

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 10, 2004

COUNCIL DISTRICT: 5

SNI AREA: None

SUPPLEMENTAL MEMORANDUM

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.**

The proposed General Plan amendment was continued from March 16, 2004 to June 1, 2004 to provide the applicant additional time to resolve several issues with the neighboring community. On April 29, 2004, the applicant and the Office of Council District 5 conducted a community meeting at Joseph George School Community Room to discuss the General Plan amendment and the neighborhood concerns. Approximately 28 residents attended the meeting, including two residents who live in the County pocket along Rosemar Avenue.

The applicant conducted the meeting and reviewed the General Plan amendment with the attendees. The proposed General Plan amendment is not associated with a pending project. No Planned Development Zoning or development permit is currently on file. Community members identified several issues including traffic and safety, water pressure, density and size of units, future noticing, and County involvement.

Residents identified speeding and poor signage at the intersection of Rosemar and Juliet Avenues as problems. In response to the community concerns raised at the Planning Commission hearing about lack of sidewalks and emergency vehicles accessibility on the narrow road, the applicant indicated that the County is willing to do improvements to the County portions of Rosemar Avenue, but funding is not available. However, the applicant is willing to discuss contributing to infrastructure improvements at the time of development.

The community members also expressed concern about the density and size of each dwelling unit. Although there is no project on file with the City, the community has indicated their preference for fewer than 16 units. Some residents indicated their desire to have larger units built in an effort to reduce the number of units and to raise property values. Additionally, the neighbors believe that the increase in density could exacerbate existing conditions.

As a follow-up to the meeting, the residents requested that the June 1, 2004 City Council hearing be re-noticed. Planning staff will mail the public hearing to residents/owners within 1000-foot radius. As this process moves forward, the residents requested that the County take an active part to help resolve the width/safety issues with Rosemar Avenue. The community meeting notes were mailed to the attendees as well as the County.

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.

COORDINATION

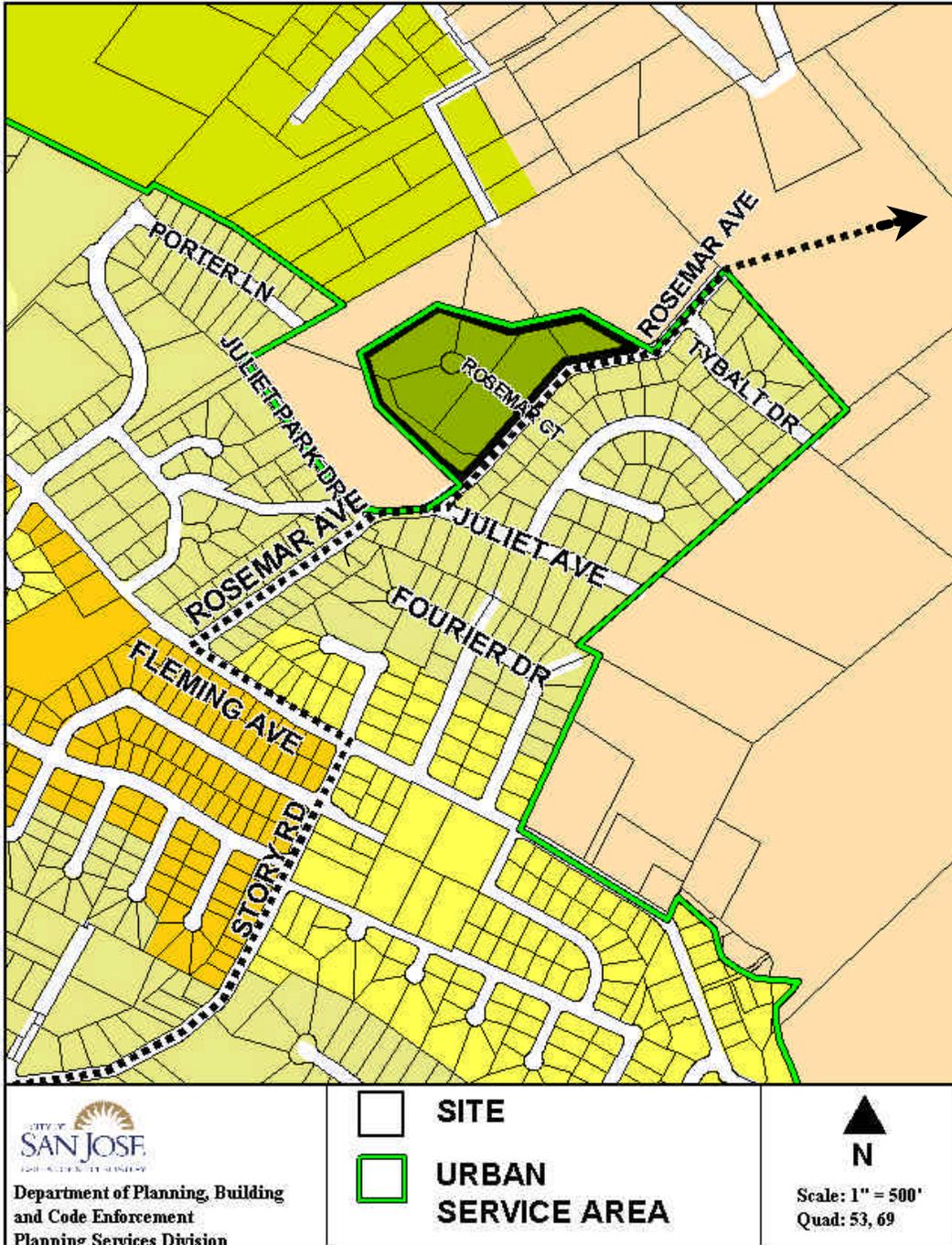
The review of this General Plan amendment was coordinated with the Department of Public Works, Fire Department, Department of Transportation, City Attorney, Santa Clara Valley Water District, Valley Transportation Authority, Pacific Gas and Electric, Airport Land Use Commission, and Parks and Recreation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



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

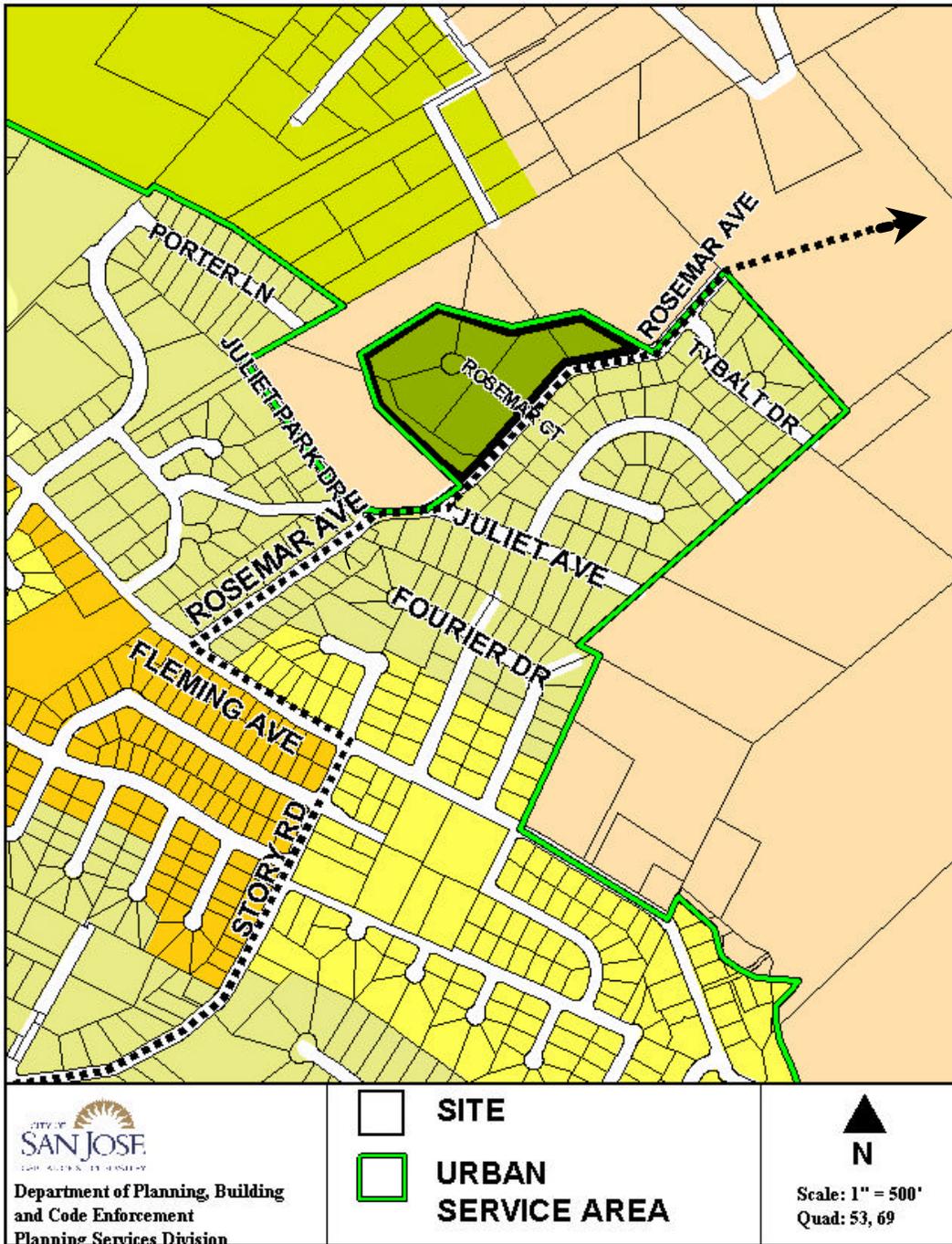
The review of this General Plan amendment was coordinated with the Department of Public Works, Fire Department, Department of Transportation, City Attorney, Santa Clara Valley Water District, Valley Transportation Authority, Pacific Gas and Electric, Airport Land Use Commission, and Parks and Recreation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

CEQA

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

STEPHEN M. HAASE
Secretary, Planning Commission

GP03-05-08



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**EVERGREEN AREA
DEVELOPMENT
POLICY BOUNDARY**



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: 4c.

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.



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.

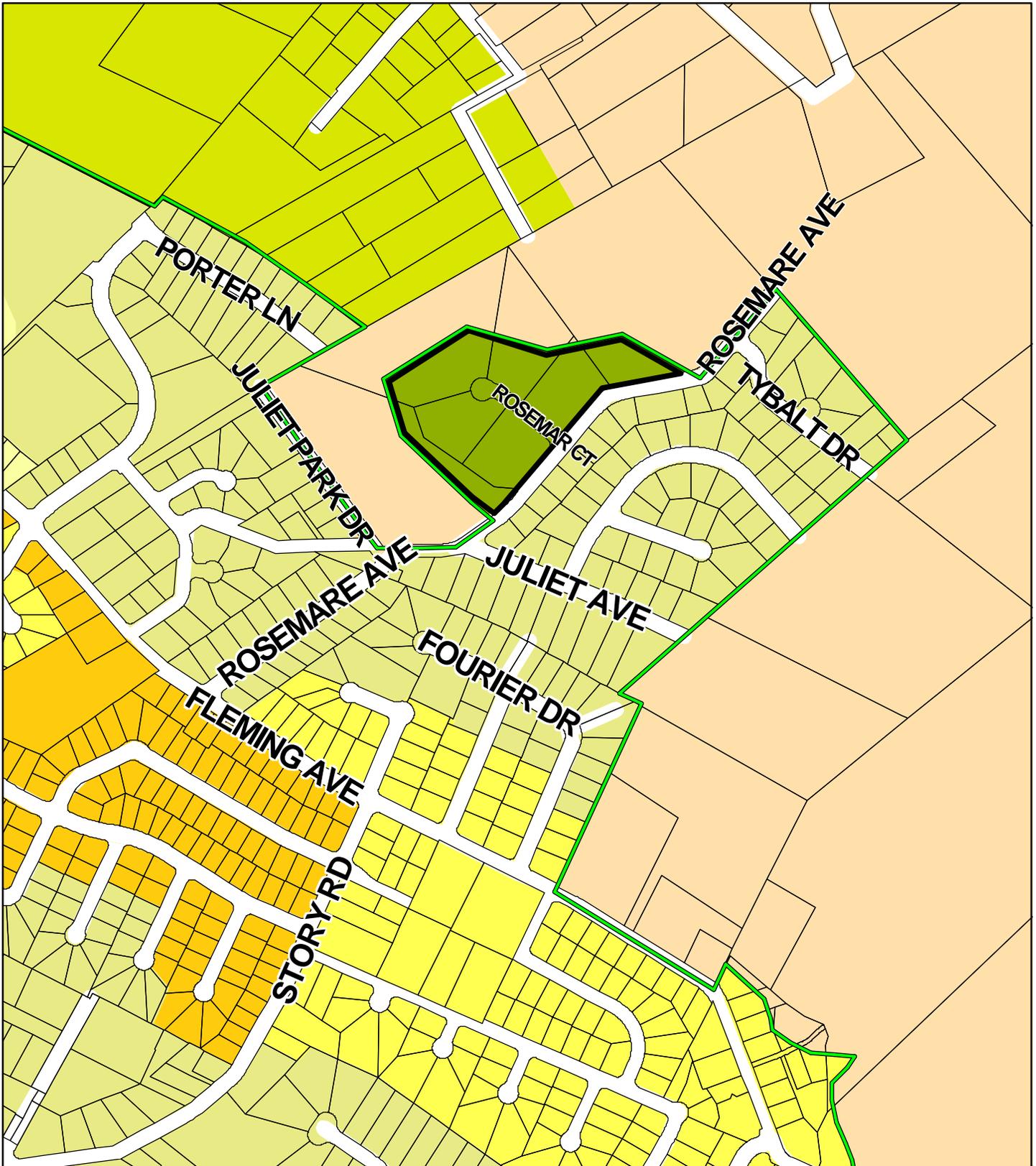
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Staff has received several letters expressing concern with the proposed residential density increase. Staff recognizes the need to preserve open space and the hillsides, and the proposed density would allow a gradual transition between lands within 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).



Department of Planning, Building
and Code Enforcement
Planning Services Division



SITE



**URBAN
SERVICE AREA**



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



PORTER LN

URBAN SERVICE
AREA

ROSEMAR AVE

ROSEMAR CT

TYBALT DR

JULIET PARK DR

JULIET AVE

ROSEMAR AVE

FOURIER DR

FLEMING AVE