Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:	P.C. 02/09/04 Item: 4.c.
File Number:	GP03-05-08
Council District and SNI Area:	5 – N/A
Major Thoroughfares Map Number:	53/69
Assessor's Parcel Number(s):	612-55-011, 612-68-001, -002, -005, -007-009
Project Manager:	Deanna Chow

GENERAL PLAN REPORT

2004 Winter Hearing

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Rural Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC)

LOCATION: Both sides of Rosemar Court, north of Rosemar Avenue

ACREAGE: 8.5

APPLICANT/OWNER:

Gerry DeYoung/ Rosemar Enterprises Corp.

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Estate Residential (1.0 DU/AC)

Proposed Designation: Very Low Density Residential (2.0 DU/AC)

EXISTING ZONING DISTRICT(S): A(PD) – Planned Development Zoning

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Vacant and Large Lot Single-Family Residential – Non-Urban Hillside and Rural Residential (0.2 DU/AC)

South: Single-Family Residential – Urban Hillside (1.0 DU/5 AC)

East: Vacant and Large Lot Single-Family Residential – Non-Urban Hillside

West: Single-Family Residential – Urban Hillside (1.0 DU/5 AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration pending

PLANNING STAFF RECOMMENDATION:

Very Low Density Residential (2.0 DU/AC)

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Department of Public Works (DPW) – DPW has indicated that the site is located in a Geological Hazard Zone and State Landslide Zone. DPW has also indicated the site has inadequate storm drainage capacity, and at the time of development, the project will require extension of the 21-inch storm main line on Rosemar Avenue to Rosemar Court.

- Department of Transportation – The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area, and therefore the General Plan amendment is exempt from a computer model (TRANPLAN) traffic analysis.

- Santa Clara Valley Water District - The project does not impact any District facilities. The SCVWD indicated that the increase in land use density will not adversely impact North Babb Creek or other downstream facilities. However, the cumulative increase in runoff should be considered. At the time of development, site design measures should be incorporated in the development to reduce impervious areas and the amount of runoff from developed areas of the site.

GENERAL CORRESPONDENCE:

- Ray Turner (letter attached) – Lots to the north and east are larger than the proposed density. The homes on Kenny Lane and Garcel Drive look down on the area and the increase in density will affect their view, visual character of the neighborhood, and property values. Mr. Turner also expressed concern about the ability for others to increase the density in the hillsides.

- Esther and Rich Chew (letter attached) – The Chews concur with Mr. Turner, especially indicating that others should not be able to subdivide, as they are not permitted either. The change does not benefit the City or the beauty of the hillsides. They support housing, but in places that are near the light rail corridors or other forms of mass transit.

- Nettye G. Goddard (letter attached) – Ms. Goddard opposes the Mitigated Negative Declaration and the proposed density increase. Her lot is adjacent to the subject site and sites that her property would be the most negatively affected. The low-density character of the area is the reason she bought her home in the 1960s. The increase in density would negatively impact the property values and the overall character of the neighborhood. She cites increased traffic, noise and water damage as environmental impacts.

- Charles and Patricia Darquea (letter attached) – The Darqueas live on Macbeth Drive and have seen increased traffic over the past 7 years. Rosemar Avenue is the only exit to Fleming from Juliet Street, Macbeth Drive, Macduff Ct., etc. They state that children and pedestrians will not be able to play and walk safely on Rosemar with an increase in density at the site. Also, the Darqueas question the impact on an evacuation due to fire in the hillside. They also raise concerns about the wildlife in the area, noise and investment in the property.

- Staff has received several phone calls from nearby residents expressing concern for the loss of wildlife and increased traffic. One resident indicated that he did not have a problem since the lots would be larger than the current adjacent properties.

ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

The proposed General Plan amendment is a privately initiated amendment to change the Land Use/Transportation Diagram 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. Approval of this amendment request could increase the potential dwelling unit yield from 8 to 16 dwelling units on the site. There is no specific development proposal at this time.

BACKGROUND

Site and Surrounding Uses

The site is generally flat with increasing slopes in the northerly and easterly direction and is currently undeveloped. The site is located within a small valley, set into the hillside and generally invisible from the valley floor. The site is located at the edge of the Urban Service Area and Urban Growth Boundary, which are coterminous at this location. Surrounding uses are residential with General Plan land use designations of Non-Urban Hillside and Rural Residential (0.2 DU/AC) to the north, Non-Urban Hillside to the east, and Urban Hillside (1.0 DU/5 AC) to the south and west.

Properties to the south and west have been developed with single-family residences on approximately 10,000 square foot lots to the south and approximately 8,000 square feet to 26,000 square feet in size to the west. These lot sizes are smaller than that requested by the proposed amendment, which is typified by a minimum of half-acre lots. Lots to the north are larger in size, averaging approximately 1.5 acres, are under the County's jurisdiction, and are located outside the Urban Service Area (USA) and Urban Growth Boundary (UGB). The lots to the east are much larger, approximately 9 acres in size, and also unincorporated and outside the City's USA and UGB.

ROSEMAR AVE
ROSEMAR AVE
ROSEMAR AVE

Looking west at the subject site from Rosemar Avenue

Looking north at the adjoining residence to the site

ANALYSIS

Land Use Compatibility

The proposed Very Low Density Residential (2.0 DU/AC) land use designation is typified by single-family dwellings on half-acre lots. This designation is planned in areas that have topographical or geological considerations. The existing Estate Residential designation, like Very Low Density Residential, is planned in areas that are generally not suited for a more intensive form of development because of geological or topographical conditions. This designation is also applied in areas that have urban service limitations. As discussed, the subject site is located within the Urban Service Area and adjacent to developed lots with existing urban services.

The proposed designation would generally result in lot sizes larger than the areas to the south and west, which are located within the Urban Service Area. The half-acre lots would provide a transition between the urban and non-urban while still protecting the hillsides and minimizing risks to potential residents.

Policy Consistency

The Urban Growth Boundary and Urban Service Area policies are designed to encourage compact, efficient infill development. These boundaries serve as the ultimate limit of urbanization for the City. The site is located in an area that is anticipated for appropriate urban development. The proposed designation would be consistent with General Plan policies encouraging increased development in areas with existing services, while recognizing the need to preserve the City's hillsides as open space and natural and visual resources.

The Residential Land Use goals and policies are intended to provide guidelines for physical development of residential neighborhoods. Residential Land Use policy #9 states that when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses, and impacts on livability. The proposed land use designation of Very Low

Density Residential (2.0 DU/AC) would be of similar scale and character with the existing neighborhood. At the time of development, the project will be reviewed for consistency with City objectives of maximizing resource conservation, achieving compatibility with existing land use patterns and minimizing exposure to environmental hazards.

The proposed amendment raises concern about potential for conversion of adjacent properties. This would require expansion of the Urban Growth Boundary and Urban Service Area, which could raise policy issues of urban expansion into the hillsides. Adjacent properties within the City boundaries are already developed and are unlikely to subdivide given the existing lot sizes.

Environmental Issues

The site is located in a Geologic Hazard Zone. Although the site is located in the East Foothills, which is an area associated with geologic problems including landslides, the site is relatively flat. Preliminary discussions with the City's Geologist indicated that additional units could be accommodated on the site. Further geological studies will be required prior to any future development.

PUBLIC OUTREACH

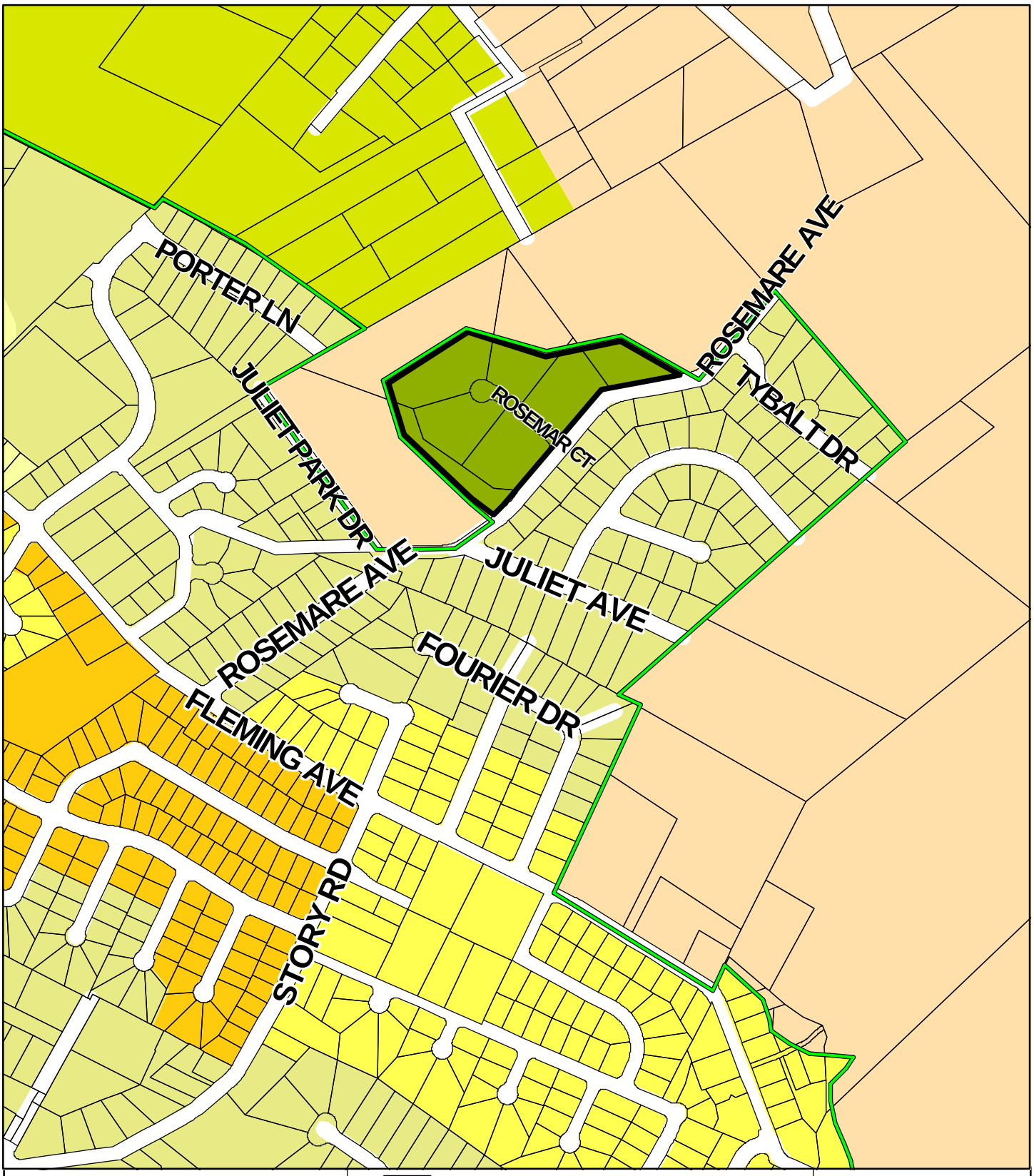
The property owners within the amendment site boundaries and/or property owners within a 1000-foot radius of the amendment site were sent a newsletter regarding the two community meetings that were held on January 14 and 15, 2004 to discuss the proposed General Plan amendment. They also received a public hearing notice regarding the public 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 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 UGB and sites that are located outside the USA and UGB. As discussed, the subject site is located within the USA and UGB. Although vacant now, this area is meant for appropriate urban development. At the time of development, the future project would need to meet the General Plan Residential Land Use and Hillside Development policies, and the Residential Design Guidelines in order to facilitate appropriate development and minimize impacts. Additional environmental clearance will be required at that time.

RECOMMENDATION

Staff recommends Very Low Density Residential (2.0 DU/AC).

GP03-05-08



CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
Planning Services Division

SITE

URBAN SERVICE AREA

N

Scale: 1" = 500'
Quad: 53, 69

URBAN SERVICE AREA
PORTER LN
ROSEMAR AVE
ROSEMAR CT
TYBALT DR
JULIET PARK DR
JULIET AVE
ROSEMAR AVE
FOURIER DR
FLEMING AVE