COUNCIL AGENDA: 04/23/19

FILE: 19-247 ITEM: 10.1(b)



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **FROM:** Planning Commission

SUBJECT: SEE BELOW DATE: April 2, 2019

COUNCIL DISTRICT: 4

SUBJECT: FILE NO. C18-042. CONVENTIONAL REZONING FROM THE IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT ON AN APPROXIMATELY 59-GROSS ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF WEST TRIMBLE ROAD AND ORCHARD PARKWAY (350 AND 370 WEST TRIMBLE ROAD).

RECOMMENDATION

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

- 1. Consider the Determination of Consistency with the North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768) and Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto; and
- 2. Adopt an ordinance rezoning certain real property of approximately 59-gross acres, situated on the southwest corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road), from the IP(PD) Planned Development 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 on the consent calendar and no members of the public spoke on the proposed project.

HONORABLE MAYOR AND CITY COUNCIL

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

ANALYSIS

A complete analysis of the issues regarding the proposed Conventional Rezoning, including the 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.

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

COORDINATION

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

HONORABLE MAYOR AND CITY COUNCIL

April 2, 2019

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CEQA

A Determination of Consistency with the North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768) and Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto was prepared for the project under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. 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

PLANNING COMMISSION AGENDA: 03-27-19

ITEM: 4.b.



Memorandum

TO: PLANNING COMMISSION FROM: Rosalynn Hughey

SUBJECT: File No. C18-042 **DATE:** July 20, 2018

COUNCIL DISTRICT: 4

Type of Permit	Conventional Rezoning	
Project Planner	Cassandra van der Zweep	
CEQA Clearance	Determination of Consistency with the North San José	
	Development Policies Update Final Environmental Impact	
	Report (Resolution No. 72768) and Envision San José 2040	
	General Plan Final Environmental Impact Report	
	(Resolution No. 76041), Envision San Jose 2040 General	
	Plan Supplemental Final Environmental Impact Report	
	(Resolution No. 77617) and Addenda thereto.	
CEQA Planner	Cassandra van der Zweep	

RECOMMENDATION

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

- 1. Consider the Determination of Consistency with the North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768) and Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto; and
- 2. Recommend that the City Council adopt an ordinance rezoning certain real property of approximately 59-gross acres, situated on the southwest corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road), from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

PROPERTY INFORMATION

Location	350 and 370 West Trimble Road
Assessor Parcel No.	101-02-013 and 101-02-014
General Plan	Industrial Park and Combined Industrial/Commercial
Growth Area	North San José
Existing Zoning	IP(PD) Planned Developments (File Nos. PDC17-026 and PDC94-016)
Historic Resource	N/A
Annexation Date	December 3, 1971 (Orchard No. 50)
Council District	4
Acreage	59 gross acres

PROJECT BACKGROUND

As shown on the attached vicinity map (Figure 1), the project site is located on the southwest corner of West Trimble Road and Orchard Parkway located at 350 and 370 West Trimble Road. The subject site is an approximately 59.0-gross acre portion of the existing Lumiled office, research and development campus. The site is currently developed with research and development offices, surface parking, landscaping, and trees. The site abuts West Trimble Road, Orchard Parkway, and Component Drive.

The northeast portion of the site is developed with parking, trees, and landscaping. To the north of West Trimble Road are existing office and research development buildings. To the east and south are surface parking lots, office, research and development buildings, and vacant parcels. The Guadalupe River is located to the west of the project site. The project site is approximately half a mile from the Bonaventura Santa Clara Valley Transportation Authority light rail station.

The proposed conventional rezoning is from the IP(PD) Planned Development 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's uses and development standards. Currently, no development project applications are on file for the project site with the City.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Industrial Park	IP Industrial Park and A(PD) (File No. PDC17-026)	Offices / R&D Buildings
South	Industrial Park	IP(PD) (File No. PDC07-091)	Vacant and Offices / R&D Buildings
East	Transit Employment Center	IP(PD) Planned Development (File No. PDC15-056)	Vacant and Office Buildings
West	Open Space, Parklands, and Habitat	IP and IP(PD) (File Nos. PDC75-097 & PDC71-116)	Guadalupe River

RELATED A	PPROVALS
Date	Action
05/08/18	Planned Development Permit to allow site improvements to an existing industrial site to
	reconfigure the existing parking lots, access roads, and outdoor lighting and the removal
	of 102 trees (including 45 ordinance-size trees. (File Nos. PD18-009 and PDA94-016-07)
01/31/18	Planned Development Rezoning from the IP(PD) Planned Development Zoning District to
	the IP (PD) Planned Development Zoning District to allow approximately up to 100,000
	square feet for commercial uses and up to a 250-room hotel on an approximately 14-
	gross acre site. (File No. PDC17-026)
08/31/16	Live Tree Removal Permit approved to allow the removal of 34 ordinance-sized Willow
	Trees ranging in circumference from approximately 56 to 82 inches and four non-
	ordinance sized trees, from the parking lot of an existing R&D development (File No.
	PDA94-016-06).
7/21/94	Planned Development Permit approved to develop a Research and Development and
	Office Building. (File PD94-016)

ANALYSIS

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

- 1) Envision San José 2040 General Plan
- 2) North San José Area Development Policy
- 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 and Combined Industrial/Commercial. 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 limited 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. The Combined Industrial/Commercial designation is 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.

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

General Plan Policies

The project conforms to the following key General Plan policies:

- 1. <u>Implementation Policy IP-1.6:</u> 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: Both general plan land use designations allow industrial uses on-site and commercial uses which are compatible with and serve the nearby industrial uses. Rezoning to the CIC Combined Industrial/Commercial Zoning District would allow the continued use of the existing research and development office on the site, and this rezoning would allow for future industrial or commercial development to support the surrounding industrial area consistent with the Industrial Park and Combined Industrial/Commercial Land Use Designation.
- 2. <u>Implementation Policy IP-1.7:</u> Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
 - Analysis: Since 1994, the Planned Development Zoning has served its purpose in establishing a specific use and development standards for the industrial campus on the subject site. However, the Planned Development zoning is no longer necessary and does not allow for the broad range of industrial and supportive commercial uses anticipated by the Envision San José General Plan. Future development would need to conform to the CIC Combined Industrial/Commercial Zoning District development standards, which are intended to help implement the General Plan.

3. <u>Implementation Policy IP-8.2</u>: 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 Planned Development Zoning Districts 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 consistent with the CIC Combined Industrial/Commercial and 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 continue operating as a research and development facility while providing flexibility for other permitted uses, such as Business Support Use, Office, General Business, personal services, and manufacturing and development, to be developed.

North San José Area Development Policy Plan Conformance

The City developed several policy documents to guide the ongoing growth and development of the North San José area as a key employment center for San José. The North San José Area Development Policy works in conjunction with the General Plan to facilitate employment and development in North San José. The Policy currently identifies development of up to 2.7 million square feet of new commercial uses and 1,000 hotel rooms. This capacity is split between 1.7 million square feet of "local serving" retail as defined in the Policy, which is categorized as smaller retail or service establishments that are intended to support the industrial and residential uses within the Policy area. The remaining 1 million square feet is for the development of large-scale regional retail establishments of over 100,000 square feet that draws from a regional customer base. The proposed rezoning is consistent with the goals and policies of the Policy to provide industrial uses as well as commercial uses to both support the local industrial, office, commercial and residential uses in the area, facilitate a regional draw, and provide additional opportunity to utilize the nearby transit services. The proposed rezoning would facilitate additional industrial and compatible commercial uses on the site.

Zoning Ordinance Conformance

As noted above, the General Plan's Industrial Park designation is intended for a wide variety of industrial users and allows limited compatible commercial uses on-site. The General Plan's Combined Industrial/Commercial designation is intended for commercial, office, or industrial developments or a compatible mix of these uses. 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 broad range of commercial uses and some industrial uses primarily industrial park in nature

The existing research and development facility located at 350 and 370 West Trimble was approved in 1994 (File No. PD94-016). Once the site is rezoned to the CIC Combined Industrial/Commercial Zoning District, the research and development office will remain as an allowable use. As shown in the attached Zoning Map (Figure 3), other Planned Development Zoning Districts and Industrial Park Zoning Districts surround the site.

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)

The proposed Conforming Rezoning will change the current IP (PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District. It will allow future industrial and compatible commercial development.

No new or more significant environmental impacts beyond those identified in the North San José Development Policies Final Program EIR (Resolution No. 72768), Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Supplemental EIR (Resolution 77617) have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the Final Program EIR or Supplemental EIR been identified.

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the North San José Development Policy; the impacts of which were analyzed and disclosed in the Final Impact Report for the North San José Development Policy Update, for which findings were adopted by City Council on June 21, 2005 by City Council Resolution No. 72768. The Final EIR prepared for the North San José Development Policy document to guide the ongoing growth and development of the North San José area.

Additionally, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program; the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015. The Final EIR and Supplemental EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

The proposed rezoning does not involve new significant effects beyond those analyzed in the Final EIR for the North San José Development Policy Update, and the Final and Supplemental EIRs for the Envision San José 2040 General Plan program.

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 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager:

Approved by:

Cassandra van der Zweep

, Deputy Director for Rosalynn Hughey, Planning Director

ATTACHMENTS:	22
Exhibit A: Aerial Map	
Exhibit B: General Plan Land Use Transportation Diagram Designation Map	
Exhibit C: Zoning District Map	
Exhibit D: Legal Description & Plat Map	
Exhibit E: Draft Ordinance	

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Owner:	Applicant:	N .
LBA RVI-Company I, LP	LBA Realty LLC	

3347 Michelson Drive, Suite 200 Attn: Scott Landsittel
1 Irvine, CA 92612 1 Embarcadero Center #710

San Francisco, CA 94111

Exhibit A: Aerial of Site



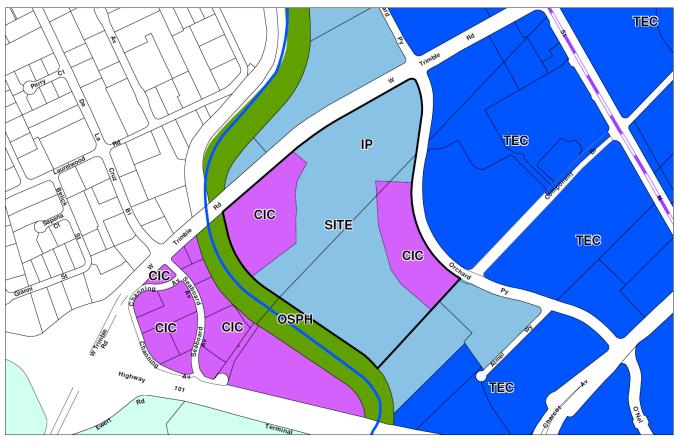
File No: C18-042

District: 4

AERIAL



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



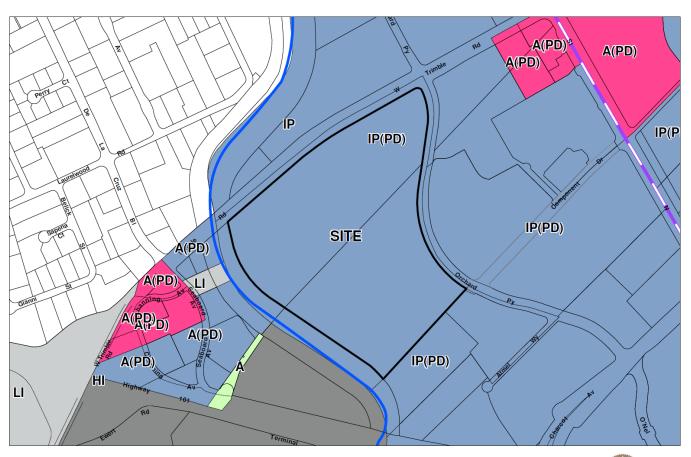
File No: C18-042

District: 4

GENERAL PLAN



Exhibit C: Zoning District Map



File No: C18-042

District: 4

ZONING



Prepared by the Department of Planning, Building and Code Enforcement 01/08/2019



EXHÍBIT "A" DESCRIPTION FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on September 17, 2007, in Book 818 of Maps, page 19, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Parcel 1, being on the southeasterly line of Trimble Road;

Thence along said southeasterly line the following six courses:

- 1. Thence North 49°14'39" East, 892.14 feet;
- 2. Thence northeasterly, along a non-tangent curve to the right, having a radius of 2,780.00 feet, whose center bears South 40°45'38" East, through a central angle of 01°40'06" for an arc length of 80.95 feet;
- 3. Thence South 39°05'32" East, 4.50 feet;
- 4. Thence northeasterly, along a non-tangent curve to the right, having a radius of 2,775.50 feet, whose center bears South 39°05'32" East, through a central angle of 04°43'17" for an arc length of 228.71 feet;
- 5. Thence North 34°22'15" West, 4.50 feet;
- 6. Thence northeasterly, along a non-tangent curve to the right, having a radius of 2,780.00 feet, whose center bears South 34°22'15" East, through a central angle of 01°03'11" for an arc length of 51.10 feet;

Thence South 33°19'04" East, 67.23 feet;

Thence South 04°06'05" East, 295.00 feet;

Thence North 85°53'55" East, 356.00 feet;

Thence North 60°42'40" East, 223.35 feet;

Thence along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 36°57'07" for an arc length of 128.99 feet;

Thence South 82°20'13" East, 23.44 feet, to the general westerly line of Orchard Parkway; Thence along said general westerly line, the following four courses:

- 1. Thence South 07°40'25" West, 292.47 feet;
- 2. Thence along a tangent curve to the left, having a radius of 900.00 feet, through a central angle of 53°10'11" for an arc length of 835.19 feet;
- Thence South 46°28'21" East, 90.46 feet;
- 4. Thence southeasterly, along a non-tangent curve to the left, having a radius of 903.00 feet, whose center bears North 38°45'18" East, through a central angle of 09°40'12" for an arc length of 152.40 feet, to the southeasterly line of said Parcel 1;

Thence along the southeasterly and southwesterly lines of said Parcel 1 the following five courses:

- 1. Thence South 43°14'29" West, 1,104.68 feet;
- 2. Thence northwesterly, along a non-tangent curve to the left, having a radius of 650.00 feet, whose center bears South 48°35'27" West, through a central angle of 14°58'06" for an arc length of 169.81 feet;
- Thence North 56°22'39" West, 1,011.01 feet;
- 4. Thence northwesterly, along a non-tangent curve to the right, having a radius of 850.00 feet, whose center bears North 33°43'36" East, through a central angle of 42°51'35" for an arc length of 635.84 feet;

5. Thence North 13°29'14" West, 224.41 feet, to the POINT OF BEGINNING.

Containing 59.16 acres, more or less.

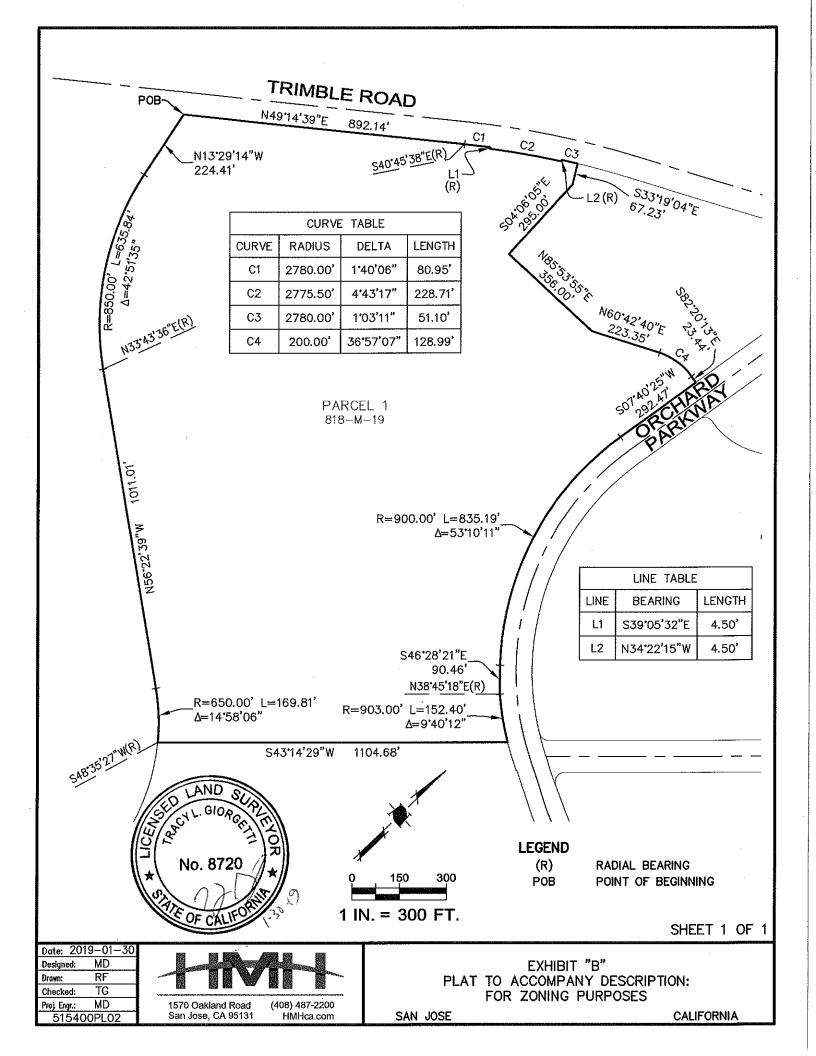
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 1-30 (9)

Tracy L. Giorgetti, LS 8720





File No. C18-042

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY ON AN APPROXIMATELY 59-GROSS ACRE SITUATED ON THE SOUTHWEST CORNER OF WEST TRIMBLE ROAD AND ORCHARD PARKWAY (350 AND 370 WEST TRIMBLE ROAD) FROM THE A(PD) PLANNED DEVELOPMENTZONING 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, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the North San José Area Policy Plan (the "FPEIR") for which findings were adopted by City Council through its resolution 72768 on June 21, 2005, the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; 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 and approves the information contained in the FPEIR and related City Council Resolution No. 72768, the

T-75000\1601757 Council Agenda: _____ 1

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

File No. C18-042

FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning;

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 and depicted in Exhibit "A" 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. C18-042 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this _vote:	day of	, 2019 by the following
2		

Council Agenda: _____

AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	
ATTEST:	SAM LICCARDO Mayor
TONI J. TABER, CMC City Clerk	

3