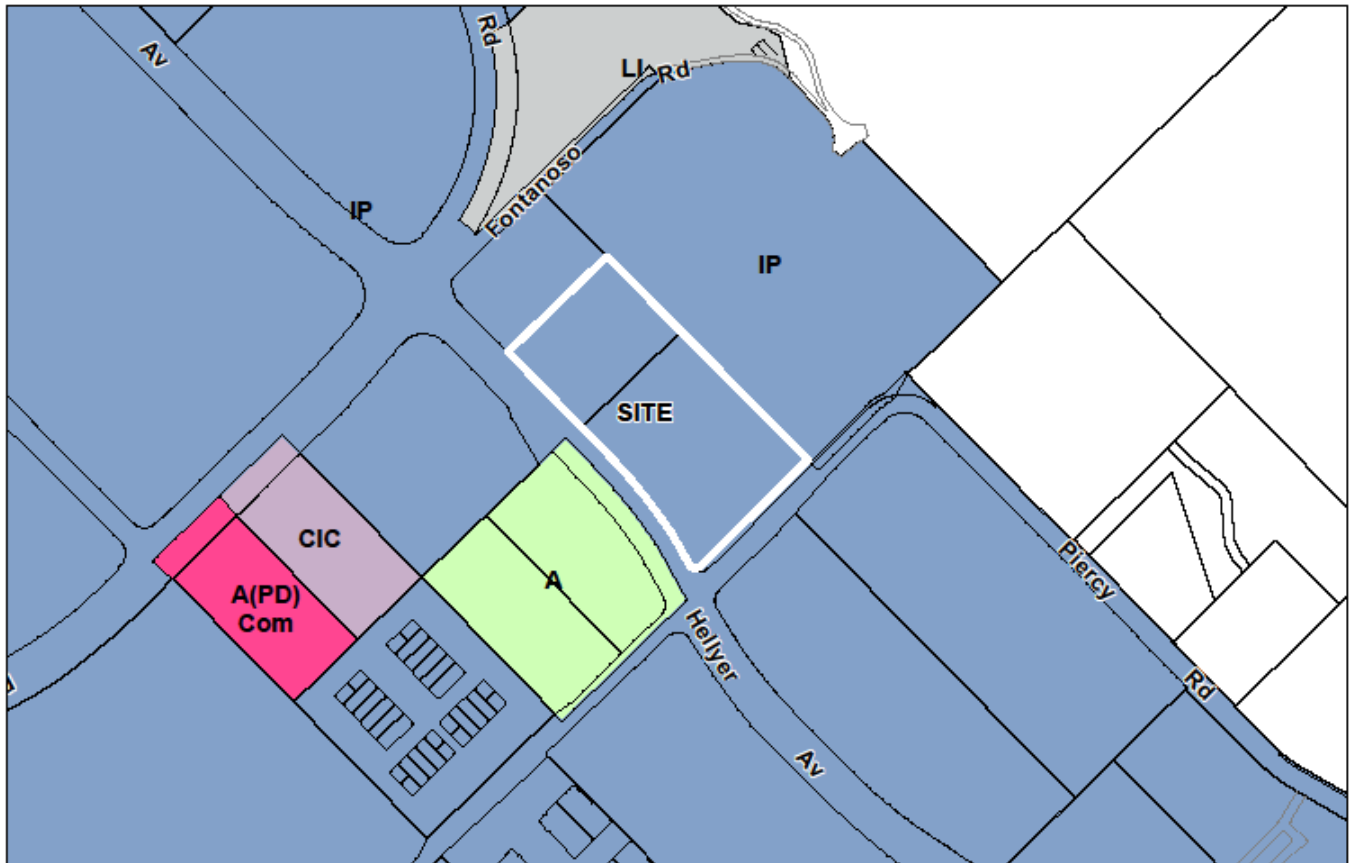
**Exhibit B: General Plan Land Use/Transportation Diagram Designation Map**



**File No: C18-029**  
**District: 2**

**GENERAL PLAN**

Exhibit C: Zoning District Map



File No: C18-029  
District: 2

**ZONING**

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 459 AND 469 PIERCY ROAD HOTEL PROJECTS MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for 459 and 469 Piercy Road Hotel Projects under Planning File Nos. C18-029, H18-016 & H18-029 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the 459 and 469 Piercy Road Hotel Projects (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Conventional Rezoning from IP Industrial Park to CIC Combined Industrial/Commercial Zoning District on a 5.08-gross acre site; Site Development Permit to allow the construction of a five-story, 112-room hotel building on a 3.6-gross acre site located east of Hellyer Avenue, between Piercy Road and Silver Creek Valley Road at 459 Piercy Road; and Site Development Permit to allow the demolition of two existing structures approximately 4,800 square feet and 1,661 square feet, the construction of a six-story, 175-room hotel building with a public eating establishment, and the removal of five ordinance size trees a 2.02 gross acre site located northeast corner of Hellyer Avenue and Piercy Road at 469 Piercy Road, in the City of San José (Assessor’s Parcel Numbers: 678-93-039 and 678-93-040), San José, California; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the “Mitigation Monitoring and Reporting Program”); and

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

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director



of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/ Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File Nos. C18-029, H18-016 & H18-029). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/ Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor

Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk



**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 5.08-GROSS ACRES SITUATED ON THE NORTHEAST CORNER OF HELLYER AVENUE AND PIERCY ROAD (459 AND 469 PIERCY ROAD) FROM THE INDUSTRIAL PARK ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT**

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

**WHEREAS**, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the CIC Combined Industrial/Commercial Zoning District under File Number C18-029 (the "MND"); and

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

**WHEREAS**, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this project.

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

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

**SECTION 2.** All that real property hereinafter described in this section, hereinafter referred

to as "subject property," is hereby rezoned as CIC Combined Industrial/Commercial Zoning District.

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

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

**SECTION 4.** The land development approval that is the subject of City File No. C18-029 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

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PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the following

vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

DRAFT

1964  
9-4-18

REZONE DESCRIPTION  
LANDS OF LIP2, LLC AND KNEA

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being all of Parcels 1 and 2 as described in that certain Lot Line Adjustment Permit, AT 14-013, filed for record as Document Number 23288648 of Official Records, Santa Clara County Records, more particularly described as follows:

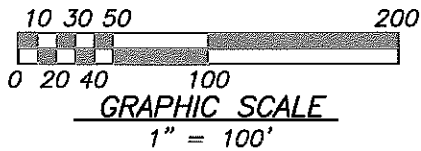
BEGINNING at the westerly corner of said Parcel 2 as described in above said Lot Line Adjustment Permit; thence from said point of beginning along the northwesterly line of said Parcel 2 N45°00'00"E 336.36 feet to the northerly corner of said Parcel 2; thence along the northeasterly line of Parcel 2 and Parcel 1 as described in said Lot Line Adjustment Permit S45°00'00"E 738.16 feet to the easterly corner of said Parcel 1; thence leaving said northeasterly line along the southeasterly line of said Parcel 1 S45°00'00"W 442.86 feet; thence leaving said southeasterly line along the southwesterly line of said Parcel 1 the following courses: N44°21'03"E 29.79 feet; N45°00'00"E 64.01 feet to a point of cusp; from a radial bearing of N04°33'11"E along a curve to the right with a radius of 28.00 feet through a central angle of 55°00'19" for an arc length of 26.88 feet; N30°26'30"W 21.35 feet; along a tangent curve to the left with a radius of 1253.00 feet through a central angle of 14°58'46" for an arc length of 327.59 feet; thence continuing along said southwesterly line of Parcel 1 and the southwesterly line of said Parcel 2 N45°00'00"W 338.64 feet to the POINT OF BEGINNING.

Containing 5.92 acres, more or less.



*Charles W. Davidson*  
10-24-18

Prepared by:  
*Charles W. Davidson Co.*  
Consulting Civil Engineers  
255 W. Julian St. Ste. 200  
San Jose, CA 95110



POB

HELLYER AVENUE

N 45°00'00" E 336.36'

PARCEL 2  
LANDS OF LIP2, LLC

261.59'

261.59'

N 45°00'00" E 336.36'

77.05'

S 45°00'00" E 738.16'

476.57'

PARCEL 1  
LANDS OF KNEA & CAPRISTA

L=327.59' R=1253.00'  
Δ=14°58'46"

S 30°26'30" E 21.35'

L=26.88' R=28.00'  
Δ=55°00'19"

S 45°00'00" W 64.01'

N 4°33'11" E(R)

EX. ROADWAY EASEMENT

S 44°21'03" E 29.79'

30'

N 45°00'00" E 442.86'

PIERCY ROAD

*Charles W. Davidson*  
10-26-18



REZONE PLAT  
Lands of LIP2, LLC and Knea  
Piercy Road  
San Jose, California

DATE: 9-4-18  
SCALE: 1" = 100'  
DRAWN BY: SKD  
CHECKED BY: *[Signature]*  
JOB NO.: 1964

Charles W. Davidson Co.  
A CALIFORNIA CORPORATION  
CONSULTING CIVIL ENGINEERS  
255 W. JULIAN ST. #200, SAN JOSE, CA.  
PH. (408) 295-9162  
CHARLES W. DAVIDSON RCE NO. 11960

The following  
items were  
received after  
packets were  
distributed.

**From:** Mathur, Krinjal  
**Sent:** Wednesday, March 27, 2019 11:26 AM  
**To:** Planning Commission 7 <[PlanningCom7@sanjoseca.gov](mailto:PlanningCom7@sanjoseca.gov)>; Farmer, Stefanie <[stefanie.farmer@sanjoseca.gov](mailto:stefanie.farmer@sanjoseca.gov)>  
**Cc:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>  
**Subject:** RE: C18-029

Hi Commissioner Yesney,

Thank you for that information, I will be sure to circulate this to our environmental review team so we can confirm future documents outline these resources clearly.

Also, typically in the CEQA section of the Staff Report we put a link to the Planning website where the project-specific CEQA documents can be found. Hopefully that can help in the future to find electronic versions of technical reports more easily.

Best,

Krinjal Mathur  
Planner | City of San José  
Planning, Building & Code Enforcement  
[krinjal.mathur@sanjoseca.gov](mailto:krinjal.mathur@sanjoseca.gov)  
408.535.7874

**From:** Planning Commission 7  
**Sent:** Tuesday, March 26, 2019 12:18 PM  
**To:** Mathur, Krinjal <[krinjal.mathur@sanjoseca.gov](mailto:krinjal.mathur@sanjoseca.gov)>; Farmer, Stefanie <[stefanie.farmer@sanjoseca.gov](mailto:stefanie.farmer@sanjoseca.gov)>  
**Cc:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>  
**Subject:** Re: C18-029

Krinjal - Thanks for your reply. I would request that lists of resources that are going to be impacted, damaged, or lost, should be listed in detail in the IS or EIR. This could include buildings, trees, archaeological sites, and micro habitats that are unusual or exceptionally valuable. The discussion of the potential serpentine habitat in this document was very good.

A grove of ailanthus don't matter as much as a grove of redwoods or oaks (even non-native oaks) because the latter are longer lived. I know we have to give up trees to get to the residential densities and urban land forms that we want. But I'm not sure why we have to lose a lot of trees this far down into Edenvale in a neighborhood of massive parking lots, unless the trees are of minimal habitat value and/or short-lived species. There is no indication which of the trees in the aerial photograph are ordinance size, and no way to tell what they are, other than "non-native".

And I do appreciate that staff is not trying to hide the information. It happens that my computer doesn't have a disc drive (neither does Commissioner Leyba's, BTW), and when I am trying to work my way through the packet, it is not always easy to try and hunt down technical



appendices on the City's website. But that's my problem, not yours. For the purpose of better communicating with everyone, public and commissioners, I do hope that you can include a list of trees (species, size, general condition) and their location in the actual environmental document itself, along with a specific description of all other resources that would be lost or damaged by the project.

Michelle Yesney  
Planning Commissioner

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**From:** Mathur, Krinjal  
**Sent:** Tuesday, March 26, 2019 8:54:55 AM  
**To:** Planning Commission 7; Farmer, Stefanie  
**Cc:** Tu, John; Keyon, David  
**Subject:** RE: C18-029

Hi Commissioner Yesney,

In addition to the hard copy IS/MND and CD (with appendices) provided to you in the PC packets we also [post CEQA documents on our website](#), whose link gets shared with interested parties. A copy of the arborist report can be found here: <http://www.sanjoseca.gov/DocumentCenter/View/82458>. Feel free to let me or Stefanie know if you have any questions regarding the contents of the report.

To clarify, are you requesting that we also print hard copies of appendices or that the tree table be inputted into the text of the Initial Study? The reason we do not print out the entire IS and appendices is from a resource perspective due to the length of some reports (e.g. Phase I ESA). However, if you are requesting that a tree table/list be inputted into the Initial Study, I can share that request with my fellow environmental planners so we all will be more aware of this issue during the review process.

Thanks,

Krinjal Mathur  
Planner | City of San José  
Planning, Building & Code Enforcement  
[krinjal.mathur@sanjoseca.gov](mailto:krinjal.mathur@sanjoseca.gov)  
408.535.7874

**From:** Planning Commission 7  
**Sent:** Monday, March 25, 2019 9:15 PM  
**To:** Farmer, Stefanie <[stefanie.farmer@sanjoseca.gov](mailto:stefanie.farmer@sanjoseca.gov)>; Mathur, Krinjal <[krinjal.mathur@sanjoseca.gov](mailto:krinjal.mathur@sanjoseca.gov)>  
**Cc:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Subject:** C18-029

Stefanie and Krinjal - There are multiple references to the trees on the site, but no list that I could find in the Initial Study. I'm afraid that burying the tree list in an appendix on a disc,

doesn't work for me and I don't think it works for much of the public. Can we excavate it and put it in print?

Thanks,

Michelle Yesney  
Planning Commissioner