



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C19-006
<b>Applicant:</b>	SVY01-02 ABS, LLC
<b>Location</b>	North side of Fortune Drive, approximately 500 feet westerly of Lundy Avenue (2001 Fortune Drive)
<b>Existing Zoning</b>	IP Industrial Park
<b>General Plan Land Use Designation</b>	TEC Transit Employment Center
<b>Council District</b>	4
<b>Historic Resource</b>	No
<b>Annexation Date:</b>	May 15, 1974 (Orchard No. 62)
<b>CEQA:</b>	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto

**APPLICATION SUMMARY:**

Conforming Rezoning from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District on an approximately 9.26-gross acre site.

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
2. Adopt an ordinance rezoning an approximately 9.26-gross acre site, located on the north side of Fortune Drive, approximately 500 feet westerly of Lundy Avenue, from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

**PROJECT DATA**

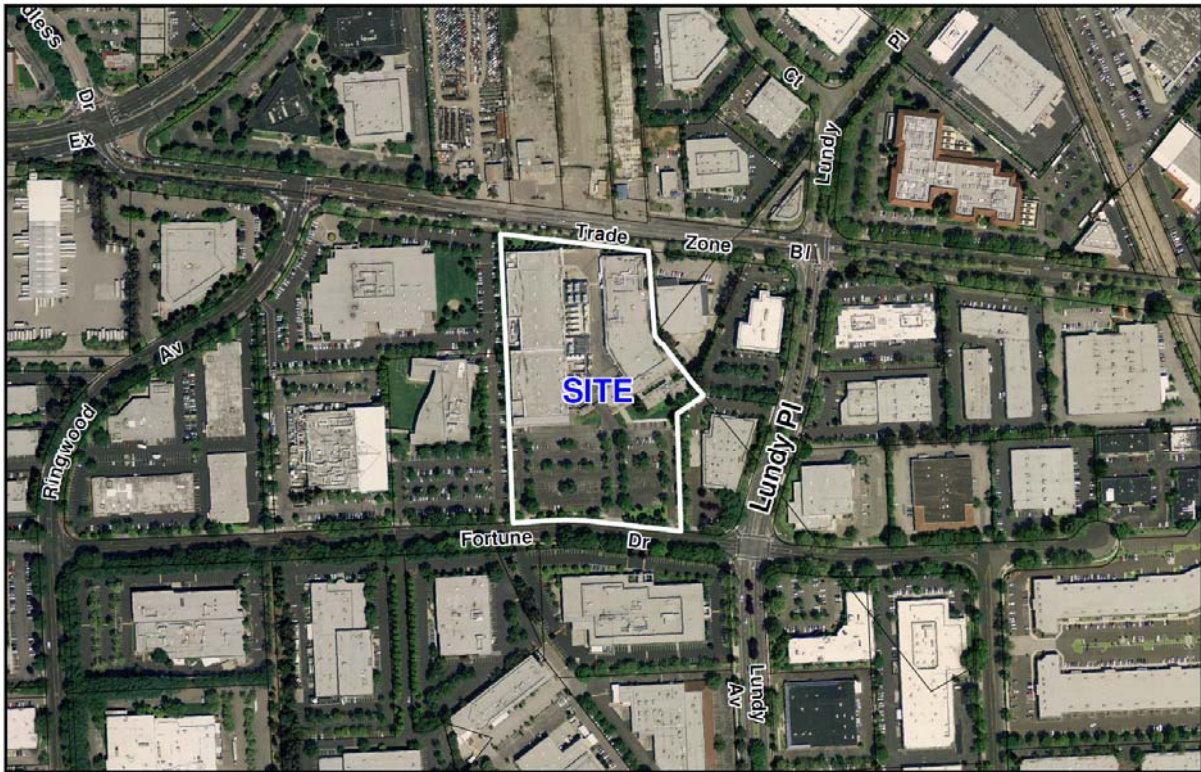
<b>GENERAL PLAN CONSISTENCY</b>			
<b>General Plan Designation</b>		<b>Neighborhood/ Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>	
<b>Consistent Policies</b>		<b>Implementation Policies IP-1.1, IP-1.6, and IP-8.2</b>	
<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	City of Milpitas	City of Milpitas	Multifamily Residential and Auto services
<b>South</b>	TEC Transit Employment Center	IP Industrial Park	Industrial Offices
<b>East</b>	TEC Transit Employment Center	IP Industrial Park	Manufacturing, Industrial Offices, and Retail Shop
<b>West</b>	TEC Transit Employment Center	IP Industrial Park	Manufacturing and Industrial Offices

**PROJECT DESCRIPTION**

On February 5, 2019, Scott Carelli filed an application on behalf of the owner, SVY01-02 ABS, LLC, to rezone an approximately 9.26-gross acre site from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

**Site Location:**

The subject site is located on the north side of Fortune Drive, approximately 500 feet westerly of Lundy Avenue (see Figure 1). The irregularly-shaped site has two industrial buildings, an equipment yard, parking lot, and landscaping. Residential properties and an oil change station are located to the north of the subject site. Industrial uses surround the property to the east, west, and south. There are no other active planning development permit applications currently on file for the subject site.



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District: 4

AERIAL

  
CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY  
Prepared by the Department of Planning,  
Building and Code Enforcement  
02/22/2019

Figure 1: Aerial image of the subject site

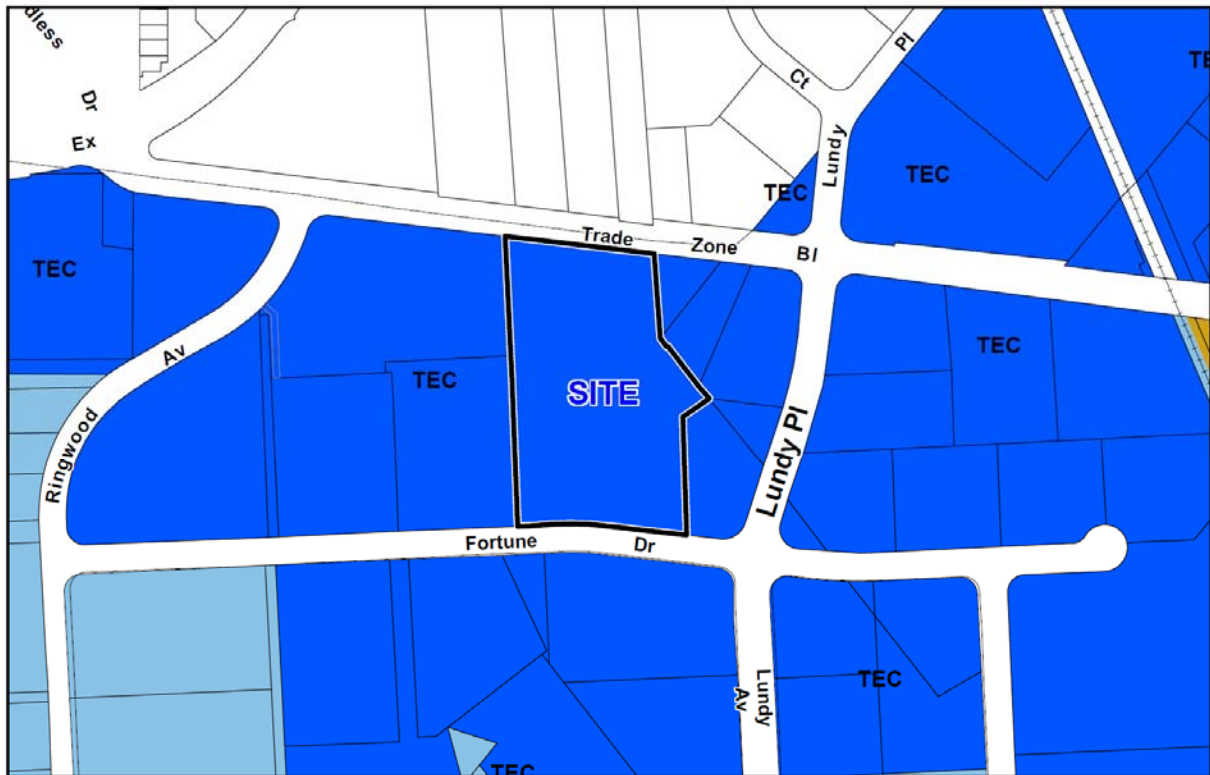
The subject property is currently in the IP Industrial Park Zoning District. The applicant has requested a conforming rezoning to rezone the entire site to the TEC Transit Employment Center Zoning District, which would bring the site in conformance with the TEC Transit Employment Center General Plan Land Use/Transportation Diagram land use designation.

## ANALYSIS

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

### Envision San José 2040 General Plan Conformance

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



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District: 4

GENERAL PLAN

CITY OF  
SAN JOSE  
CAPITAL OF SILICON VALLEY  
Prepared by the Department of Planning,  
Building and Code Enforcement  
02/22/2019

Figure 2: General Plan Land Use/Transportation Diagram

The Transit Employment Center designation is intended for intensive job growth, industrial uses, and supportive commercial uses. The designation supports intense, transit-oriented land use patterns. The proposed rezoning is consistent with the following General Plan policies:

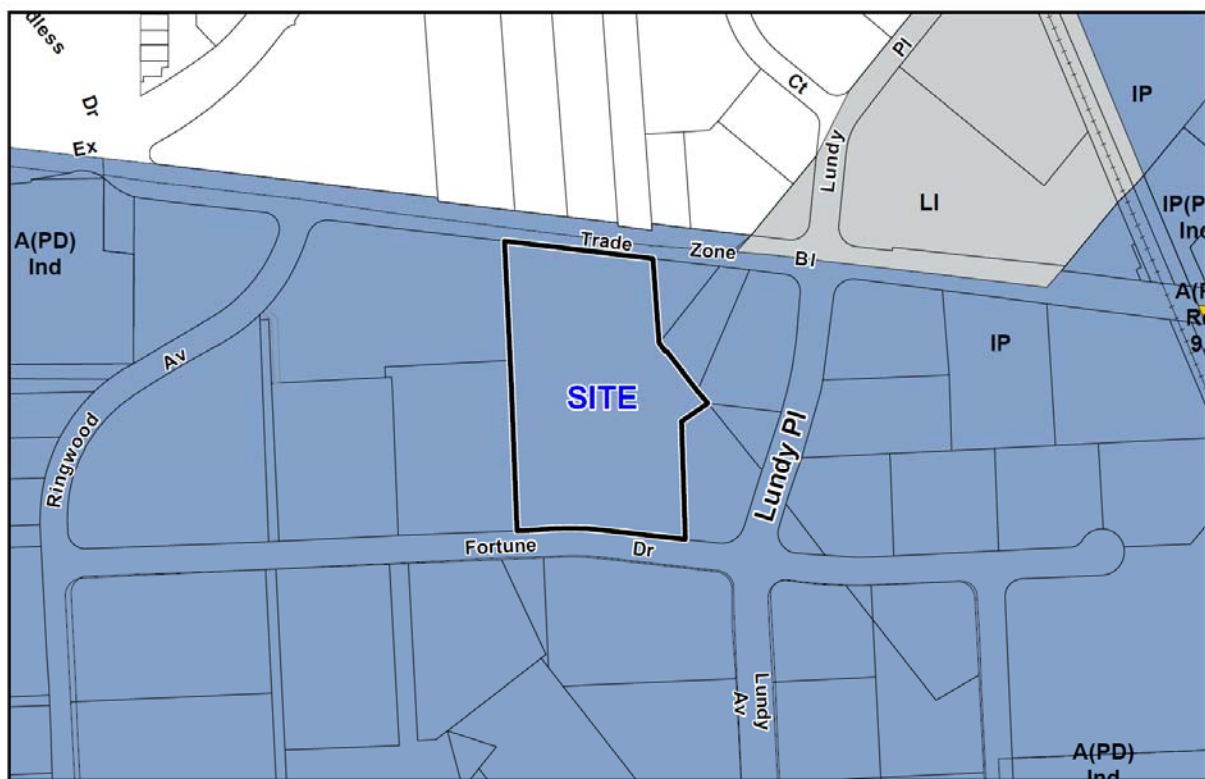
1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan Land Use/Transportation Diagram* designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities, and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the *Zoning* designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the *Land Use/Transportation Diagram*, and advance *Envision General Plan Vision*, goals, and policies.
3. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its *Zoning Ordinance*, to implement the *Envision General Plan Land Use/Transportation Diagram*. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential,

commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

*Analysis: Pursuant to Table 20-270 of the Zoning Ordinance, the TEC Transit Employment Center Zoning District is listed as a conforming district for the General Plan Land Use Designation of Transit Employment Center. The proposed rezoning would allow the future redevelopment of the site to have an intense transit-oriented development in an urban form that supports walking, transit use, and public interaction.*

### Zoning Ordinance Conformance

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



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ZONING



Figure 3: Zoning Map

The TEC Transit Employment Center Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-110, which include a range of industrial, commercial, and retail uses. This district is intended to support intensive industrial park and supportive commercial uses generally at least four stories in height. New development



in this district should orient buildings towards public streets and transit facilities. This rezoning would facilitate the future redevelopment of the site consistent with the General Plan land use designation.

Setbacks and Heights

Table 20-120 in Section 20.50.200 of the San José Municipal Code establishes the following development standards for the TEC Transit Employment Center Zoning District:

<b>Standard</b>	<b>TEC Zoning District</b>
Front Setback	15 feet for buildings, 25 feet for parking and circulation, 40 feet for parking of trucks and buses
Side Setback	0 from property line, or 25 feet from residential district, whichever is greater
Rear Setback	0 from property line, or 25 feet from residential district, whichever is greater
Maximum Height	120 feet maximum

Future development would be evaluated for conformance to these development standards and all other Municipal Code requirements.

Existing Structure and Use

The existing structures and use on site conform to the development standards of the TEC Transit Employment Center Zoning District.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project 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, and addenda thereto. The FPEIR, SEIR and Addenda 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.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR, SEIR and Addenda been identified.

**PUBLIC HEARING NOTIFICATION**

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 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.

/s/

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at (408) 535-7900.

Attachment: Legal Description and Plat Map

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: PLANNING PURPOSES**

That portion of Parcel 13, as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of Santa Clara, State of California on January 28, 1977 in Book 388 of Maps at Page(s) 16 through 27, described as follows:

Beginning at the southeast corner of said Parcel 13;

Thence along the southerly line of said Parcel 13 the following three (3) courses:

- 1<sup>st</sup> North 84°09'58" West, 243.39 feet to the beginning of a tangent curve concave southerly with a radius of 740.00 feet,
- 2<sup>nd</sup> Westerly along said curve through a central angle of 9°13'33" an arc length of 119.16 feet,
- 3<sup>rd</sup> South 86°36'29" West, 147.04 feet to the southwest corner of said Parcel 13;

Thence along the westerly line of said Parcel 13, North 03°24'28" West, 843.41 feet to the northerly line of said Parcel 13;

Thence along said northerly line, South 84°10'36" East, 450.14 feet to a point on the easterly line of said Parcel 13;

Thence along the easterly line of said Parcel 13 the following four (4) courses:

- 1<sup>st</sup> South 04°57'39" East, 239.55 feet to an angle point,
- 2<sup>nd</sup> South 38°35'27" East, 225.10 feet to an angle point,
- 3<sup>rd</sup> South 51°24'33" West, 91.34 feet to an angle point,
- 4<sup>th</sup> South 03°25'03" East, 343.86 feet to the Point of Beginning.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

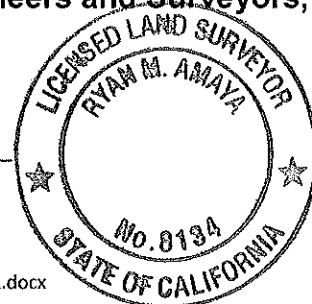
Contains 9.260± acres.

**Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.**

2-1-19

Date

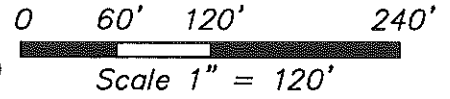
  
Ryan M. Amaya, L.S. 8134





# TRADE ZONE BOULEVARD

CITY OF MILPITAS  
CITY OF SAN JOSE



PARCEL 2  
(515 M 24)

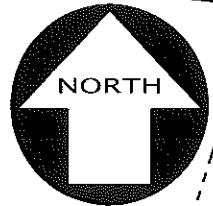
PARCEL 1  
(315 M 24)



**PARCEL 13**  
(388 M 16-27)  
9.260± ACRES

DOC. NO.  
15122502

PARCEL B  
(502 M 36)



PARCEL A  
(502 M 36)

LUNDY AVENUE

FORTUNE DRIVE

53.00'  
N3°24'28"W 843.41'

S84°10'36"E  
S84°10'36"E 450.14'

53.00'  
N84°10'36"W 476.48'  
TO INTERSECTION AT  
LUNDY AVENUE

S4°57'39"E 239.55'  
S58°35'27"E 225.10'

S51°24'33"W  
91.34'

S3°25'03"E 343.86'

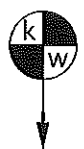
40.00'  
40.00'  
80.00'

S86°36'29"W  
147.04'

R=740.00'  
D=9°13'33"  
L=119.16'

POINT OF  
BEGINNING

N84°09'58"W 243.39'



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8796

**EXHIBIT "B"**  
**PLAT**  
**FOR: PLANNING PURPOSES**  
SAN JOSE, CALIFORNIA

DATE	FEBRUARY, 2019
SCALE	1" = 120'
BY	TWL
JOB NO.	A07229-6
SHEET	1 OF 1

PLANNING PURPOSES.txt

Project: PLANNING PURPOSES  
2/1/2019

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Boundary: A07229-6

POB: N: 5000.0000 E: 5000.0000

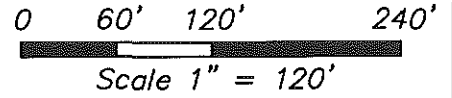
- 1. Line NW 84°09'58" 243.39' N: 5024.7393 E: 4757.8706
- 2. Curve Delta: -09°13'33" Radius: 740.00' Length: 119.16'  
PC to RP: SW 05°50'02"  
RP North: 4288.5719 RP East: 4682.6535  
RP to PT: NW 03°23'31"  
Chord: NW 88°46'44" 119.03' N: 5027.2756 E: 4638.8706
- 3. Line SW 86°36'29" 147.04' N: 5018.5758 E: 4492.0882
- 4. Line NW 03°24'28" 843.41' N: 5860.4945 E: 4441.9543
- 5. Line SE 84°10'36" 450.14' N: 5814.8226 E: 4889.7714
- 6. Line SE 04°57'39" 239.55' N: 5576.1700 E: 4910.4864
- 7. Line SE 38°35'27" 225.10' N: 5400.2272 E: 5050.8935
- 8. Line SW 51°24'33" 91.34' N: 5343.2535 E: 4979.5004
- 9. Line SE 03°25'03" 343.86' N: 5000.0050 E: 4999.9983

Perimeter: 2702.99' Area: 403368.97 sq.ft. 9.260 acres

Error Closure: 0.0053' Bearing: SE 19°01'47"  
Error North: 0.00498' Error East: -0.00172'  
Precision: 1: 512,689.50



# TRADE ZONE BOULEVARD



S84°10'36"E

CITY OF MILPITAS  
CITY OF SAN JOSE

S84°10'36"E 450.14'

N84°10'36"W 476.48'  
TO INTERSECTION AT:  
LUNDY AVENUE

LANDS OF  
RINGWOOD LLC.  
DOC. NO. 13133078

2001A FORTUNE DRIVE  
2-STORY CONCRETE BUILDING

2001B FORTUNE DRIVE  
1-STORY CONCRETE BUILDING

LANDS OF  
KI SU &  
YONG C CHO  
DOC. NO. 15122502

LANDS OF  
EDWIN A HELWING  
& PIMENTAL ANTONIO T  
DOC. NO. 22098415

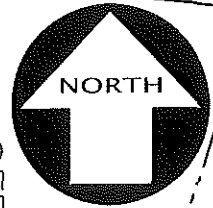
LANDS OF  
SVY01-02 ABS, LLC  
PARCEL 13

(388 M 16-27)  
9.260± ACRES

LANDS OF  
MICREL INC.  
DOC. NO. 16350656

N3°24'28"W 843.41'

S51°24'33"W  
91.34'



LANDS OF  
FORTUNE DRIVE LLC  
2091-2099  
DOC. NO. 22520507

LUNDY AVENUE

R=740.00'  
D=9°13'33"  
L=119.16'

POINT OF  
BEGINNING

S86°36'29"W

N84°09'58"W 243.39'

FORTUNE DRIVE



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
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Livermore, California 94551 Fax (925) 245-8796

**EXHIBIT "B"**  
PLAT  
SITE EXHIBIT

SAN JOSE,

CALIFORNIA

DATE	MARCH, 2019
SCALE	1" = 120'
BY	TWL
JOB NO.	A07229-6
SHEET	1 OF 1