



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** August 18, 2004

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**COUNCIL DISTRICT:** 5

## 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 and June 1, 2004 to September 7, 2004 to provide the applicant additional time to address concerns raised by the neighboring residents, including traffic and water improvements. In addition to the community meeting held on April 29, 2004, the applicant and the Office of Council District 5 conducted two additional community meetings on June 29, 2004 and August 12, 2004 at the Joseph George Community Room to discuss the proposed General Plan amendment and neighborhood concerns.

The primary purpose of the June 29, 2004 meeting was to discuss the existing road and traffic conditions along Rosemar Avenue, which is partly within the County's jurisdiction. Representatives from the City's Department of Transportation and the County's Department of Roads and Traffic were in attendance to help address questions. As discussed on June 29, the main concerns were vehicular speed and pedestrian safety. Residents indicated that the existing conditions are unsafe, including the width of Rosemar Avenue near Fleming Avenue which is too narrow, the lack of sidewalks along Rosemar Avenue (within the County), which is problematic for pedestrians, and the speeding of the cars. The representative from the County's Department of Roads and Traffic indicated that there is no current funding to support improvements. In response, one resident asked if the Developer could provide these improvements. The applicant indicated that they are willing to look at different ways to help resolve some of the issues. Staff clarified that the General Plan amendment could not be conditioned to include improvements, but these issues would be reviewed during the development stage should the General Plan amendment be approved. There is no pending rezoning application on file with the City's Plan Implementation Division.

The City's Department of Transportation (DOT) addressed the community's concerns about speeding by identifying various traffic calming methods. Techniques such as educational programs, striping, signage, photo radar, speed bumps, radar trailer, and enforcement have been implemented throughout the City; however some of these measures may not be applicable or

appropriate for this area. Staff reminded the residents that DOT could only implement measures within the City portions of Rosemar Avenue. DOT was willing to work with the community to determine what could possibly work best in their area. The applicant indicated that a third community meeting would be held in August prior to the September City Council meeting.

On August 12, 2004, the applicant and Councilmember Nora Campos conducted a third community meeting. The meeting focused on two items: 1) concerns with current conditions and 2) the proposed General Plan amendment. Councilmember Campos first addressed concerns with current conditions that have been raised throughout the previous community meetings. The residents made it clear that their concerns regarding traffic (volume and speed), safety and water pressure, were issues with or without the proposed project. Councilmember Campos provided the community with an update on each of these issues (please see attached notes) and indicated that she would continue to work with the community to help resolve the issues.

The second portion of the meeting focused on the proposed General Plan amendment. The applicant and planning staff presented the project and the planning process. Staff explained to the residents that the only item being considered was a General Plan amendment, a land use change to consider an increase in density. Furthermore, staff discussed how the General Plan amendment could not be conditioned to include improvements, but at the development stage, improvements would be reviewed and there would be additional opportunities for public input. Residents expressed a general concern about the increase in density because they bought homes in a community that provided open space. One resident asked if each unit would be on a minimum one-half acre lot. Staff indicated that the lots would have an average of one-half acre. Lot sizes would be generally larger than the average lot sizes to the south of Rosemar Avenue, which are approximately 10,000 square feet. Topography, consistency with the City's Design Guidelines, and Hillside Policies may dictate how the lots would be established. A representative of the property owner clarified that the General Plan amendment site is approximately 8.5 acres of a larger 28-acre site, thus some of the lots would be much larger than one-half acre.

Several of the community members at the meeting were concerned that this General Plan amendment would trigger other land use amendments in the area east of Tybalt Drive. Staff explained that this area is outside of the City's Urban Service Area and Urban Growth Boundary and would have to meet the criteria for expansion and be subject to approval by the City Council prior to consideration of a General Plan land use amendment.

In general, the community expressed concerns about increased traffic, the width of Rosemar Avenue and the property values in the area. One member suggested that the new development contain a park. Other residents indicated that the community should not bear the burden of the increase in density because the previous project was unsuccessful.

## **PUBLIC OUTREACH**

Property owners within a 1000-foot radius were notified of three community meetings that were held subsequent to the Planning Commission hearing on February 9, 2004. Additionally, 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

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before the Planning Commission on February 9 and City Council on March 16. A revised public hearing notice for the September 7, 2004 City Council public hearing was also mailed. 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