

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 9, 2018

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**SUBJECT: FILE NO. GP18-008: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD/COMMUNITY COMMERCIAL TO RESIDENTIAL NEIGHBORHOOD FOR 1131 PARK AVENUE AND FROM RESIDENTIAL NEIGHBORHOOD TO NEIGHBORHOOD/COMMUNITY COMMERCIAL FOR 15 AND 17 TILLMAN AVENUE, ON A 0.25 GROSS-ACRE SITE.**

**FILE NO. C18-019: REZONING FROM CO COMMERCIAL OFFICE ZONING DISTRICT TO R-1-8 ZONING DISTRICT ON A 0.10 GROSS-ACRE PORTION (1131 PARK AVENUE) OF THE 0.25 GROSS-ACRE SITE.**

## **RECOMMENDATION**

The Planning Commission voted unanimously (7-0) to recommend that the City Council take the following actions:

- a) Consider the Exemption under Section 15303 of the CEQA Guidelines, in accordance with CEQA;
- b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue).
- c) Approve an ordinance of the City of San José rezoning an approximately 0.10 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.

## **OUTCOME**

Should the City Council approve the General Plan Amendment and Rezoning, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation changes to Neighborhood Community/Commercial on 15 and 17 Tillman Avenue and to Residential Neighborhood on 1131 Park Avenue. Also, 1131 Park Avenue would be rezoned to the R-1-8 Single-Family Residence Zoning District.

## **BACKGROUND**

On October 24, 2018, the Planning Commission held a public hearing to consider the proposed General Plan Amendment and Conforming Rezoning. Planning staff recommended approval of the General Plan Amendment and Conforming Rezoning. The Planning Commission made a recommendation to the City Council to consider the exemption under Section 15303 of the CEQA Guidelines in accordance with CEQA, and approve the applicant's proposed General Plan Amendment and Conforming Rezoning requests.

### **Public Comment**

No members of the public spoke on the item, and the applicant was not present.

Commissioner Leyba asked staff whether this was the only procedural way to allow a residential use on 1131 Park Avenue and if there was any desire to keep the residential component on 15 and 17 Tillman Avenue. Staff stated that due to the length of time of use as a commercial property and the requirement for General Plan conformance, this was the only available option and that there was no desire by the applicant or staff to keep the residential land use designation on the 15 and 17 Tillman Avenue property.

Commissioner Griswold asked staff, that given the context of the commercial neighborhood, if staff would consider this a conversion of commercial use and if it would be against the policies of the General Plan. Staff stated that given the unique circumstances of the site and given the commercial uses on the adjacent property, the General Plan Amendment would preserve the commercial property on the corner, and in this situation, would not be considered a conversion. Commissioner Griswold asked staff if the commercial property on Tillman could still be used as a commercial building and questioned the need to change the 1131 Park Avenue's commercial designation, given that the building in the past was used as a commercial building. Staff stated that it would still be feasible for commercial businesses to locate on 1131 Park Avenue, but given the barriers for commercial uses, such as necessary renovation and no space for additional parking, the General Plan Amendment was reasonable.

Commissioner Ballard asked if there was any language in the General Plan that differentiate between smaller conversions and larger conversions. Staff responded that the General Plan differentiates between land uses and given examples of Heavy Industrial and Light Industrial conversions being more detrimental than other conversions.

Commissioner Leyba questioned whether the General Plan amendment on 15 and 17 Tillman Avenue would allow the maximum FAR allowed on Neighborhood Community/Commercial. Staff stated that there are many other limiting factors, such as Zoning Code requirements and compatibility policies that would preclude development from reaching the maximum intensity allowed in the General Plan.

Chairman Allen questioned the history of the site and asked why the parcel was designated as Commercial and Residential, or whether if it was just carried through from past General Plans. Staff responded that the residential and commercial land use designations were originally from General Plan 1975 and had been retained through all general plans through the Envision San José General Plan 2040.

### **ANALYSIS**

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

### **EVALUATION AND FOLLOW UP**

If City Council approves the General Plan Amendment and Rezoning, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation change to Residential Neighborhood at 1131 Park Avenue and Neighborhood Community Commercial on 15 and 17 Tillman Avenue, and the 0.10-acre site on 1131 Park Avenue would be rezoned to the R-1-8 Single-Family Residence Zoning District.

### **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy. The property owners and occupants within a 500 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 José 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.

HONORABLE MAYOR AND CITY COUNCIL

November 9, 2018

**Subject: File Nos. GP18-008 and C18-019**

Page 4

**CEQA**

Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

/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

<b>File Nos.</b>	<b>GP18-008 / C18-019</b>
<b>Applicant:</b>	<b>Debbie Simpson</b>
<b>Location</b>	<b>1131 Park Avenue and 15 and 17 Tillman Avenue</b>
<b>Existing General Plan Land Use Designation</b>	<b>Neighborhood/Community Commercial and Residential Neighborhood</b>
<b>Proposed General Plan Land Use Designation</b>	<b>Residential Neighborhood and Neighborhood/Community Commercial</b>
<b>Existing Zoning District</b>	<b>Commercial Office</b>
<b>Proposed Zoning District</b>	<b>R-1-8 Single-Family Residence</b>
<b>Council District</b>	<b>6</b>
<b>Historic Resource</b>	<b>No</b>
<b>Annexation Date:</b>	<b>December 25, 2008 (College Park/Burbank Sunol)</b>
<b>CEQA:</b>	<b>Exempt per CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations</b>

### APPLICATION SUMMARY:

**GP18-008:** General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site.

**C18-019:** Rezoning from CO Commercial Office Zoning District to R-1-8 Zoning District on a 0.10 gross-acre portion (1131 Park Avenue) of the 0.25 gross-acre site.

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Consider the Exemption, in accordance with CEQA; and
2. Recommend that the City Council adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue).
3. Recommend that the City Council adopt an ordinance of the City of San José rezoning an approximately 0.10 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY			
General Plan Designation		Neighborhood/Community Commercial and Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent General Plan Policies		Goal LU-4.2 Goal LU-5, LU-9.2, CD-4.3, CD-4.4, Goal IE-1, LU-4.1, FS-4, FS-4.1	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	R-2 Two- Family Residence	single-family residential homes
South	Neighborhood Community/Commercial	CP Commercial Pedestrian	single-family residential homes and small offices
East	Residential Neighborhood / Neighborhood Community/Commercial	CP Commercial Pedestrian	commercial retail and personal services
West	Neighborhood/Community Commercial	CO Commercial Office	single-family residential homes

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>1954</b>	Rezoning from R-1 Residence District (One-Family) and R-3 Residence District (Multiple-Family) to C Commercial District (Professional-Office) (1131 Park Avenue)

**PROJECT DESCRIPTION**

On May 2, 2018, the applicant submitted an application for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site.

A portion of the subject site located at 1131 Park Avenue has been designated for commercial uses since the General Plan '75, and was rezoned for commercial uses in 1954. The single-family home on the site, built approximately during the 1930's, was used as a residence until 1998, and after as a daycare center and commercial office. Since the site was used as a daycare and commercial office, the legal non-conforming status for use of the single-family home as a residence was lost. The applicant has represented that they intend to use the single-family home as a residence again. Changing the General Plan land use designation to Residential Neighborhood from Neighborhood/Community Commercial would allow a single-family residential use at 1131 Park Avenue.

A portion of the subject site located at 15 and 17 Tillman Avenue is part of a larger commercial building that has been utilized for commercial uses since 1952. 15 and 17 Tillman Avenue is zoned CP Commercial Pedestrian, however this portion has a General Plan land use designation of Residential Neighborhood. Changing the General Plan land use designation to Neighborhood/Community Commercial from Residential Neighborhood would continue to allow the historic use of the site as a commercial property.



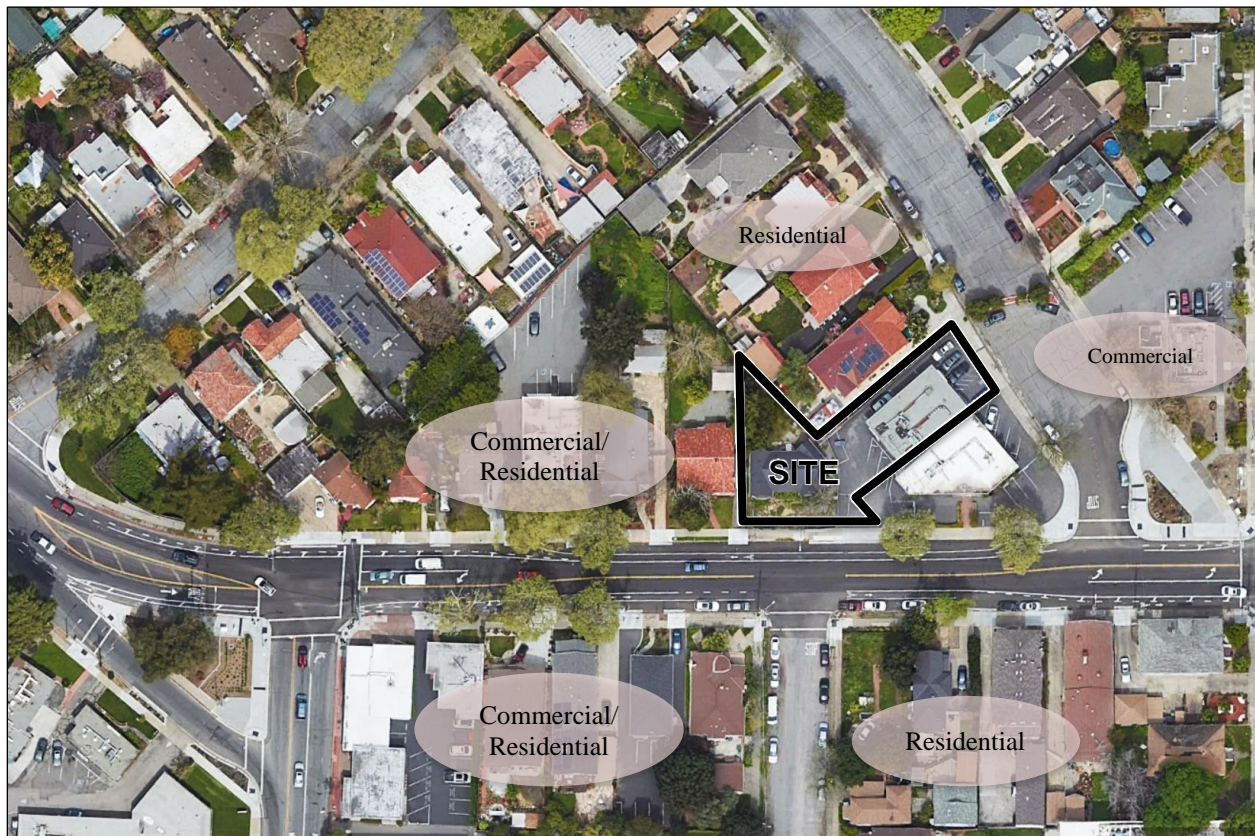
Further, changing the General Plan land use designation from Residential Neighborhood to Neighborhood Community/Commercial would retain the property on 15 and 17 Tillman Avenue as a commercial use.

On June 18, 2018, the applicant applied for a Conforming Rezoning to change the Zoning District from CO Commercial Office to R-1-8 Single Family Residence on the 0.10-acre portion of the site located at 1131 Park Avenue, so that application is being analyzed concurrently with the General Plan Amendment request.

#### Site Location:

The subject site is a 0.25-gross acre site located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue). The 0.10-acre portion of the subject site located at 1131 Park Avenue has an existing single-family home, and the 0.15-acre portion of the site located at 15 and 17 Tillman Avenue contains an existing commercial building and surface parking lot. The single-family home is not listed on the City's Historic Resources Inventory. The following uses directly border the project site:

- North: Single-family residential
- South: Commercial and single-family residential
- East: Commercial
- West: Commercial and single-family residential



*Figure 1: Aerial Image of Subject Site*





*Figure 2: 1131 Park Avenue facing Park Avenue*



*Figure 3: 15 and 17 Tillman Avenue*



## ANALYSIS

The proposed General Plan Amendment and Rezoning 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 **Neighborhood Community/Commercial** and **Residential Neighborhood** on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

The Neighborhood Community/ Commercial designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

The Neighborhood Community/Commercial land use designation allows a commercial floor area ratio (FAR) up to 3.5.

The Residential Neighborhood designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern.

The Residential Neighborhood typically allows densities of eight (8) DU/AC and a commercial FAR up to 0.7.

#### Proposed General Plan Land Use Designation

The proposed General Plan Land Use Designations are the same as the existing land use designations. The difference being the configuration between parcels.

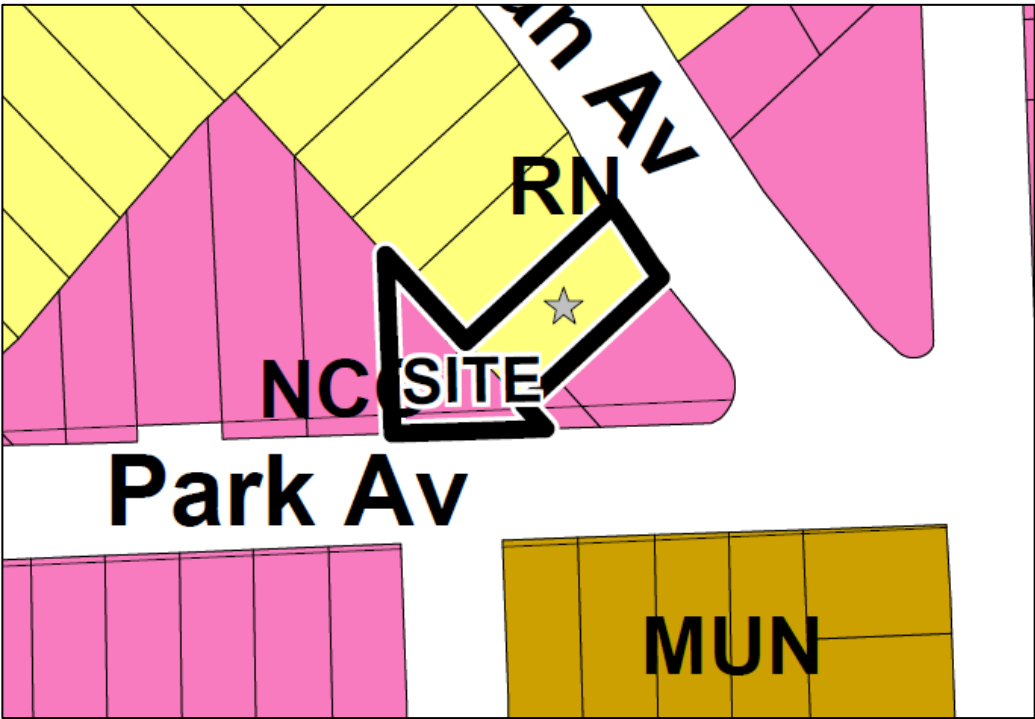


Figure 4: Existing General Plan Land Use Designations

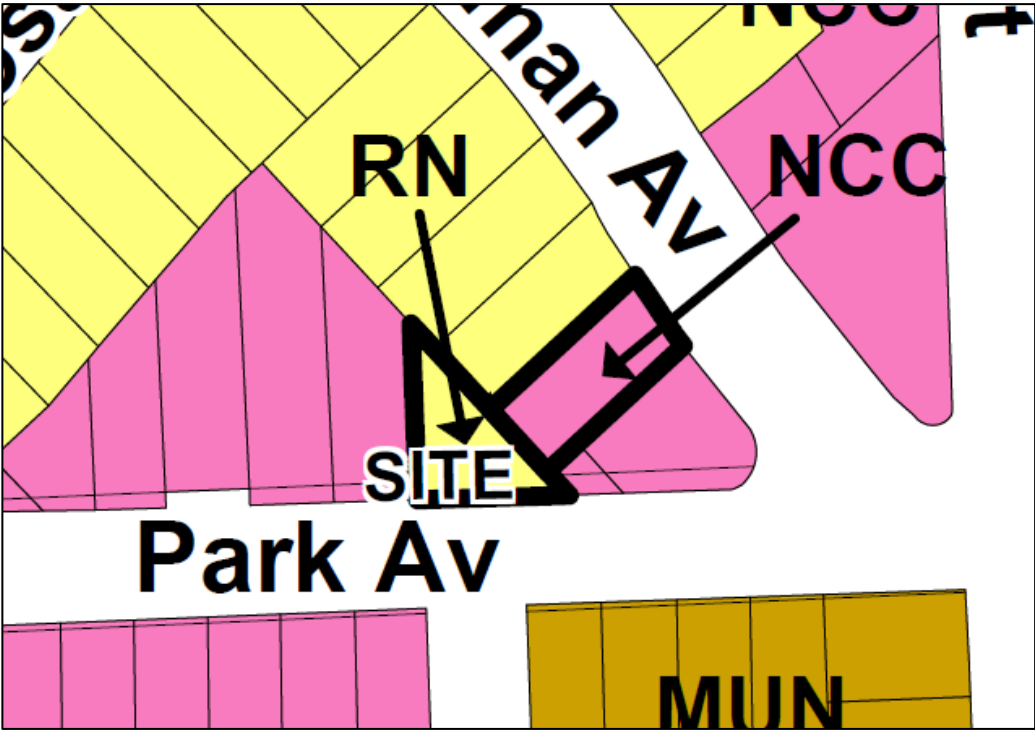


Figure 5: Proposed General Plan Land Use Designations

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

1. **Commercial Lands Goal LU-4.1:** Retain existing commercial lands to provide jobs, goods, services and entertainment, and other amenities for San José’s workers, residents and visitors.

**Neighborhood Serving Commercial Goal LU-5:** Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.

**High-Quality Living Environments Land Use Policy LU-9.2:** Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.

2. ***Analysis:** The proposed General Plan Amendment and Rezoning would ensure the 0.15-acre portion of the site is retained for neighborhood serving commercial uses, consistent with the goals and policies listed above. This portion of the site is occupied by an approximately 5,800 square foot commercial building, however, the site could be converted to residential uses because it has a Residential Neighborhood land use designation. Together with the adjoining commercial building on the adjacent parcel, this portion of the site forms a small commercial center that provides services that meet the daily needs of nearby residents and employees (see Figure 1).*

3. **Compatibility Policy CD-4.3:** Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.

**Compatibility Policy CD-4.4:** In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

***Analysis:** The existing single-family house on the subject site was built in approximately the 1930s and has predominately been used as a single-family residence. The north side of Park Avenue predominately resembles a residential neighborhood with single-family and multi-family homes and residential homes converted to offices. The existing single-family house on the subject site would integrate into the neighborhood character. Conversion to a commercial use would require ADA access and additional parking that would alter the existing single-family home. The Residential Neighborhood land use designation also supports commercial uses with an FAR up to 0.7 if the site is located on busier streets or at street intersections, and provided such development does not negatively impact the surrounding neighborhood. As such, the property owner could still maintain employment uses on the subject site if desired.*

While the proposed General Plan Amendment is consistent with several General Plan goals and policies, the proposal is **inconsistent** with the following General Plan goals and policies:

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

**Land Use Policy LU-4.1:** Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José’s workers, residents, and visitors.

**Fiscal Sustainability Goal FS-4:** Maintain, enhance, and develop our City’s employment lands as part of our strategy for Fiscal Sustainability.

**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 retail to serve individual neighborhoods, larger community areas, and the Bay Area.

*Analysis:* The proposed General Plan Amendment would convert 0.1-gross-acre of the subject site from a commercially-designated property to residentially-designated property. However, the proposed General Plan Amendment balances this request by changing the land use designation to Neighborhood/Community Commercial on the 0.15-acre portion of the site with existing commercial uses. The portion located on 15 and 17 Tillman Avenue is part of an existing commercial center and is better designed and suited for commercial use with better access to off-street parking spaces. The property at 1131 Park Avenue is better suited and designed as a residential use. In order to accommodate most commercial uses, the site would require internal and potentially external modifications to accommodate ADA access and parking for vehicles.

### **Zoning Ordinance Conformance**

The approximately 0.10-acre parcel (APN No. 261-27-074) located approximately 160 feet west of Tillman Avenue is currently zoned CO Commercial Office. If the General Plan Amendment is approved, the proposed rezoning would conform to table 20-270, Section 20.120.110 of the San José Municipal Code, which identifies the R-1-8 Single Family Residence Zoning District as a conforming district to the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation.

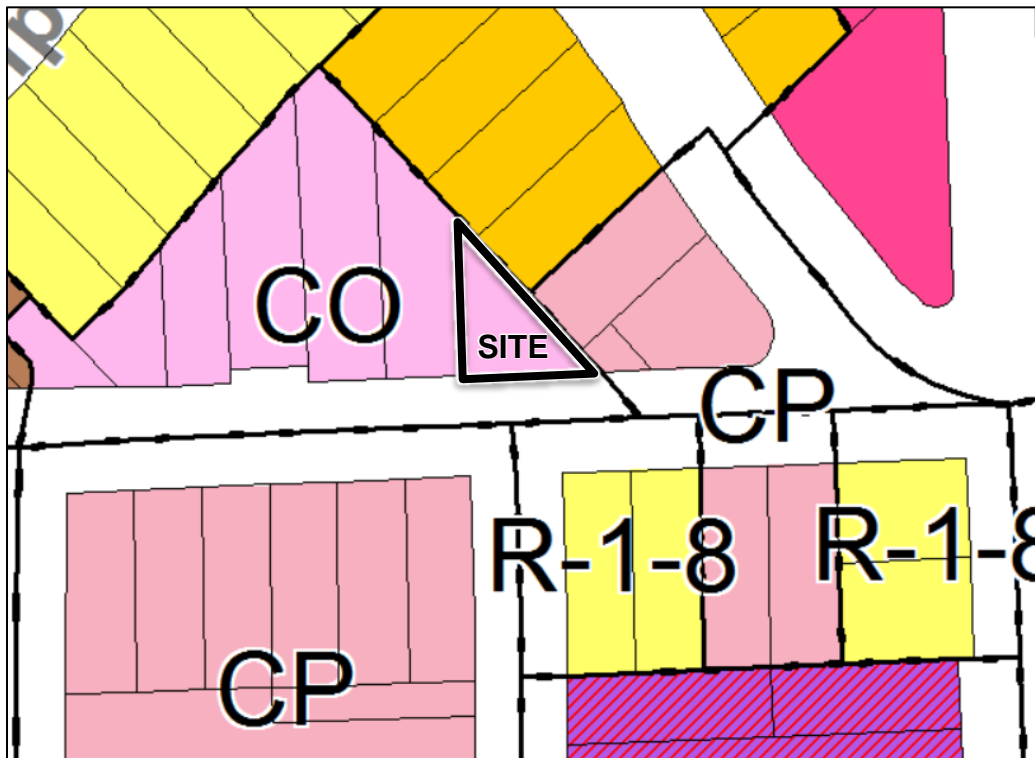
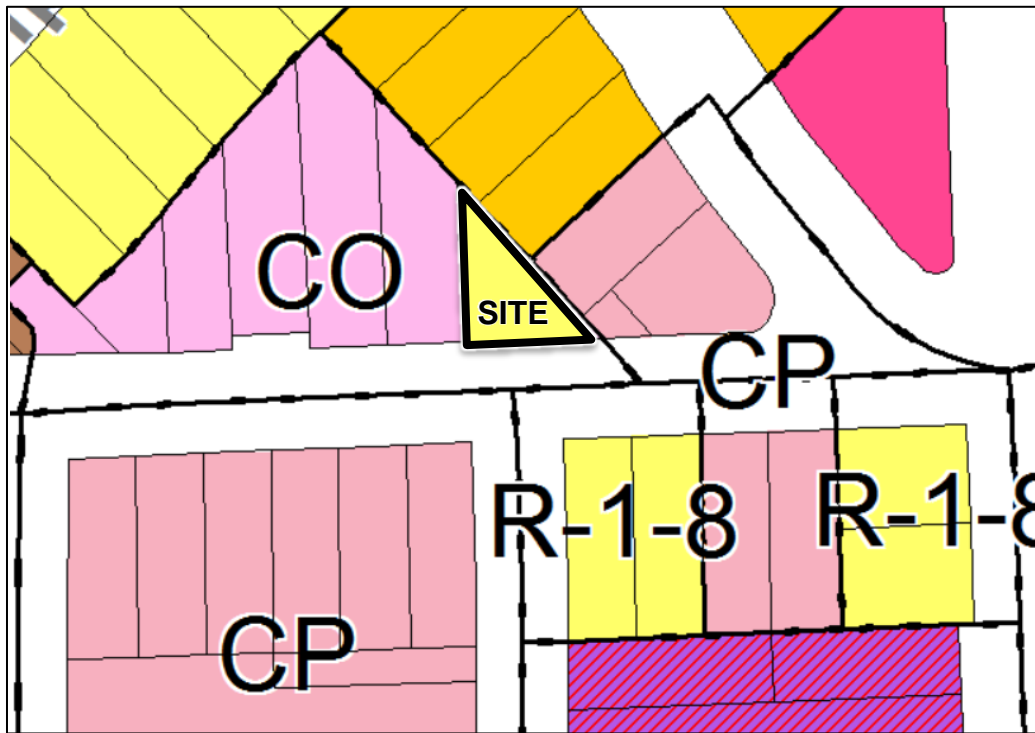


Figure 4: Existing Zoning District



*Figure 5: Proposed Zoning District*

The R-1-8 Single Family Residential Zoning District will allow the property to be used and developed in accordance with the allowable uses in Table 20-50, including One-family dwelling, Secondary dwelling, Residential care facility with six or fewer persons and Public Schools (Elementary and secondary).

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

Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. An exemption pursuant to Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations) was prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment because as a result of the General Plan Amendment from Neighborhood/Community Commercial to Residential Neighborhood and from Neighborhood/Community Commercial to Residential Neighborhood would result in no change for an area with an average slope less than 20%.

The project site is approximately 0.25 gross acres and is currently developed with a single-family home and a commercial building. The site's current General Plan land use designation is Neighborhood/Community Commercial, which supports a range of local-serving commercial uses and Residential Neighborhood, which allows for development of single-family residential uses up to eight dwelling units/acre or the prevailing neighborhood density. Given this density range, the site could be used for one single-family home or the other portion of the site could develop for commercial uses.

Due to the limited development potential of the proposed Residential Neighborhood General Plan land use designation and Neighborhood Community/Commercial land use designation, the



General Plan Amendment will not result in a significant impact on the environmental and therefore would conform to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. Any future redevelopment of the site would be subject to additional environmental review at the time of permit application.

The Exemption states that the proposed General Plan Amendment will not have a significant effect on the environment. The entire exemption is attached to this staff report.

### **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 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 9<sup>th</sup>, 2018 at City Hall, approximately 2 community members attended a joint community meeting for File No. GP18-008. Residents and stakeholders expressed their concerns and asked questions related to parking, environmental impacts, and procedural processes.

Residents from Tillman Avenue were specifically concerned about Tillman Avenue remaining a commercial use and expressed desires for renovation of the building or use of the property as a public park. Another resident expressed support for the property at 1131 Park Avenue to return to a residential use, but stated 15 and 17 Tillman Avenue should remain designated for residential use. They also expressed concerns regarding a lack of parking and height for future commercial development.

**Project Manager:** Robert Rivera

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

**Date:** 10/17/18

#### **Attachments:**

- A) Draft Resolution
- B) Draft Ordinance
- C) Statement of Exemption
- D) Public Correspondence

<b>Owner:</b>	<b>Applicant:</b>
Delisle Frank R and Rita C Trustee 306 Camino Bailen Escondido, CA 92029	Debbie Simpson 306 Camino Bailen Escondido, CA 92029

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 RESIDENTIAL NEIGHBORHOOD AT 1131 PARK AVENUE AND NEIGHBORHOOD/ COMMUNITY COMMERCIAL AT 15 AND 17 TILLMAN AVENUE**

**Fall 2018 General Plan Amendment Cycle (Cycle 4)**

**File No. GP18-008**

**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. GP18-008 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 Amendment, the Council reviewed and considered the Exemption pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations; 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. GP18-008 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

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Dated: \_\_\_\_\_

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



**EXHIBIT "A"**

**File No. GP18-008.** General Plan Amendment to change Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue located on the north side of Park Avenue approximately 160 feet westerly of Tillman Avenue, and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue located on the west side of Tillman Avenue approximately 140 feet northerly of Park Avenue, a total of 0.25 gross-acre (1131 Park Avenue, and 15 and 17 Tillman Avenue) (Delisle Frank R and Rita C Trustee, Owner).

Council District: 6.

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.10-GROSS ACRE LOCATED ON THE NORTH SIDE OF PARK AVENUE, APPROXIMATELY 160 FEET WEST OF INTERSECTION OF TILLMAN AVENUE AND PARK AVENUE (1131 PARK AVENUE) FROM THE CO COMMERCIAL OFFICE ZONING DISTRICT TO THE R-1-8 SINGLE FAMILY RESIDENCE 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 Statement of Exemption was prepared for a rezoning under File Nos. GP18-008 and CP18-019, and said Statement of Exemption (CEQA Categorical Exemption Section 15303 for new construction or conversion of small structures) was adopted on October 5th, 2018; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project 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 R-1-8 Single Family Residence 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. C18-019 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 \_\_\_\_, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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

ATTEST:

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

DRAFT

**STATEMENT OF EXEMPTION**

**FILE NO.**

GP18-008

**LOCATION OF PROPERTY**

1131 Park Avenue, San Jose, CA 95126 (APN: 261-27-074); 15 and 17 Tillman Avenue, San Jose, CA 95126 (APN: 261-27-071)

**PROJECT DESCRIPTION**

General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site. In addition, the project would also include a rezoning from CO Commercial Office Zoning District to R-1-8 Zoning District on a 0.10 gross-acre portion (1131 Park Avenue) of the 0.25 gross-acre site.

**CERTIFICATION**

Under the provisions of Sections 15305 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS**

Class 5 consists of minor alternations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

**ANALYSIS**

*Project Location*

- A. **1131 Park Avenue:** The site is approximately 0.10-acre and is currently developed with an existing single-family home. Vehicular access is available on Park Avenue. The project site is relatively flat, has trees in the front yard and back yard. The site does not contain any hazardous materials, previous and/or current clean up cases. The project is adjacent to residential development (i.e. single family homes) to the north and west, commercial development to the east, and Park Avenue to the south. The site is currently designated as Residential Neighborhood and propose to change to Neighborhood/Community Commercial.
- B. **15 and 17 Tillman Avenue:** The site is approximately 0.15-acre and is currently developed contains an existing commercial building and surface parking lot. Vehicular access is available on Park Avenue and on Tillman Avenue. The site does not contain any hazardous materials, previous and/or current clean up cases. The project is adjacent to residential development (i.e. single family homes) to the north and west and to Tillman Avenue and Park Avenue to the east and south.





Figure 1. Project Site - Aerial View

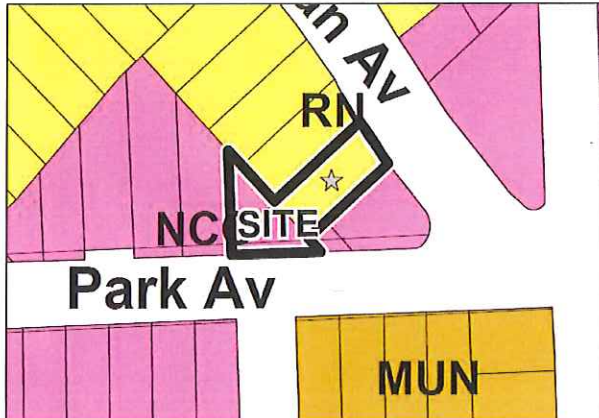


Figure 2. Existing General Plan Designation

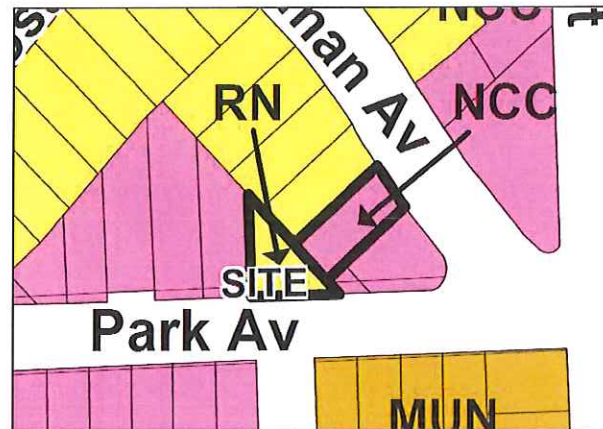


Figure 3. Proposed General Plan Designation

### Project Analysis

- A. **1131 Park Avenue:** The site's current General Plan land use designation is Neighborhood/Community Commercial, which supports a range of local-serving commercial uses. The site is currently developed with a single family home built in approximately 1930s. The single-family home is not listed on the City's Historic Resources Inventory. The proposed General Plan Amendment would change the land use designation to Residential Neighborhood, which allows for the development of single-family residential uses up to eight dwelling units/acre or the prevailing neighborhood density. In addition, the project also proposes a rezone of CO Commercial Office Zoning District to R-1-8 Zoning District on a 0.10 gross-acre portion (1131 Park Avenue) of the 0.25 gross-acre site and would further limit any future uses lower



intensity uses than the currently existing General Plan Land Use Designation and Zoning District. For those reasons, the site could continue to be used for one single-family home. In addition, the re-designation could potentially support minimal commercial uses (up to 0.7 FAR), typically will be limited to home occupations allowed under Section 20.30.100 of the Municipal Code or similar home-based commercial activities unlikely to create a nuisance within the neighborhood.

- B. **15 and 17 Tillman Avenue:** The site is currently designated as Residential Neighborhood and propose to change to Neighborhood/Community Commercial. The site is currently developed with a commercial building and surface parking lot in and was built in approximately 1950s. The building is not listed on the City's Historic Resources Inventory, but is adjacent to a Structure of Merit to the north (23 Tillman Avenue, parcel 261-27-070). The site's current General Plan land use designation of Neighborhood/Community Commercial supports a range of local-serving commercial uses. The Neighborhood Community/ Commercial designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

The site is approximately 0.15-acre and is currently developed with commercial and surface parking lot. The site would likely to continue its operation. Future development of the site would support similar scale and size of commercial development.

The current project is only for the re-designation of General Plan Land Use/Transportation Diagram land use designation on two parcels totaling of 0.25-acre. Site A (Figure 1) proposes to change from Neighborhood/Community Commercial to Residential Neighborhood at 1131 Park Avenue where an existing single-family home current exists while Site B proposes to change from Residential Neighborhood to Neighborhood/Community Commercial at 15 and 17 Tillman Avenue where an existing commercial building exists. The two parcels are to swap designations without any development proposal.

Furthermore, a cumulative Traffic Analysis was also completed for all the General Plan Amendments this year. The proposed amendment involves maintaining the adopted land uses but swapping the land use designations on the two parcels. The proposed amendment would result in one additional job on the site. Based on the Travel Demand Forecasting (TDF) modeling results, the amendment would not result in an increase of vehicle trips on local streets near the project site and would not be required to prepare a site-specific GPA traffic analysis. In addition, the amendment would result in swapping of designations on two adjacent parcels and does not anticipate to produce substantially more greenhouse gas emission than uses allowed under the current designation.

Due to the limited development potential of the proposed change to the General Plan Land Use/Transportation Diagram land use designation, the General Plan Amendment does not expect to result in a significant effect on the environmental and therefore would conform to CEQA Guidelines Section Minor Alterations in Land Use Limitations. Future redevelopment of the site would be subject to additional environmental review once a permit is submitted.

#### *Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The site is not located on a hazardous site and the project will not impact an environmental resource of hazardous or critical concern.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes General Plan Amendment to swap the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood at 1131 Park Avenue where an existing single-family home current exists and Residential Neighborhood to Neighborhood/Community at 15 and 17 Tillman Avenue where an existing commercial building exists. The land use change will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. The project site is not included on any list complied pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. The site and structures of the site is not listed on the City's Historic Resources Inventory or no known historic resources are identified on the site, therefore, Section 15300.2(f) does not apply. In addition, the General Plan Amendment does not propose to change the existing structure or landscaping on site. However, due to the age of the single-family house on site, a historic analysis may be required prior to any redevelop of the site.

Thai-Chau Le  
Environmental Project Manager

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

Date

10/5/18

  
Deputy

Attachment: Final 2018 City of San Jose General Plan Amendment Traffic Analysis, September 4, 2018.

# RE: 15/17 Tillman – Please build something high density here!

Wednesday, July 11, 2018  
2:42 PM

Subject	RE: 15/17 Tillman – Please build something high density here!
From	Rivera, Robert
To	'Eric Snider'; District 6; Groen, Mary Anne
Sent	Wednesday, July 11, 2018 2:41 PM

Hi Eric,

Thank you for your comment. I'll be sure to include this in the public record. Just for clarification the proposed project does not involve any development. The proposal is strictly to change the land use designation. This changes the color of the map and changes the allowable uses of the property. The property will be residential neighborhood and is proposed to rezoned to R-1-8, Single-family Residence Zoning District. The property on the corner currently has a split designation of Residential Neighborhood and Neighborhood/Community Commercial. The proposal would have the entire commercial property become Neighborhood Community Commercial.

Hope this clarifies what is being proposed. If you have further questions please feel free to email or call.

Thanks,

## Robert Rivera

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

**From:** Eric Snider [<mailto:eric@sniderware.com>]

**Sent:** Wednesday, July 11, 2018 2:05 PM

**To:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>; District 6 <[district6@sanjoseca.gov](mailto:district6@sanjoseca.gov)>; Groen, Mary Anne <[maryanne.groen@sanjoseca.gov](mailto:maryanne.groen@sanjoseca.gov)>

**Subject:** 15/17 Tillman – Please build something high density here!

Hello! I apologize for writing all three of you at once. I got kind of fired up as I read all the "NIMBY" posts on NextDoor griping about the 15/17 Tillman project.

Some neighbors are complaining on Nextdoor about the plans for building higher density housing etc at 15/17 Tillman. I'm writing to say please build as much housing as you can. Please be on the right side of the housing crisis. We have a massive housing crisis and desperately need places for our teachers, police, firefighters and everyone else who keeps the city going to have a place to actually live in OUR city. The pollution and just wasted time of all the people who can't afford to live where they work is enormous. Let's build more housing because we need it.

This property is near Caltrain and looks great as a place for higher density housing where lots of people live.

Thanks,

Eric  
Pershing Ave, 95126  
408 646-0552



## RE: GP18-008

Wednesday, July 11, 2018

2:48 PM

Subject	<b>RE: GP18-008</b>
From	Rivera, Robert
To	'Bird, Lorie'
Sent	Tuesday, June 05, 2018 12:00 PM

Hi Lorie,

The project is not changing the zoning designation; they're changing the General Plan designation and essentially swapping them. The property located on 1131 Park Avenue is proposing to change to Residential Neighborhood from Neighborhood/Community Commercial, and the property located on the corner is switching from Residential Neighborhood to Neighborhood/ Community Commercial.

This project would allow the single-family home use to the home that is vacant, and legalize the commercial use on the corner.

Does this help?

Thanks,

**Robert Rivera**

Planner I

City of San Jose

(408) 535-4843

[www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

**From:** Bird, Lorie [[mailto:lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)]

**Sent:** Tuesday, June 05, 2018 11:52 AM

**To:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>

**Cc:** Bird, Lorie <[lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)>

**Subject:** RE: GP18-008

Hi Robert,

I just wanted to follow up on this. Is there additional information that you can share? Please let me know or I'd be happy to call you at a convenient time.

Thanks,

Lorie

**From:** Bird, Lorie

**Sent:** Friday, May 25, 2018 11:56 AM

**To:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>

**Cc:** Bird, Lorie <[lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)>

**Subject:** RE: GP18-008

Hi Robert,

I wanted to check in on this zoning change to better understand what exactly is being requested. Is this something you could help me with please?

Thank you,

Lorie Bird

**From:** Mendrin, Shaunn [<mailto:shaunn.mendrin@sanjoseca.gov>]

**Sent:** Friday, May 25, 2018 11:47 AM

**To:** Bird, Lorie <[lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)>

**Cc:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>

**Subject:** RE: GP18-008

Here is Roberts email for you. [robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)

Shaunn

**From:** Bird, Lorie [[mailto:lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)]

**Sent:** Thursday, May 24, 2018 9:35 PM

**To:** Mendrin, Shaunn <[shaunn.mendrin@sanjoseca.gov](mailto:shaunn.mendrin@sanjoseca.gov)>

**Cc:** Bird, Lorie <[lorie\\_bird@hp.com](mailto:lorie_bird@hp.com)>

**Subject:** GP18-008

Hi Shaunn,

My name is Lorie Bird and I was wondering if I could get some additional information about the proposed zoning changes for the two properties located at Park and Tillman.

If it's easier to chat, I'm happy to call you at a convenient time.

Thanks,

Lorie Bird

# RE: Opposition to General Use Designation for 15 and 17 Tillman Ave (File No. GP18-008)

Wednesday, July 11, 2018  
4:17 PM

Subject	<b>RE: Opposition to General Use Designation for 15 and 17 Tillman Ave (File No. GP18-008)</b>
From	Rivera, Robert
To	'Kathy Stormberg'
Cc	District 6; Groen, Mary Anne; Hart, Jared
Sent	Wednesday, July 11, 2018 3:56 PM

Hi Mrs. Stormberg,

Thank you for attending the community meeting on Monday. We appreciate the opportunity to speak and listen to your concerns.

I'd like to reiterate that the proposal does not include any plans to develop the property. If the project is approved, and a proposal is submitted to develop the project, then a planner would analyze the project for conformance with the General Plan and the development regulations within the Municipal Code.

You are correct that the General Plan designation of Neighborhood/Community Commercial allows for an FAR of 3.5 and (1 to 5 stories), however this application would not be entitled to a development at the maximum capacity. There are multiple limiting factors when an application applies for development. First, there are policies in the General Plan that promote neighborhood compatibility, and preservation of neighborhood character. Then, the Municipal Code restricts properties with appropriate setback, height, and parking. Further, there are specific City Council policies that an application is required to follow, depending on the proposed use and lastly, there are design guidelines for development to better integrate into the existing aesthetics and character of the neighborhood. The guidelines respect the interface with existing single-family homes. All of these factors are reviewed when a project with a development is proposed.

I'm not sure who you're referring to with regard to other community comments but I assure you the project is still under review. Planning staff only provides our recommendation. City Council will ultimately make the final decision on the proposed project.

Hope this clarifies the project and process. Please feel free to email or call if you have further questions.

Thanks,

**Robert Rivera**

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

**From:** Kathy Stormberg [<mailto:kathy.stormy@gmail.com>]

**Sent:** Wednesday, July 11, 2018 12:18 PM

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

**Cc:** District 6 <district6@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; Hart, Jared <Jared.Hart@sanjoseca.gov>

**Subject:** Opposition to General Use Designation for 15 and 17 Tillman Ave (File No. GP18-008)

Dear Mr. Rivera,

I sincerely hope that Monday's community meeting regarding General Plan Land Use Designation changes for 1131 Park Ave and 15 and 17 Tillman was not for form's sake only. I sincerely hope that the real needs of the neighborhood and the opinions of the nearby residents will be given greater weight than the desires of a neglectful long-distance landlord.

15 and 17 Tillman Ave should NOT be made Neighborhood/Community Commercial. I do not have information about the total square footage of these parcels because I can't find it, but I conservatively estimated 10,000+ square feet. That would allow a building up to 5 stories and 35,000+ square feet. A designation of Residential Neighborhood would still allow a 7000+ square foot building on the two parcels at 15 and 17 Tillman. This size is a better fit for the Shasta/Hanchett Park neighborhood and a good transition to the next area. I strongly urge the City to designate all three parcels as Residential Neighborhood.

I spoke with Debbie Simpson, the property owner for 15 and 17 Tillman and 1131 Park Ave. She told me that she was originally given wrong information by the City which led her to spend over \$10,000 on plans and permits for renovation of 1131 Park Ave as a residence. Her permits were denied by the City after she had been verbally told they would be approved. The current plan involving 15 and 17 Tillman was worked out as a compromise between the City and Debbie Simpson to make up for the error. The entire neighborhood should not have to pay the price for the city's error by doing this deal. It is especially upsetting that the City would be willing to serve the desires of a long-distance landlord, instead of multiple city residents who are personally invested in this neighborhood's future.

The notice provided to residents about this designation change was very short, or more residents would have been able to attend the meeting. I know you received a comment from at least one other neighbor, who told me that your reply indicated this was already a done deal and the community meetings merely a formality. I hope that is not the case, and that in light of more recent comments the city will not rubber stamp this application.

I signed up to hear about updates on this application. If you have any other information about what those of us who will be directly affected by this issue can do to prevent it from happening, I would appreciate it.

Sincerely,

Kathy Stormberg

23 Tillman Ave (next to both 17 Tillman and share back fence with 1131 Park Ave)  
San Jose 95126

# RE: File No. GP18-008

Wednesday, July 11, 2018

4:47 PM

<b>Subject</b>	<b>RE: File No. GP18-008</b>
<b>From</b>	Rivera, Robert
<b>To</b>	'Martin Piani'
<b>Sent</b>	Monday, July 09, 2018 1:16 PM

Hi Mr Piani,

Thank you for your comment. It'll be included in the public record.

The property you're referring to on the corner of Park Avenue and Tillman Avenue, has two General Plan Land Use Designations. One of the designations is Residential Neighborhood and the other designation is Neighborhood/Community Commercial. The property on 1131 Park Avenue is designated Neighborhood/Community Commercial.

Since the property on the corner is designated Neighborhood Community/Commercial, and is currently being used as a commercial property, staff is supportive of make the whole parcel Neighborhood Community/Commercial. The property on 1131 Park Avenue, is a single family home but has stopped the use for a daycare in the past. They would like to reinstate the single family home use, so a Residential Neighborhood designation would be appropriate. The property would then be rezoned as a R-1-8 Single Family Zoning District and would be allowed to be used as a single-family home.

I hope that answers your questions. Feel free to email or call if you have further comments or questions.

Thanks,

**Robert Rivera**

Planner I

City of San Jose

(408) 535-4843

[www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

**From:** Martin Piani [<mailto:martinpiani@att.net>]

**Sent:** Monday, July 09, 2018 12:31 PM

**To:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>

**Cc:** District 6 <[district6@sanjoseca.gov](mailto:district6@sanjoseca.gov)>

**Subject:** File No. GP18-008

Dear Mr. Rivera,

I will not be able to attend tonight's community meeting regarding the rezoning of 15 and 17 Tillman Avenue.

This parcel is currently designated as Residential Neighborhood and should remain that way. Tillman Avenue is 100% residential and this parcel deserves no exception, regardless of where it is located in relation to the concrete posts that prevent through traffic from Park Avenue onto Tillman, or how it is being used currently (which is in violation of zoning regulations).

The absentee property owner is responsible for an ongoing nuisance situation with 1131 Park Avenue and should not be allowed to cut a deal with the city for an improper designation by flipping the situation between 15 & 17 Tillman with that of 1131 Park.

Please be advised of my emphatic opposition to any change of designation for 15 & 17 Tillman Avenue. It is neither appropriate for or fair to the tax paying neighbors who must deal with the negative effects of its neglectful owner on the surrounding neighborhood.

Sincerely,

Ralph Piane  
28 Tillman Avenue  
(408) 295-1304



# Proposed General Plan Amendment File # GP18-008

Thursday, July 12, 2018

12:08 PM

Subject	<b>Proposed General Plan Amendment File # GP18-008</b>
From	<a href="mailto:charlieprn@comcast.net">charlieprn@comcast.net</a>
To	Rivera, Robert
Cc	Hart, Jared
Sent	Thursday, July 12, 2018 12:06 PM

Mr. Rivera

RE: 15 and 17 Tillman Proposed General Plan Amendment

I am writing you today in regards to Monday's, July 9 community meeting referencing Proposed Project File No. GP18-008.

Unfortunately, my husband and I were unable to attend this community meeting but we feel very strongly about the proposed plan. We live at 35 Tillman Ave, just a mere 4 houses from 17 Tillman. This is a well established single family neighborhood that is currently on the Historic Preservation List. It is my understanding that 15 and 17 Tillman are included on that list. Changing the site's General Plan Land Use Designation could (and most likely will in the near future) Gravelly alter this Historic area. Keeping the current Land use plan will still allow for some development but more in keeping with it's adjacent properties.

Small business can still operate under the Residential Neighborhood Plan and quite frankly, that is about all the parking spaces that are currently available and even then the neighbors suffer spill over from customers at these locations.

1131 Park Ave should be changed to Residential Neighborhood Plan

I see no Precedence to change the Land Use Plan for 15 and 17 Tillman. What I see is a land owner trying to hastily adapt a new land use plan, so that he/she can develop it and make lots of money with no regards to the people they impact.

It is time that the Planning commission pay some head to the neighbors impacted by possible Land Use Changes. Change is inevitable but not all change is

Good

Please consider changing the Land Use Designation for 1131 Park, and 15 and 17 Tillman to **Residential Neighborhood**.

Thank you

Jeff and Lee Charles

35 Tillman Ave

San Jose, CA 95126

# RE: Proposed General Plan Amendment File # GP18-008

Friday, July 13, 2018

11:16 AM

Subject	<b>RE: Proposed General Plan Amendment File # GP18-008</b>
From	<a href="mailto:charlieprn@comcast.net">charlieprn@comcast.net</a>
To	Rivera, Robert
Sent	Thursday, July 12, 2018 2:09 PM

Mr. Rivera

Thank you for the little lesson on how the city operates. Unfortunately, I am too well aware that neighborhood opinion means very little when big money comes talking.

I am suggesting that if these properties (15 Tillman and 17 Tillman) were designated Residential Neighborhood, it would make future development more difficult and less likely.

Thank you again for making this public record

**Lee Charles**

**From:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>

**Sent:** Thursday, July 12, 2018 1:45 PM

**To:** 'charlieprn@comcast.net' <[charlieprn@comcast.net](mailto:charlieprn@comcast.net)>

**Subject:** RE: Proposed General Plan Amendment File # GP18-008

Hi Charlie,

Thank you for your comment and it'll be included in the public record.

The proposal to change the General Plan Amendment from Residential Neighborhood to Neighborhood Community Commercial is for a portion of the property located on the corner. The existing building on the corner of the property already has a Neighborhood Community Commercial designation and the Residential Neighborhood designation.

I'd like to reiterate that the proposal does not include any plans to develop the property. If the project is approved, and a proposal is submitted to develop the property, then a planner would analyze the project for conformance with the General Plan and the development regulations within the Municipal Code. There are multiple limiting factors when an application applies for development. First, there are policies in the General Plan that promote neighborhood compatibility, and preservation of neighborhood character. Then, the Municipal Code restricts properties with appropriate setback, height, and parking. Further, there are specific City Council policies that an application is required to follow, depending on the proposed use and lastly, there are design guidelines for development to better integrate into the existing aesthetics and character of the neighborhood. The guidelines respect the interface with existing single-family homes. All of these factors are reviewed when a project with a development is proposed.

So this project would not change any of the existing conditions on site and would not change the allowable uses that are current allowed on site.

Hope this clarifies the project and the scope of our review.

Thank you,

**Robert Rivera**

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

**From:** [charlieprn@comcast.net](mailto:charlieprn@comcast.net) [<mailto:charlieprn@comcast.net>]  
**Sent:** Thursday, July 12, 2018 12:07 PM  
**To:** Rivera, Robert <[robert.rivera@sanjoseca.gov](mailto:robert.rivera@sanjoseca.gov)>  
**Cc:** Hart, Jared <[Jared.Hart@sanjoseca.gov](mailto:Jared.Hart@sanjoseca.gov)>  
**Subject:** Proposed General Plan Amendment File # GP18-008

Mr. Rivera

RE: 15 and 17 Tillman Proposed General Plan Amendment

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Small business can still operate under the Residential Neighborhood Plan and quite frankly, that is about all the parking spaces that are currently available and even then the neighbors suffer spill over from customers at these locations.

1131 Park Ave should be changed to Residential Neighborhood Plan

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It is time that the Planning commission pay some head to the neighbors impacted by possible Land Use Changes. Change is inevitable but not all change is

Good

Please consider changing the Land Use Designation for 1131 Park, and 15 and 17 Tillman to **Residential Neighborhood**.

Thank you  
Jeff and Lee Charles  
35 Tillman Ave

San Jose, CA 95126

# COMMENT CARD

PARK Ave.

Name: Kathy Stormberg  
 Email: Kstormy@hotmail.com  
 Address: 23 Tillman Ave 95126  
 Phone: 408-859-3615

**Comments:** I object to the change in designation for 15 and 17 Tillman Ave to Neighborhood /Community Commercial  
 • Area does not support community /commercial use. Parking is very limited, transit is poor.  
 • Prefer city re-look at open space for that corner. Community garden at site could serve recent & planned high density housing nearby, including senior housing on Race St, and serve as point of integration between nearby residential /single family and new high density.  
 • Current use of 15/17 Tillman does not fit architectural character of neighborhood - this designation does not improve this.  
 • # Change to N'hood Commercial may not service nearby residents whereas Residential Neighborhood does.  
 • Allowed number of stories for N'hood Commercial is out of character with neighborhood, but Residential Neighborhood is.

# COMMENT CARD

PARK AVE.

Name: Lauren Smith  
 Email: DLAURENS459@gmail.com  
 Address: 12916 MARIPOSA AVE ST 95126  
 Phone: 650-260-4187

**Comments:** It's time for ~~the~~ Deborah Simpson to be held accountable for property's usage & impact on the surrounding residents of Shasta Hancock Neighborhood Park.  
While I applaud 1131 Park Finally, officially returning to residential 15-17 Tillman should not be formally designated as N/C/C but remain residential as potentially green space. <sup>neighborhood</sup>  
we need a change to impact the drug dealing + transactions ~~that~~ already occurring on Tillman Ave.