



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C19-047
<b>Applicant</b>	Patrick Aylward
<b>Owner</b>	2150 N First Novel Coworking LLC
<b>Location</b>	2150 North First Street
<b>Existing Zoning</b>	(A)PD Planned Development
<b>General Plan Land Use Designation</b>	Transit Employment Center
<b>Council District</b>	4
<b>Historic Resource</b>	No
<b>Annexation Date</b>	April 26, 1977
<b>CEQA</b>	Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto.

### APPLICATION SUMMARY:

Conforming Conventional Rezoning from the A(PD) Planned Development to the TEC Transit Employment Center on an approximately 4.70 -gross acre site at 2150 North First Street.

### RECOMMENDATION:

Staff recommends that the City Council:

1. Approve an ordinance rezoning an approximately 4.70-gross acre site located at 2150 North First Street from the A(PD) Planned Development Zoning District to the TEC Transit Employment Center Zoning District.

### PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	<b>Transit Employment Center</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-1.7, and IP-8.2</b>

SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Transit Employment Center	IP Industrial Park	Office complex
South	Transit Employment Center	IP Industrial Park	Warehouse retail, light and medium manufacturing and assembly
East	Transit Employment Center	IP Industrial Park	Warehouse retail, light and medium manufacturing and assembly
West	Transit Employment Center	IP Industrial Park	Office complex

**PROJECT DESCRIPTION**

On December 5, 2019, the applicant, Patrick Aylward, on behalf of the owner, 2150 N First Novel Coworking LLC, applied for a Conforming Rezoning from the (A)PD Planned Development Zoning District to the TEC Transit Employment Center Commercial Zoning District on an approximately 4.70-gross acre site at 2150 North First Street.

**Site Description and Surrounding Uses**

The subject site is located approximately 830 feet south of the southeast corner of North First Street and Charcot Avenue at 2150 North First Street. The site is currently developed with an existing 20,086-square foot, six-story office building and associated parking and landscaping. The site is surrounded by a mix of office complexes and warehouse retail uses.

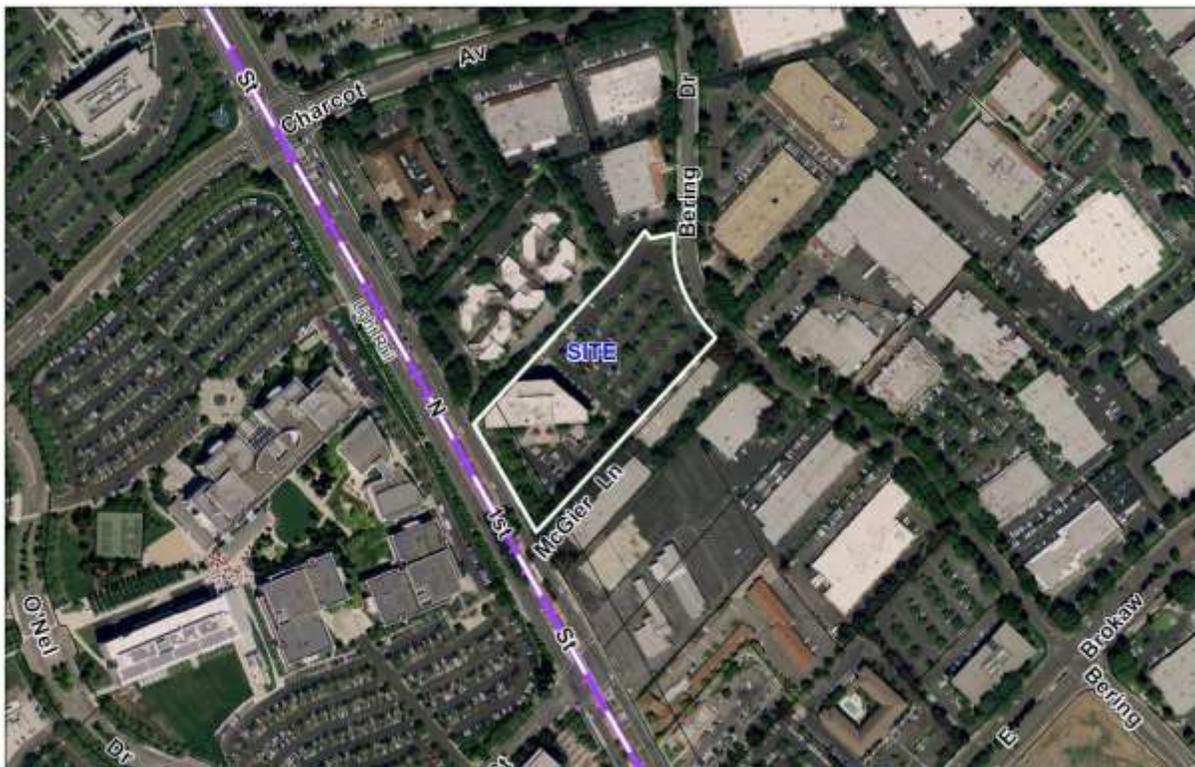


Figure 1: Aerial image of the subject site

## Background

The subject site has direct access from North 1<sup>st</sup> Street and Bering Drive. The applicant has requested a conforming rezoning to the TEC Transit Employment Center Zoning District to bring the zoning into conformance with the General Plan and eventually add development to the site. No development or land use applications are currently on file for this site.

## ANALYSIS

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

### Envision San José 2040 General Plan Conformance

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



Figure 2: General Plan Land Use/Transportation Diagram

The Transit Employment Center designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. This designation permits development with retail and service commercial uses on the first two floors; with office, research and development, or

industrial use on upper floors; as well as wholly office, research and development, or industrial projects.

The subject site is within the North San Jose Development Policy Area and is part of the Industrial Core Area. The North San Jose Development Policy Area is an identified Growth Area in the General Plan. The subject rezoning will conform to the General Plan designation of Transit Employment Center as it will facilitate the redevelopment of the site for office development and job growth with access to transit.

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-1.7 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 is listed as a conforming district for the General Plan Land Use Designation of Transit Employment Center. The proposed rezoning allows intensive industrial type uses, including office, research, and development uses, as well as supportive commercial uses.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with Table 20-270 of the Zoning Ordinance, 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.



Figure 3: Zoning Map

The Transit Employment Center Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-110, including manufacturing and offices. The existing office building onsite would therefore be an allowed use within this Zoning District.

Setbacks and Heights

The setback and height requirements for the Transit Employment Center Zoning District are presented below.

**Setbacks and Height Requirements  
Transit Employment Center Zoning District**

Setbacks	Buildings	Parking and Circulation
Front	15 feet	25 feet
Side <sup>a</sup>	None	None
Rear <sup>a</sup>	None	None
<b>Maximum Allowed Height</b>	250 feet	-

Source: Section 20.50.200, Table 20-120

<sup>a</sup> Or 25 feet from residential district, whichever is greater

The existing building is set back 15 feet from the front lot line and is approximately 97 feet tall; onsite circulation and parking are set back approximately 35 feet from the front lot line.

Therefore, the existing development is in conformance with the setback and height standards of the TEC Transit Employment Center Zoning District. Future development would be evaluated for conformance with these development standards and all other municipal code regulations, City policies, and guidelines.

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

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 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 FPEIR and SEIR 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 Jose 2040 General Plan Final Program Environmental Impact Report (FPEIR) and Supplemental EIR (SEIR) have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR and SEIR 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.

Attachments: Legal Description and Plat Map

**EXHIBIT A**

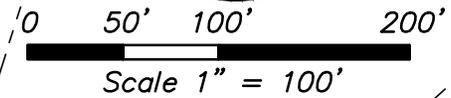
**LEGAL DESCRIPTION**

Land situated in the County of Santa Clara, City of San Jose, State of California, described as follows:

PARCEL A, AS SHOWN ON THE PARCEL MAP RECORDED FEBRUARY 15, 1985 IN BOOK 539 OF MAPS, PAGE(S) 27, SANTA CLARA COUNTY RECORDS.

Property Address: 2150 North First Street, San Jose, California

Parcel ID Numbers: 237-17-136 and 237-17-157



NORTH FIRST STREET

N29°37'02"W 213.98'

N30°45'42"W 101.54'

N40°35'24"E 650.61'

S30°45'42"E 24.00'

N72°01'10"E 60.58'

N0°28'43"W 19.21'

PARCEL A

(539 MAPS 27)

ASSESSORS PARCEL NUMBER: 237-17-157 AND 237-17-136

TAX ROLL DATE: 2019-2020

R=330.00'

D=47°53'27"

L=275.83'

BERING DRIVE

S41°37'50"W 672.03'



KIER+WRIGHT

2850 Collier Canyon Road  
Livermore, CA 94551

Phone: (925) 245-8788  
www.kierwright.com

EXHIBIT "B"  
PLAT MAP

SAN JOSE,

CALIFORNIA

DATE	FEB., 2020
SCALE	1" = 100'
BY	CSW
JOB NO.	A06076-5
SHEET	1 OF 1