COUNCIL AGENDA: 3-16-04
ITEM: 12.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: **SEE BELOW**

DATE: February 25, 2004

COUNCIL DISTRICT: 5
SNI AREA: None

SUBJECT: **GP03-05-08: General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) on an 8.5-acre site located on both sides of Rosemar Court, north of Rosemar Avenue.**

RECOMMENDATION

The Planning Commission voted 4-3-0 to recommend denial of the proposed General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) on an 8.5-acre site located on both sides of Rosemar Court, north of Rosemar Avenue.

BACKGROUND

On February 9, 2004, the Planning Commission held a public hearing to consider a privately initiated General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) on an approximately 8.5-acre site located on both sides of Rosemar Court, north of Rosemar Avenue. The site is located within the Urban Service Area and Urban Growth Boundary, and the proposed increase in density would be compatible in scale and character to the surrounding neighborhood. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan amendment.

ANALYSIS

Public Testimony

Gerry DeYoung, representing the applicant, addressed the Planning Commission and concurred with staff's recommendation to support the increase in density from 1.0 DU/AC to 2.0 DU/AC. Mr. DeYoung stated that the proposed increase would result in lot sizes that are larger than those to the south and west, and that issues raised by the community regarding traffic and safety are project level issues that would be discussed at the implementation stage.

Residents in the area expressed concerns regarding the potential impacts on noise, safety, services, hillside preservation, and traffic resulting from the proposed increase in density. Several of the residents who spoke against the amendment live to the north of the project site and on Macbeth Drive, which takes access from Rosemar Avenue. Residents stated that portions of Rosemar Avenue directly east of Fleming Avenue are narrow and steep, leading to unsafe traffic conditions.

Staff noted that the site is located within the Urban Growth Boundary and Urban Service Area where appropriate urban development can be accommodated. The General Plan contains policies to help guide appropriate development on hillsides to minimize impacts. At the development stage the proposed project would be referred to other City departments, including Public Works, Police, and Fire, to determine any necessary mitigation measures and improvements. The proposed change would provide a transition between Non-Urban Hillside and Urban Hillside designations adjacent to the subject site.

Commission Discussion

Several Planning Commissioners concurred with the residents, stating that the site should preserve hillsides by maintaining the existing General Plan Land Use/Transportation Diagram designation. These Commissioners agreed with the residents who had stated that traffic is already an issue on Fleming and Rosemar Avenues. They also agreed an increase in density would worsen the situation.

Staff noted that the narrow portion of Rosemar Avenue near Fleming Avenue is under the County's jurisdiction. Commissioner Dhillon asked staff to clarify whether the site is located within the Evergreen Area Development Policy (EDP) area. Staff confirmed that the site is not located within the Policy area, which includes properties south of Story Road and east of Highway 101, as shown by the map that is included as an attachment to this memorandum. Therefore, the amendment site is not included in the dwelling unit allocation program and other requirements of the EDP.

Some of the Commissioners indicated that the proposed project would not benefit the City. The applicant responded that the increased density would allow more lots, thus making the homes more affordable. Commissioner Zito stated that the City already had enough high-end housing, and approval of the General Plan amendment would only benefit the developer. Therefore, the amendment site is not included in the dwelling unit allocation program and other requirements of the EDP.

Commissioner Levy spoke in support of the project, indicating that eight additional units are appropriate because the site is already planned for residential use and not open space. He explained that the City should support a mix of housing types including high income. The Commission then voted 4-3-0 (Commissioners Levy, Campos, and James opposed) to recommend denial of the proposed General Plan amendment.

PUBLIC OUTREACH

The property owners within the amendment site boundaries and property owners within a 1000-foot radius of the amendment site were sent a newsletter regarding the two community meetings that were held on January 14 and 15, 2004 to discuss the proposed General Plan amendment. They also received a public hearing notice regarding the hearings to be held on the subject amendment before the Planning Commission on February 9 and City Council on March 16. In addition, the community can be kept informed about the status of amendments on the Department's web site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule.

Staff has received several letters (see attachments) expressing concern with the proposed residential density increase. Staff recognizes the need to preserve open space and the hillsides, and the proposed density would allow a gradual transition between lands within the USA and areas that are located outside the USA and UGB. This area is appropriate for urban development consistent with the General Plan Residential Land Use and Hillside Development policies, and the Residential Design Guidelines. Additional environmental clearance will be required in conjunction with future development applications on the site.

COORDINATION

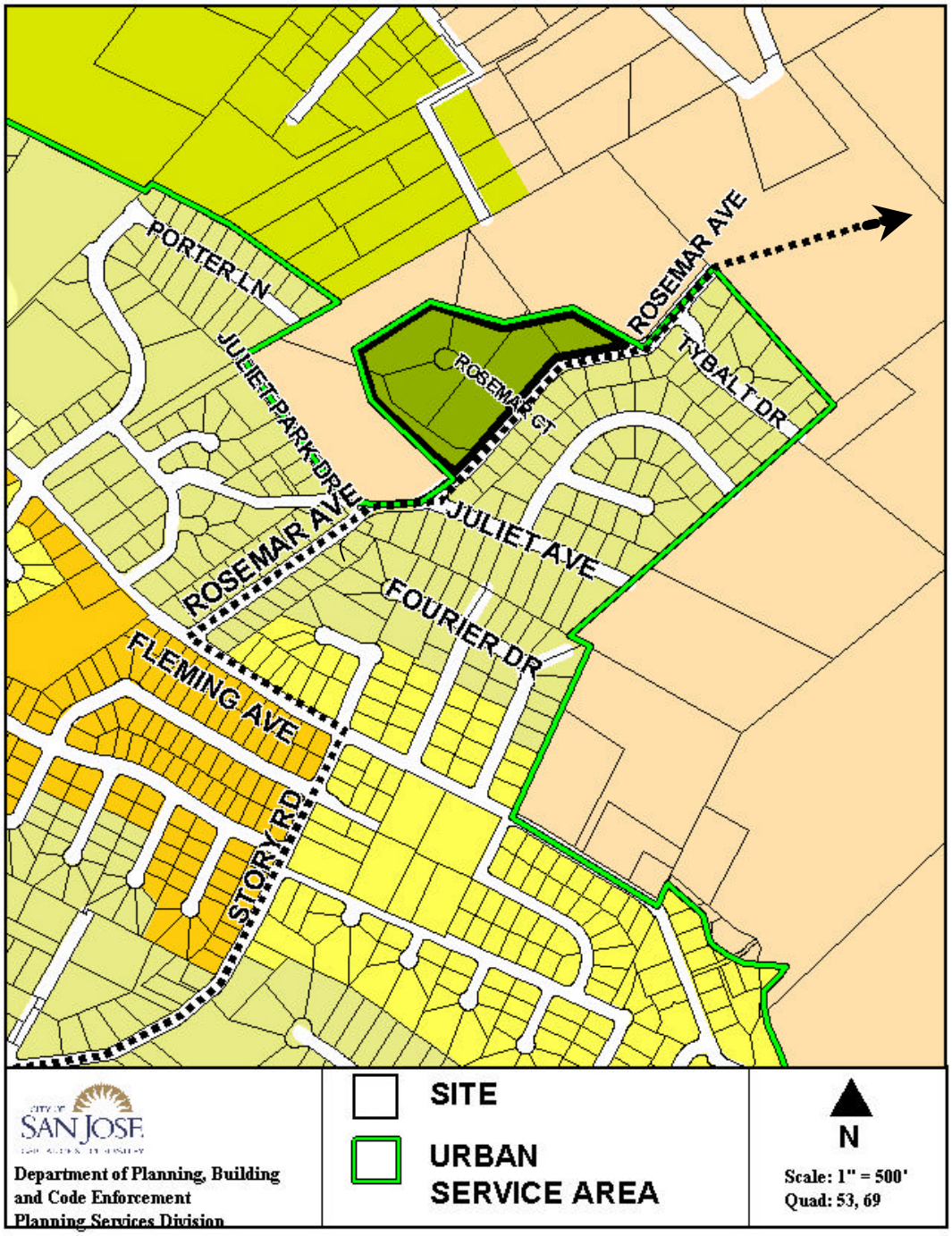
The review of this General Plan amendment was coordinated with the Department of Public Works, Fire Department, Department of Transportation, City Attorney, Santa Clara Valley Water District, Valley Transportation Authority, Pacific Gas and Electric, Airport Land Use Commission, and Parks and Recreation Commission.

CEQA

A Mitigated Negative Declaration was adopted on February 4, 2004.

STEPHEN M. HAASE
Secretary, Planning Commission

GP03-05-08



EVERGREEN AREA DEVELOPMENT POLICY BOUNDARY