

COUNCIL AGENDA: 9-7-04
ITEM: 12.5

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: August 18, 2004

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: GP04-06-01: General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.16-acre site located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road (1726 Peregrino Way).

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend adoption of the proposed General Plan amendment to Low Density Residential (5 DU/AC).

BACKGROUND

On July 28, 2004, the Planning Commission held a public hearing to consider a General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.16-acre site located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road (1726 Peregrino Way).

ANALYSIS

Public testimony focused on the concern that the proposed amendment would potentially allow long narrow lots, which is inconsistent with the pattern of development in the neighborhood. Staff stated that should a proposed subdivision include four long narrow lots under Title 19 (the Subdivision Ordinance) the applicant would need to request a waiver from the design requirements related to lot width and width to depth. Planning staff indicated an inability to make sufficient findings to grant such a waiver and clarified that it is unlikely that a four-lot subdivision could be proposed that would meet all the requirements of Title 19. If a proposed subdivision did not meet the requirements of Title 19, then the subdivision would be subject to a public hearing and discretionary action by the Director of Planning. Additionally, staff indicated any appeal of a Tentative Subdivision Map would be heard by the City Council.

The applicant's representative was present to answer questions.

Commissioner Levy asked staff what the likelihood was of having a waiver approved. Staff responded that although the proposed density would allow four units, staff would not support a waiver. The Commission considered the Mitigated Negative Declaration, and found the project to be in compliance with CEQA. The Commission then voted (7-0-0) to recommend that the City Council adopt staff's recommendation of Low Density Residential (5 DU/AC).

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on June 24 and 30, 2004, for the Summer General Plan amendments. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment previously scheduled before the Planning Commission on July 26 and City Council on September 7, 2004. In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff received no input from the community at either of the General Plan community meetings held by staff on June 24 and June 30, 2004. However, staff did receive correspondence from concerned residents prior to these community meetings as well as one letter (attached) after the Planning Commission hearing was held on July 28, 2004. This letter dated August 10, 2004, which references correspondence between the applicant and Mr. Giannini, indicates that the applicant is willing to propose a three-lot subdivision rather than four lots, in order to address neighborhood concerns.

Previous correspondence between residents and staff is discussed in the attached staff report and supplemental memo to the Planning Commission, and the letters are included as attachments. The concerns mentioned in this correspondence indicate opposition to the proposed amendment due to lack of compatibility with the surrounding neighborhood and increased traffic. In telephone conversations, approximately five community members expressed concern regarding increased density in the neighborhood.

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.

HONORABLE MAYOR AND CITY COUNCIL

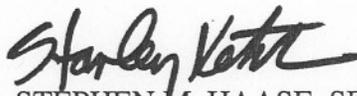
August 18, 2004

Subject: GP04-06-01

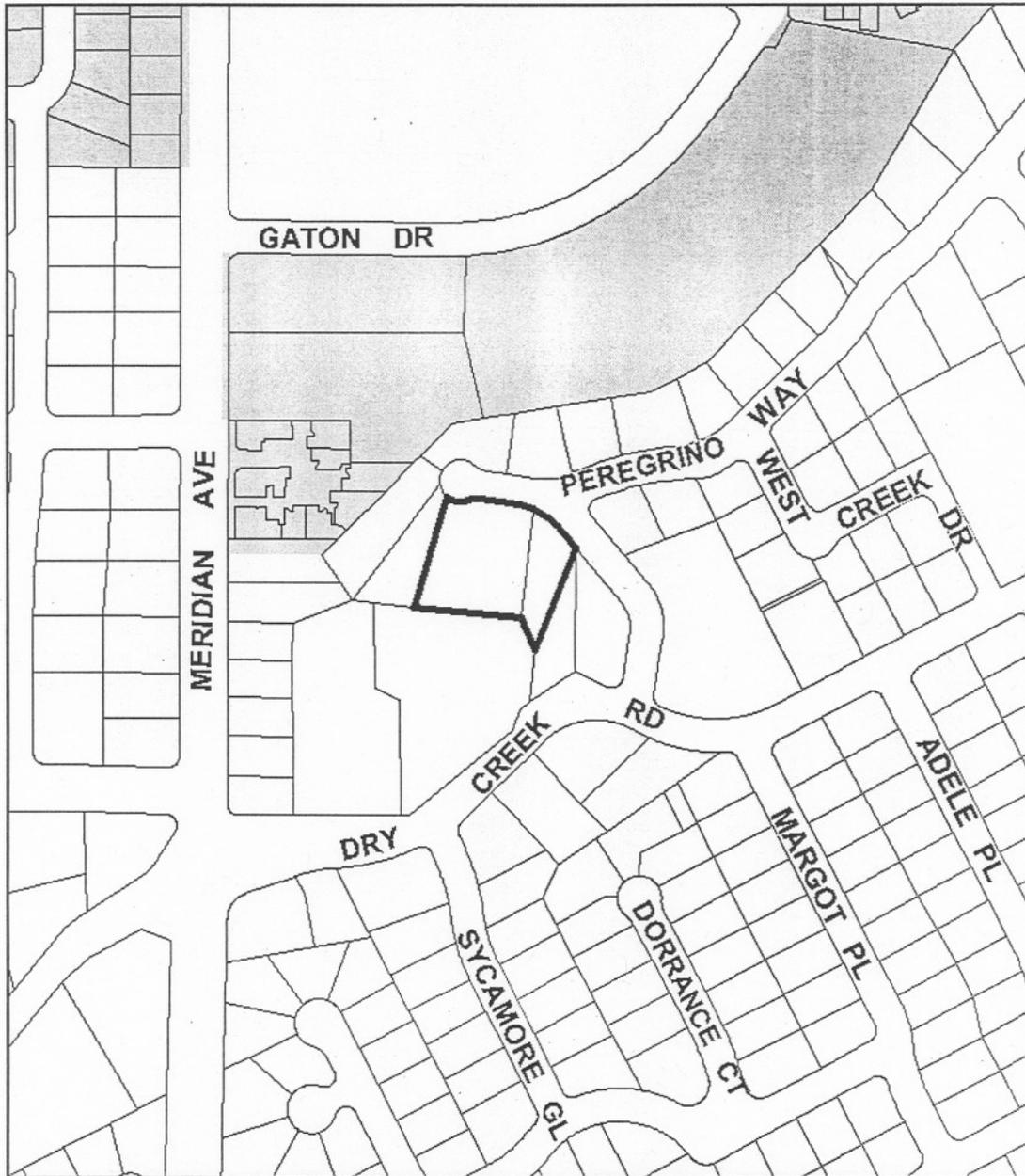
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CEQA

A Mitigated Negative Declaration was adopted on May 26, 2004.


for STEPHEN M. HAASE, SECRETARY
Planning Commission

GP04-06-01



 <p>CITY OF SAN JOSE <small>ESTABLISHED 1850</small> Department of Planning, Building and Code Enforcement Planning Services Division</p>	<ul style="list-style-type: none"> <input type="checkbox"/> SITE <input type="checkbox"/> Very Low Density Residential (2.0 DU/AC) <input type="checkbox"/> Low Density Residential (5.0 DU/AC) 	<ul style="list-style-type: none"> <input type="checkbox"/> Medium Low Density Residential (8.0 DU/AC) <input type="checkbox"/> Medium High Density Residential (12-25 DU/AC) <input type="checkbox"/> Public/Quasi-Public 	<p style="text-align: center;">N</p> <p>Scale 1" = 250' Quad: 51</p>
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