COUNCIL AGENDA: 11-14-06
ITEM: 10.1a(1)+(2)
11.1(d)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 26, 2006

COUNCIL DISTRICT: 7
SNI AREA: West Evergreen

SUBJECT: GP06-07-05. CITY COUNCIL INITIATED GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM INDUSTRIAL PARK ON APPROXIMATELY 3.4 ACRES TO MEDIUM LOW DENSITY RESIDENTIAL (8 DU/AC).

CC06-058. CITY COUNCIL INITIATED REZONING FROM R-1-2 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO ALLOW SINGLE FAMILY RESIDENTIAL USES ON A 3.4 GROSS ACRES SITE, LOCATED GENERALLY ON BOTH SIDES OF TOWERS LANE, BETWEEN ABORN ROAD AND AMBERLY LANE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend approval of the General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) and Rezoning from R-1-2 Single Family Residence Zoning District to R-1-8 Single Family Residence Zoning District to allow single family residential uses on an approximately 3.4-acre site located generally on both sides of Towers Lane, between Aborn Road and Amberly Lane.

OUTCOME

City Council approval of the General Plan amendment to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) and rezoning of the site from R-1-2 Single Family Residence Zoning District to R-1-8 Single Family Residence Zoning District, as recommended by the Planning Commission and the Director of Planning, would allow existing single family uses to remain as well as facilitate new single family development and improvements on the 3.4 gross acre site.

BACKGROUND

On October 25, 2006, the Planning Commission held public hearings to consider the proposed General Plan amendment and rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed General Plan amendment and Rezoning.

The proposed City Council initiated General Plan amendment and City Council initiated Rezoning were on the Consent Calendar. Prior to acting on the Consent Calendar, the Commission posed some questions for Planning Staff. Vice-Chair Zito asked how the proposed items were consistent with the City Council Resolution discouraging processing of General Plan amendments in the Evergreen Development Policy Area during the Evergreen-East Hills Vision Strategy (EEHVS) process. Staff responded that the City Council had discussed that issue at the time of Council initiation of the General Plan amendment and Rezoning in April, 2006. The subject items are intended to apply single family residential General Plan and zoning designations to the area of existing single family homes to promote improvements and preservation of the neighborhood, consistent with the recommendations of the West Evergreen Strong Neighborhoods Initiative Neighborhood Improvement Plan. There are only two lots with potential for one additional unit, which would be subject to the future revised Evergreen Development Policy. This proposal is very distinct from the long-range planning process underway for the EEHVS. Proceeding with this proposal does not conflict with the intent and direction of the Council Resolution regarding discouraging General Plan amendments for new development pending completion of the EEHVS.

Commissioner Dhillon asked why staff was not recommending the Medium Density Residential (8-16 dwelling units per acre) designation for the site similar to the adjacent property to the west. Staff responded that the intent of the proposal is to apply General Plan and zoning designations that reflect the existing single family residential uses, rather than providing for additional future development potential on those properties.

Commissioner Kamkar suggested designating the properties on the west side of Towers Lane residential and retaining the industrial General Plan designation on the east side of the street. Staff reiterated the primary intent of the proposed actions is to apply single family residential General Plan and zoning designations to the area of existing single family homes to promote improvements and preservation of the neighborhood, consistent with the recommendations of the West Evergreen Strong Neighborhoods Initiative Neighborhood Improvement Plan.

Vice-Chair Zito moved approval of the proposed General Plan amendment and City Council initiated rezoning. The Commission voted 7-0-0 to recommend to the City Council approval of both items.

No one from the public spoke in favor of or in opposition to the proposed project.

ANALYSIS

The proposed General Plan amendment is consistent with several General Plan policies intended to support neighborhood development. The proposal could potentially facilitate new single family development and improvements that are compatible with the surrounding neighborhood to the west.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. The project was presented to the West Evergreen Strong Neighborhoods Initiative Neighborhood Advisory Committee (NAC) meeting on June 26, 2006. The West Evergreen NAC expressed full support for the project. Also, a property owners' meeting was held on June 22, 2006. One property owner had concerns about subdividing his property. Staff held a subsequent meeting with him and explained his subdivision options. Planning staff received a letter of support from the NAC dated September 25, 2006 and a September 28, 2006 letter of support from Towers Lane property owner Manuel Alvarez (see attachments).

A joint notice of the public hearings to be held on the subject General Plan amendment and rezoning before the Planning Commission on October 25, 2006 and City Council on November 14, 2006 was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. Staff has been available to discuss the proposal with members of the public.

State of California Tribal Consultation Guidelines:

This General Plan amendment request is subject to the State of California Tribal Consultation Guidelines. As of the writing of this memorandum, no comments from tribal representatives have been received by Planning staff on the subject General Plan amendment.

COORDINATION

This project was coordinated with the San Jose Redevelopment Agency, and Department of Parks, Recreation and Neighborhood Services in addition to other City departments.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

A Draft Negative Declaration was circulated on September 20, 2006 for public review and comments. The Negative Declaration concluded that the project would not have a significant effect on the environment. The Negative Declaration was adopted on October 9, 2006. A copy of the Negative Declaration is attached. It can also be referenced in the Environmental section of the Planning Divisions' web site at **http://www.sanjoseca.gov/planning/eir/MND.asp**.

for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Principal Planner, Stan Ketchum at 535-7876.

Attachments

I. Negative Declaration
II. Letters of support from West Evergreen NAC & Manuel Alvarez

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

~~DRAFT~~ JAC

NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Proposed Towers Lane General Plan Amendment & Rezoning.

PROJECT FILE NUMBER: GP06-07-05 & CC06-058.

PROJECT DESCRIPTION: GP06-07-05 - CITY COUNCIL INITIATED GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) and CC06-058 - CITY COUNCIL INITIATED CONVENTIONAL REZONING from R-1-2 Single Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses on an approximately 3.4-acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Generally both sides of Towers Lane, between Aborn Road and Amberly Lane. Assessor Parcel Numbers: 670-13-007, -008, -010, -018, -027, -030 through –040.

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: City of San Jose, 200 E. Santa Clara St., 3rd floor tower.

FINDING
The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment and a Negative Declaration will be prepared.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. **AIR QUALITY**-Conformance with General Plan Policies will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.

IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required

V. **CULTURAL RESOURCES** -Conformance with General Plan Policies will ensure that cultural resources impacts would be reduced to a less than significant level at the time of future development of the site.

VI. **GEOLOGY AND SOILS** –Conformance with General Plan Policies will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

VII. **HAZARDS AND HAZARDOUS MATERIALS** – Conformance with General Plan Policies will ensure that hazards and hazardous materials impacts would be reduced to a less than significant level at the time of future development of the site.

VIII. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. **NOISE** – Conformance with General Plan Policies will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.

XII. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 9, 2006**, any person may:

(1) Review the Draft Negative Declaration (ND) as an informational document only; or

(2) Submit written comments regarding the information, analysis, and policies in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND; or

(3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a $100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft ND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Circulated on: 9/20/06 Jodi Clark
Deputy

Adopted on: 10/9/06 Jodi Clark
Deputy

Revised 8/26/05 JAC

September 25, 2006
City of San Jose
Atten: Patrice Shaffer
200 E. Santa Clara St
San José CA 95113

Dear Members,

The West Evergreen Neighborhood Action Committee consists of the Lower Eastridge Area, Meadowfair Neighborhood Association, West Evergreen Neighborhood Association and the LeyVa Community. The proposed plans: GP 06-07-05 and CC 06-058, reflect the wishes of the residents of the area.

Our NAC plan supports development that will be beneficial to the community. The Towers Lane General Plan amendment and rezoning is going to revitalize part of our community that has been neglected for many years. We are ready to roll up our sleeves to collaborate with the City of San José, residents and business owners of Towers Lane We are confident in moving forward with this project. In the past year we have reconstructed a neglected street and the new Paloma Plaza which just recently celebrated their grand opening.

We strongly believe that in order to create changes for the betterment of our neighborhood we must educate ourselves and take an active role with any issues that impact our community. We are asking you to be a key player in helping us make a positive change for our neighborhood. We look forward to building a strong cooperative relationship with you.

If you have any questions please feel free to contact Carlos Da Silva or Jose Aranda at (408) 277.2980 or email at cmdasilva@juno.com or jgaranda_6@hotmail.com for comments, recommendation or additional information.

In Community Spirit,

Carlos Da Silva
Jose Aranda
WENAC Chairs

September 28, 2006
City of San Jose
Atten: Patrice Shaffer
200 E. Santa Clara St
San José CA 95113

Dear Members,

I am a property owner on Towers Lane in San Jose. The proposed plans: GP 06-07-05 and CC 06-058, reflect the wishes of the residents of the area.

The Towers Lane General Plan amendment and rezoning is going to allow property owners along Towers Lane to apply for permits and make the necessary repairs and upgrades to their homes and property which have been neglected for many years. The residents are ready to move forward with this project. In the past year we have reconstructed a neglected street and the new Paloma Plaza which just recently celebrated their grand opening and we are now ready to improve the neighborhood.

We strongly believe that in order to create changes for the betterment of our neighborhood we must educate ourselves and take an active role with any issues that impact our community. We are asking you to be a key player in helping us make a positive change for our neighborhood. We look forward to building a strong cooperative relationship with you.

If you have any questions please feel free to contact Manuel Alvarez at (408) 515-6559 or email at manuel_g_alvarez@yahoo.com for comments, recommendation or additional information.

In Community Spirit,

Manuel Alvarez

Department of Planning, Building and Code Enforcement
200 E Santa Clara Street, 3rd Floor
San Jose, CA 95113

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

GENERAL PLAN AMENDMENT AND REZONING STAFF REPORT FALL 2006 HEARING

Hearing Date/Agenda Number:	P.C. October 25, 2006 Item 6.a.1 & .2
File Number:	GP06-07-05 and CC06-058
Council District and SNI Area:	District 7 / West Evergreen
Major Thoroughfares Map Number:	100
Assessor's Parcel Number(s):	670-13-007, -008, -010, -018, -027, -030 through –040.
Project Manager:	Patrice Shaffer

PROJECT DESCRIPTION:

City Council initiated General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) and City Council initiated Conventional Rezoning from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single-family residential uses on an approximately 3.4-acre site.

LOCATION: Generally both sides of Towers Lane, between Aborn Road and Amberly Lane.

ACREAGE: 3.4 acres

APPLICANT/OWNER:

City of San Jose/Various Owners

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Industrial Park

Proposed Designation: Medium Low Density Residential (8 DU/AC)

ZONING DISTRICT(S):

Existing Designation: R-1-2 Single-Family Residence District

Proposed Designation: R-1-8 Single-Family Residence District

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single-family residential & KLOK radio antennas /Medium Density Residential (8-16 DU/AC) and Light Industrial

South: Mobile home park, commercial and vacant / Medium Low Density Residential (8 DU/AC) and General Commercial

East: Payless Rockery & Hardware, mini-storage, and auto repair / Industrial Park

West: Single-family residential / Medium Density Residential (8-16 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Negative Declaration adopted on October 9, 2006.

PLANNING STAFF RECOMMENDATION:

Medium Low Density Residential (8 DU/AC) General Plan Land Use/Transportation Diagram designation and R-1-8 Single-Family Residence Zoning District

Approved by: Harlan Ketter
Date: Oct. 16, 2006

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

Memoranda received for the General Plan amendment and Rezoning request:

- San Jose Municipal Water System indicated on June 8, 2006 that water improvements for this area already exist. Any changes in water service are the responsibility of the applicant for the new development and may result in additional fees.
- San Jose Fire Department, Bureau of Fire Prevention provided a memorandum on June 13, 2006 that comments will be provided with subsequent permit applications for any new development.
- San Jose Fire Department, Fire Administration, noted on June 19, 2006 that there is no measurable response time impact.
- The Department of Public Works (DPW) provided a memorandum on June 27, 2006 indicating that the subject site is in a State Liquefaction Zone and a street vacation on Aborn Road will be required at the project stage. DPW also stated that because the project is located in the Evergreen Specific Plan Area, additional units properties will need to meet the current Evergreen Development Policy.
- Santa Clara Valley Transportation Authority provided a memorandum on June 9, 2006 indicating that they have no comments at this time.
- The Department of Transportation (DOT) provided a memorandum on August 24, 2006 indicating that this General Plan amendment required a computer model traffic impact analysis. DOT completed the analysis and the results indicated that the impact from the proposed land use change is less than significant based on established criteria.

GENERAL CORRESPONDENCE:

See attached letters of support from West Evergreen Neighborhood Action Committee and Manuel Alvarez, property owner.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to:

1. Change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) on an approximately 3.4-acre site.
2. If the General Plan amendment is approved, approve the proposed rezoning from R-1-2 Single-Family Residence Zoning District to R-1-8 Single Family Residence Zoning District on approximately 3.4 acres.

PROJECT DESCRIPTION

This staff report addresses two pending City Council initiated applications: 1) a General Plan amendment request (File No. GP06-07-05) to change *the San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) on an approximately 3.4-acre site and 2) a Conventional Rezoning (File No. CC06-058) from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-

(File No. CC06-058) from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single-family residential uses on an approximately 3.4 gross-acre site.

The proposal to change the Land Use/Transportation Diagram designation and zoning to allow single-family residential uses is intended to reflect the already existing single-family residential uses at the project site and to facilitate new single-family development and improvements.

The existing Industrial Park land use designation is an exclusive designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing and offices. The proposed Medium Low Density Residential (8.0 DU/AC) land use designation is typified by the 6,000 square-foot subdivision lot which is prevalent in San Jose. It is characteristic of many residential neighborhoods, and is the density at which the majority of San Jose's single-family housing has been built. Smaller-lot, detached patio homes and single-family attached residences are also appropriate in this category.

BACKGROUND

West Evergreen SNI Area

The site is located within the West Evergreen Strong Neighborhoods Initiative (SNI) area, one of twenty San Jose neighborhoods committed to improving their community in partnership with the City, Redevelopment Agency, and public-private investment efforts. The West Evergreen SNI area is bounded generally by Highway 101, both sides of Tully Road, Quimby Road, and Capitol Expressway.

The *West Evergreen Strong Neighborhoods Initiative (SNI) Plan* identifies a comprehensive strategy to improve the living environment for current and future residents. One of the action items (item No. 13) in the Plan encourages the development of vacant and underutilized sites in the neighborhood. New residential development is a recommended use for the subject area. The plan recommends initiating and adopting General Plan amendments, if required, to permit land use changes.

Past General Plan Amendments

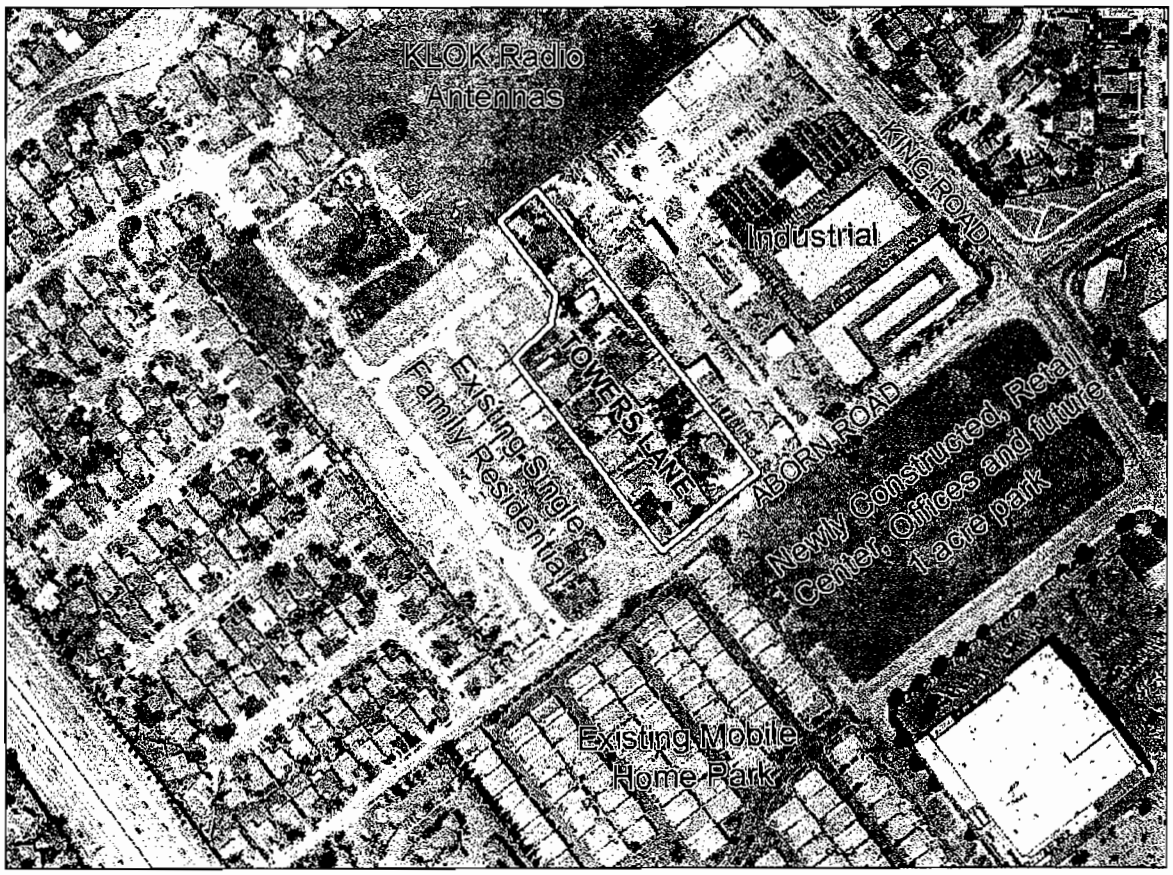
In 1986, the City Council approved a General Plan amendment for the portion of the site east of Towers Lane from Light Industrial to Medium Density Residential (8 DU/AC). The primary intent of the City Council-initiated General Plan amendment was to allow potential single-family residential subdivision and redevelopment of existing parcels. The existing land use was also primarily single-family residential at that time. In 1994, subsequent to adoption of the *San Jose 2020 General Plan,* the City Council approved a General Plan amendment for the entire site from Medium Density Residential (8 DU/AC) to Industrial Park. At that time, the proposed General Plan amendment also included both sides of Stallion Way. Without the conversion of Towers Lane to actual industrial uses, two pockets of isolated uses would be created: industrial on Stallion Way and residential on Towers Lane. However, since then, the property along Stallion Way has been changed to Medium Density Residential (8-16 DU/AC) and developed with single-family homes. The area on both sides of Towers Lane did not develop into industrial park type uses as had been anticipated.

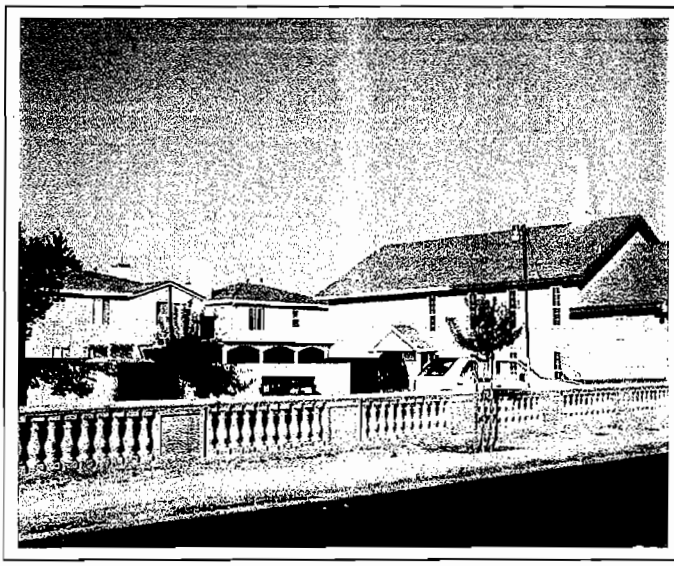
Site and Surrounding Uses

The subject site is located generally on both sides of Towers Lane, between Aborn Road and Amberly Lane, and is surrounded by a mix of residential and non-residential uses: single-family residential and the KLOK radio antennae to the north; a mobile home park, commercial, and vacant land to the south; single family residential to the west; and Payless Rockery & Hardware, a mini-storage warehouse, and auto repair uses to the east.

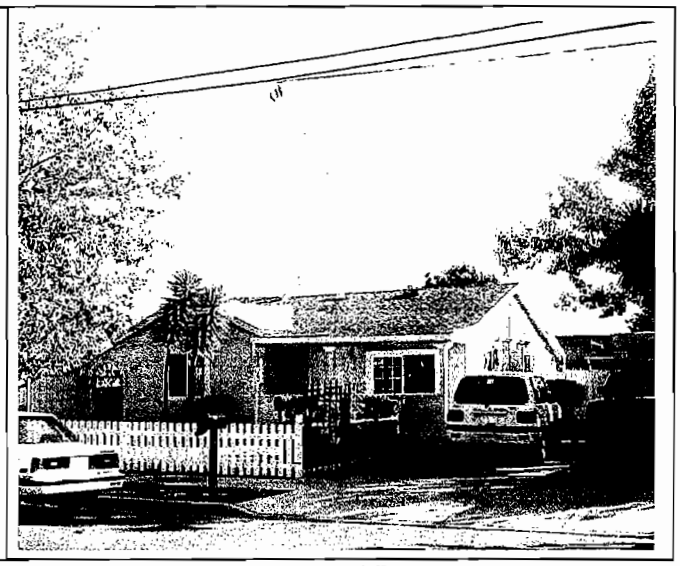
Aerial showing site and surrounding development
(Source: Department of Public Works, 2001, City of San Jose)

(Existing single-family residential and commercial/office center not shown. Development occurred after this aerial photo was taken.)

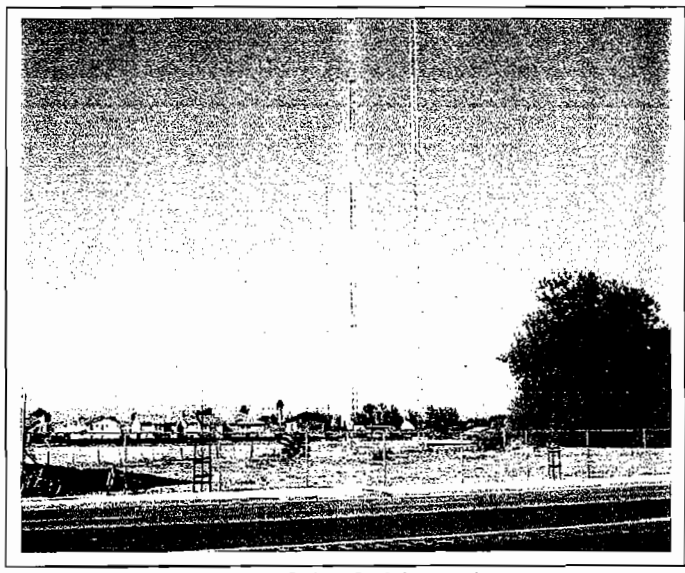




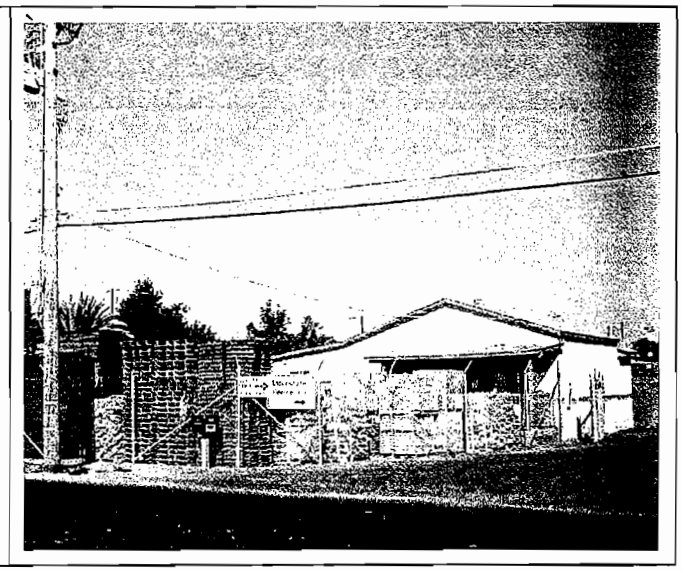
Religious Assembly Property on the Subject Site



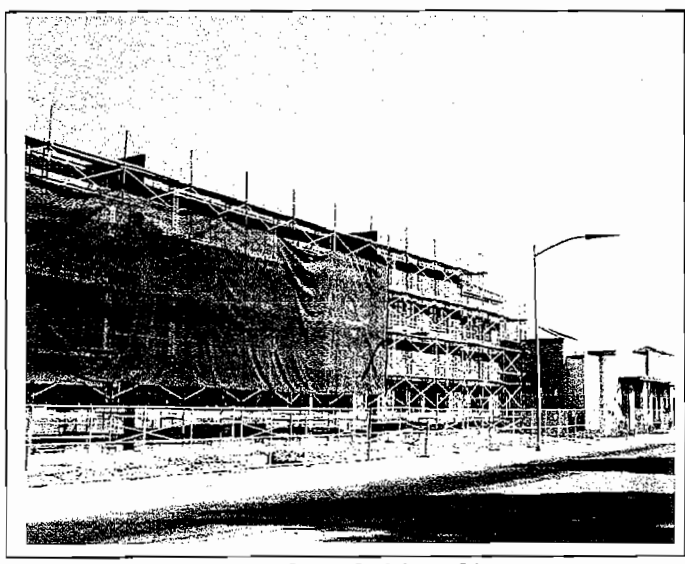
Single-Family Residential Property on the Site



North of the Subject Site



East of the Subject Site



South of the Subject Site

West of the Subject Site

ANALYSIS

The key issues in analyzing the proposed General Plan amendment and rezoning are: 1) consistency with the *San Jose 2020 General Plan* (General Plan) Major Strategies, goals, and policies; 2) land use compatibility; 3) consistency with the Evergreen Development Policy, and 4) appropriateness of the proposed zoning district.

Consistency with the *San Jose 2020 General Plan* Major Strategies, Goals, and Policies

The proposed General Plan amendment and rezoning are consistent with the following applicable General Plan Major Strategies, goals and policies:

Urban Conservation Major Strategy:

Urban Conservation, one of the Major Strategies of the General Plan, seeks to improve the existing quality of life and create a stable, mature community. The proposed General Plan amendment and rezoning would support urban conservation by preserving an already existing and mature single-family community.

Community Identity and Neighborhood Identity Goals and Policies:

The General Plan Community Identity and Neighborhood Identity goals address the enhancement of community and neighborhood identities. Both goals include policies that foster the participation of residents and neighborhood groups in local government decision-making. The impetus for this General Plan amendment and rezoning came from the neighborhood itself. Also, the West Evergreen Neighborhood Action Committee (NAC) supports the change (please see attached letters of support from West Evergreen NAC and Manuel Alvarez).

Residential Land Use Goals and Policies

The Residential Land Use goals and policies promote the concept that lands planned for residential use are fully and efficiently utilized to maximize the City's housing supply. The proposed General Plan amendment and rezoning at this infill site support these goals and policies by placing new housing or preserving existing housing where adequate services and facilities are already provided.

Land Use Compatibility

The project site is surrounded by single-family residential, the KLOK radio antennae, a mobile home park, industrial uses, a retail center, offices, and a future park. Allowing the General Plan land use amendment from Industrial Park to Medium Low Density Residential (8 DU/AC) to be approved, and subsequently allowing the rezoning to R-1-8 Single-Family Residence Zoning District to be approved, would help maintain the already existing primarily single-family land uses (along with a church) on the subject site. It should be noted that some of the properties appear to have industrial-type uses in conjunction with a single-family house. There are tow vehicles, construction yard equipment and a plant nursery to name a few of these uses. It has not been determined if these uses were legally established. Despite these uses, which may or may not be legal, the project site is still primarily single-family residential.

The proposed Medium Low Density Residential (8 DU/AC) designation and R-1-8 Single-Family Residence Zoning District are compatible with the adjacent existing single-family uses to the west. To the east, are industrial uses adjacent to the site. To the north are the KLOK radio antennae, and across Aborn Road is the commercial/office center and mobile home park. As previously noted, the intent of the proposed General Plan amendment and rezoning is to preserve the existing residential uses. Approval of these changes would enhance the protection of the neighborhood from future changes in the adjacent industrial and other non-residential uses.

Evergreen Development Policy

The Revised Evergreen Development Policy provides the policy framework for development in the Evergreen area. This policy allows one single-family residence on each lot in the project area. However, two parcels in the amendment area are larger lots and have an allocation of two single-family residences, assuming they are subdivided. All projects requiring a planning permit in the Evergreen Development Policy Area require a traffic analysis. However the development of a single-family residence at the project site would most likely only require a building permit.

Rezoning

Upon approval of the pending General Plan amendment to Medium Low Density Residential (8 DU/AC), the related rezoning to the R-1-8 Single-Family Residence Zoning District would conform to the General Plan. The proposed rezoning would allow for subsequent development that could achieve compatibility with the surrounding neighborhood to the west of the site through the site-specific implementation of the Residential Design Guidelines and the development standards of the R-1-8 Single-Family Residence Zoning District.

ENVIRONMENTAL REVIEW

A Draft Negative Declaration was circulated on September 20, 2006 for public review and comments. The Negative Declaration concluded that the project could not have a significant effect on the environment. The Negative Declaration was adopted on October 9, 2006.

PUBLIC OUTREACH

SNI Outreach

The proposed General Plan amendment and rezoning was discussed with the West Evergreen Neighborhood Action Committee and other members of the community at their regular monthly meeting on June 26, 2006. One person stated a concern for the property at the northeast corner of Aborn Road and Towers Lane within the project site area. He was concerned that the owner might be operating a business at that location in addition to using his residence. The West Evergreen NAC expressed full support for the project.

Additional Outreach

A property owners' meeting was held on June 22, 2006. One property owner had concerns about subdividing his property. Staff held a subsequent meeting with him and explained his subdivision options.

Property owners and tenants within a 1,000 foot radius of the subject site received a notice of the public hearings to be held on the General Plan amendment request and rezoning application before the Planning Commission on October 25, 2006 and City Council on November 14, 2006. The Department web site contains information regarding the General Plan amendment process, zoning process, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the applications.

As a result of the updated *City Council Policy on Public Outreach* (Public Outreach Policy), staff installed on-site signs describing the proposed project. The signs were intended to provide information about the proposed project to the public early in the planning review process. The signs conformed to the requirements prepared by the City of San Jose. The signs will be maintained while the proposal is under consideration by the City, and then removed within 10 days of a decision on the proposed project.

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines. For all General Plan amendments and Specific Plans initiated after February 2005, at least a 90-day consultation request period is required, unless a shorter timeframe has been agreed to by the tribe, as well as noticing of the scheduling of the Planning Commission Hearing and City Council hearing at least 45 days prior to the proposed adoption date of the General Plan amendment or Specific Plan. As of the writing of this staff report, no comments from tribal representatives have been received by Planning staff on the subject General Plan amendment.

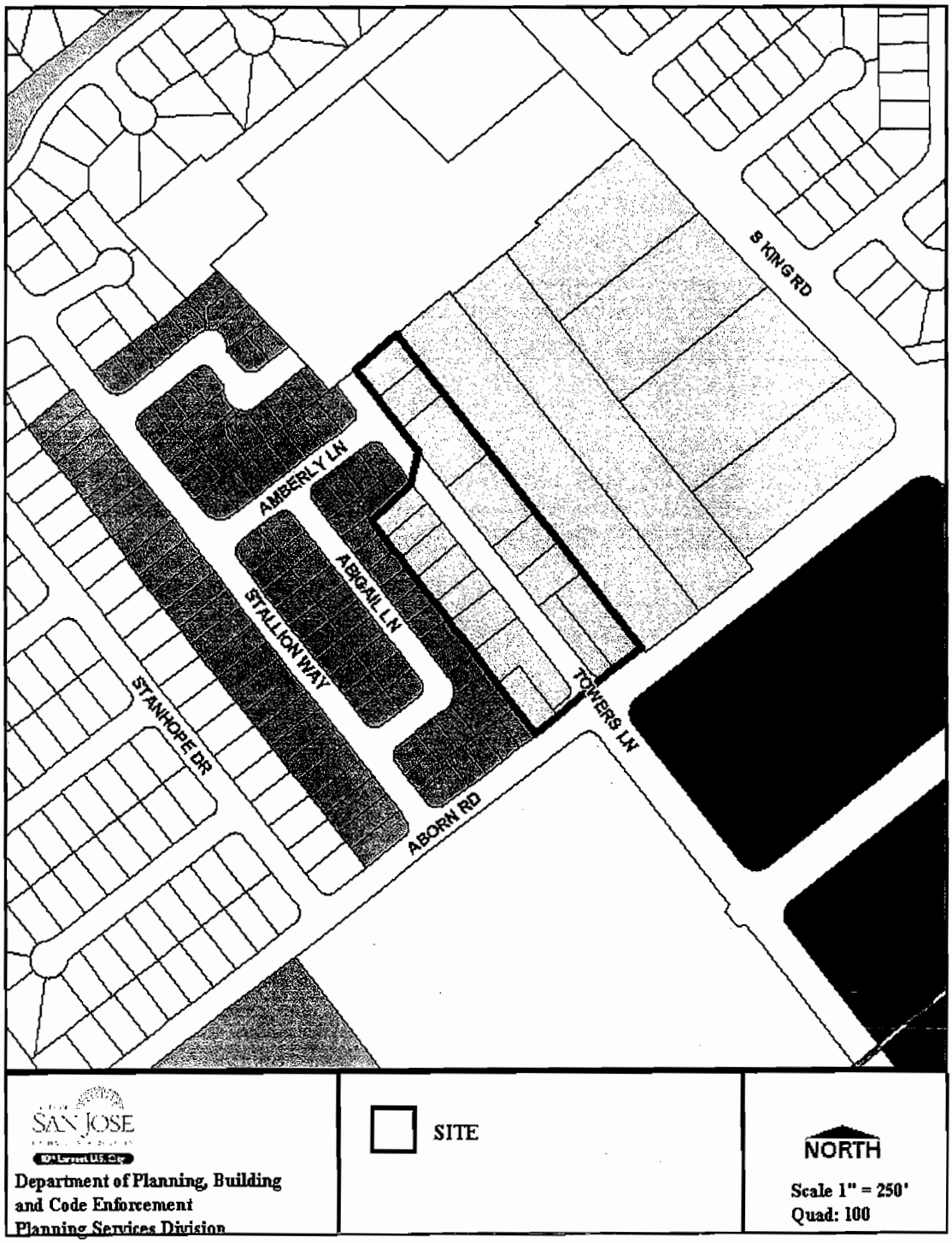
COORDINATION

Staff has coordinated the proposed General Plan amendment and rezoning with the San Jose Redevelopment Agency, and Department of Parks, Recreation and Neighborhood Services in addition to other City departments.

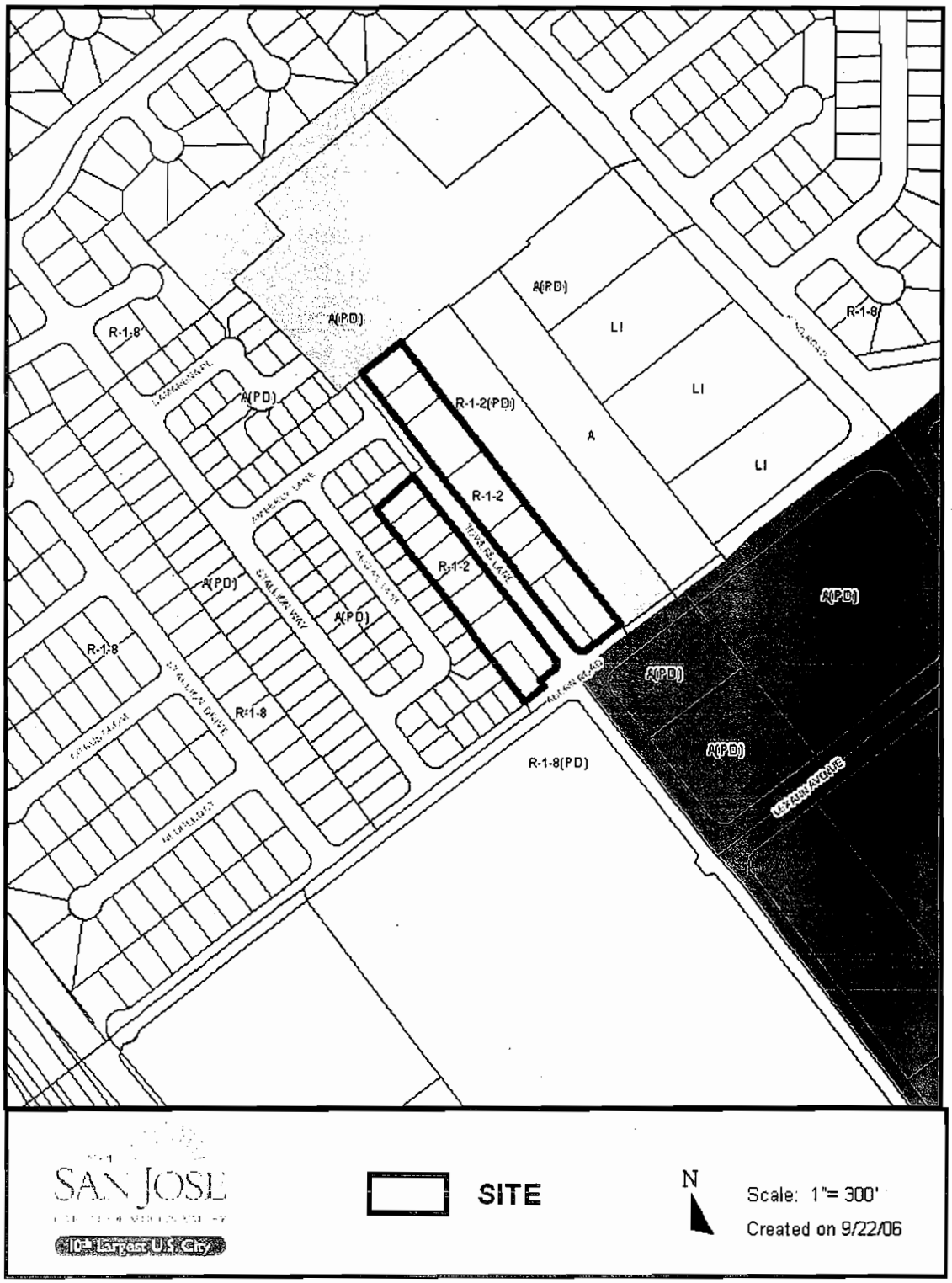
Attachments

I. Negative Declaration
II. Letters of support from West Evergreen NAC & Manuel Alvarez
III. Correspondence from City Departments

GP06-07-05


S KING RD
AMBERLY LN
ABIGAIL LN
STALLION WAY
STANHOPE DR
TOWERS LN
ABORN RD
SITE
NORTH
Scale 1" = 250'
Quad: 100
Department of Planning, Building and Code Enforcement
Planning Services Division

ZONING CC06-058



CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

~~DRAFT~~ JAC

NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Proposed Towers Lane General Plan Amendment & Rezoning.

PROJECT FILE NUMBER: GP06-07-05 & CC06-058.

PROJECT DESCRIPTION: GP06-07-05 - CITY COUNCIL INITIATED GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) and CC06-058 - CITY COUNCIL INITIATED CONVENTIONAL REZONING from R-1-2 Single Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses on an approximately 3.4-acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Generally both sides of Towers Lane, between Aborn Road and Amberly Lane. Assessor Parcel Numbers: 670-13-007, -008, -010, -018, -027, -030 through –040.

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: City of San Jose, 200 E. Santa Clara St., 3rd floor tower.

FINDING
The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment and a Negative Declaration will be prepared.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. **AIR QUALITY**-Conformance with General Plan Policies will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.

IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required

V. **CULTURAL RESOURCES** -Conformance with General Plan Policies will ensure that cultural resources impacts would be reduced to a less than significant level at the time of future development of the site.

VI. **GEOLOGY AND SOILS** –Conformance with General Plan Policies will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

VII. **HAZARDS AND HAZARDOUS MATERIALS** – Conformance with General Plan Policies will ensure that hazards and hazardous materials impacts would be reduced to a less than significant level at the time of future development of the site.

VIII. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. **NOISE** – Conformance with General Plan Policies will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.

XII. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 9, 2006**, any person may:

(1) Review the Draft Negative Declaration (ND) as an informational document only; or

(2) Submit written comments regarding the information, analysis, and policies in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND; or

(3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a $100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft ND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Circulated on: 9/20/06 Jodi Clark
Deputy

Adopted on: 10/9/06 Jodi Clark
Deputy

Revised 8/26/05 JAC

September 25, 2006
City of San Jose
Atten: Patrice Shaffer
200 E. Santa Clara St
San José CA 95113

Dear Members,

The West Evergreen Neighborhood Action Committee consists of the Lower Eastridge Area, Meadowfair Neighborhood Association, West Evergreen Neighborhood Association and the LeyVa Community. The proposed plans: GP 06-07-05 and CC 06-058, reflect the wishes of the residents of the area.

Our NAC plan supports development that will be beneficial to the community. The Towers Lane General Plan amendment and rezoning is going to revitalize part of our community that has been neglected for many years. We are ready to roll up our sleeves to collaborate with the City of San José, residents and business owners of Towers Lane We are confident in moving forward with this project. In the past year we have reconstructed a neglected street and the new Paloma Plaza which just recently celebrated their grand opening.

We strongly believe that in order to create changes for the betterment of our neighborhood we must educate ourselves and take an active role with any issues that impact our community. We are asking you to be a key player in helping us make a positive change for our neighborhood. We look forward to building a strong cooperative relationship with you.

If you have any questions please feel free to contact Carlos Da Silva or Jose Aranda at (408) 277.2980 or email at cmdasilva@juno.com or jgaranda_6@hotmail.com for comments, recommendation or additional information.

In Community Spirit,

Carlos Da Silva
Jose Aranda
WENAC Chairs

September 28, 2006
City of San Jose
Atten: Patrice Shaffer
200 E. Santa Clara St
San José CA 95113

Dear Members,

I am a property owner on Towers Lane in San Jose. The proposed plans: GP 06-07-05 and CC 06-058, reflect the wishes of the residents of the area.

The Towers Lane General Plan amendment and rezoning is going to allow property owners along Towers Lane to apply for permits and make the necessary repairs and upgrades to their homes and property which have been neglected for many years. The residents are ready to move forward with this project. In the past year we have reconstructed a neglected street and the new Paloma Plaza which just recently celebrated their grand opening and we are now ready to improve the neighborhood.

We strongly believe that in order to create changes for the betterment of our neighborhood we must educate ourselves and take an active role with any issues that impact our community. We are asking you to be a key player in helping us make a positive change for our neighborhood. We look forward to building a strong cooperative relationship with you.

If you have any questions please feel free to contact Manuel Alvarez at (408) 515-6559 or email at manuel_g_alvarez@yahoo.com for comments, recommendation or additional information.

In Community Spirit,

Manuel Alvarez

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Jenny Nusbaum
Planning Department

FROM: Tim Town
Municipal Water System

SUBJECT: **Muni Water Comments On Proposed Development**

DATE: June 8, 2006

San Jose Municipal Water System has reviewed the proposed development GP06-07-05 regarding a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8DU/AC) on a 3.5-acre site located on both sides of Towers Lane between Aborn Road and Amberly Lane, and has the following comments:

Water improvements for this area are already existing. If there are no changes to the water services to the various properties, then there are no water fees due. If, however, there are changes to the water services, then additional fees may be due. These would include:

Major Water Facilities Fee
Meter Fee
Engineering & Inspection Fee

In addition, the developer is responsible for the costs of constructing any additional water services needed. If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

Timothy S.N. Town

Timothy S. N. Town
Associate Civil Engineer
Municipal Water System

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

RECEIVED
JUN 15 2006
CITY OF ...
PLANNING DEPARTMENT

Memorandum

DATE: 06/13/06

TO: Jenny Nusbaum
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO:	GP06-07-05
DESCRIPTION:	GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) on a 3.5-acre site. (Various, Owner/City of San Jose, Applicant)
LOCATION:	both sides of Towners Lane, between Aborn Road and Amberly Lane
ADDRESS:	both sides of Towners Lane, between Aborn Road and Amberly Lane
FOLDER #:	06 016407 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.
Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns, and Fire Administrative Officer Geoff Cady for response impact.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

Shaffer, Patrice

From: Cady, Geoff
Sent: Monday, June 19, 2006 12:36 PM
To: Shaffer, Patrice
Cc: Naum-Stoian, Nadia
Subject: RE: GP06-07-05 & CC06-058

Patrice,

There is no measurable response impact with respect to changing the land designation from R-1-2 to R-1-8. As long as all parcels are to be rezoned as R-1-8, we have no issue with the GP amendment.

Thanks,

Geoff

-----Original Message-----
From: Shaffer, Patrice
Sent: Friday, June 16, 2006 2:13 PM
To: Cady, Geoff
Subject: GP06-07-05 & CC06-058

Hi Geoff,

I am the project manager for both GP06-07-05 and CC06-058 which are being processed concurrently. I have also attached a location map. Basically, it is a General Plan amendment from Industrial Park to Medium Low Density Residential (8.0 dwelling units per acre) and a rezoning from R-1-2 (20,000 square feet lot) to R-1-8 (5445 square feet lot) to allow for residential uses on 17 parcels which are primarily already in residential use (single family houses). There is also a church and a few vacant lots. No new construction or any type of physical development is proposed. It is a City Council initiated project in order to align the General Plan and zoning designations with the development that is already out at the site. The Assessor Parcel numbers are 670-13-007, 008, 010, 018, 027, 030 thru 040 and 670-42-031. I referred this project to Nadia Naum-Stoian at the Fire Department and she asked me to also check with you as the Fire Administrative Officer for response impact. Please advise if you have any concerns or issues with the project. Let me know if you have any questions. Thank you-Patrice

<< File: GP06-07-05_CC06-058.pdf >>

Patrice Shaffer
Planner
Strong Neighborhoods Initiative
Planning Services Division
Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street, Tower 3
San Jose, CA 95113-1905
(408) 535-7888 (phone)
(408) 292-6055 (fax)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Patrice Shaffer
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **RESPONSE TO GENERAL PLAN AMENDMENT APPLICATION**

DATE: 06/27/06

PLANNING NO.:	GP06-07-05
DESCRIPTION:	GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC) on a 3.5-acre site. (Various, Owner/City of San Jose, Applicant)
LOCATION:	both sides of Towners Lane, between Aborn Road and Amberly Lane
P.W. NUMBER:	N/A

Public Works received the subject project on 06/06/06 and submits the following comments:

[NO] Flood Zone
[NO] Geological Hazard Zone
[NO] State Landslide Zone
[YES] State Liquefaction Zone
[NO] Inadequate Sanitary capacity
[NO] Inadequate Storm capacity
[NO] Major Access Constraints
[NO] Near-Term Traffic Impact Analysis

Comments:

1. A street vacation along Aborn Road will be required at the project stage.
2. The project site is located in the Evergreen Specific Plan (ESP) Area. Additional units on some properties will need to meet the current Evergreen Development Policy.

Please contact the Project Engineer, Ryan Do, at 535-6897 if you have any questions.

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

RTD
ES:rd:kg

SANTA CLARA
Valley Transportation Authority

June 9, 2006

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Jenny Nusbaum

Subject: City File No. GP06-07-05 / Towners Lane

Dear Ms. Nusbaum:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan change to Medium Low Density Residential (8 du/ac) on 3.5 acres on both sides of Towners Lane. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Stan Ketchum
Planning, Building
and Code Enforcement

FROM: Manuel Pineda

SUBJECT: **TRAFFIC IMPACT ANALYSIS FOR GP06-07-05**

DATE: 08-24-06

RECEIVED
AUG 25 2006
PLANNING DEPARTMENT

Approved

Date

File Number: GP06-07-05
Location: Generally located on both sides of Towers Ln., between Aborn Rd. and Amberly Ln.
Acreage: 3.5 ac.
Description: Industrial Park to Medium Low Density Res. (8 DU/AC)
(Add 25, Delete 165 Jobs)
Special Sub Area – Evergreen

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. This GPA requires a computer model traffic impact analysis based on established criteria. We have completed the analysis for the subject GPA, and the results of the analysis indicate that the impact from the proposed land use change is less than significant based on established criteria.

Please contact Paul Ma at 975-3272 if you have any questions.

for Paul Ma

MANUEL PINEDA
Senior Civil Engineer
Department of Transportation

MP:PM
cc: Jenny Nusbaum
Patrice Shaffer