

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 19, 2009

**COUNCIL DISTRICT:** 8  
**SNI AREA:** NA

**SUBJECT: FILE NO. GP09-08-02. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM VERY LOW DENSITY RESIDENTIAL (2 DU/AC) TO LOW DENSITY RESIDENTIAL (5 DU/AC) ON A 1.7-ACRE SITE LOCATED ON THE SOUTH SIDE OF QUIMBY ROAD, APPROXIMATELY 400 FEET EAST OF MURILLO AVENUE.**

## RECOMMENDATION

The Planning Commission voted 6-1-0 (Kamkar absent) to recommend that the City Council approve the proposed General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.7-acre site located on the south side of Quimby Road, approximately 400 feet east of Murillo Avenue.

## OUTCOME

Should the City Council approve the General Plan Amendment, the applicant would be able to move forward with a Planned Development Rezoning to allow for a single-family detached residential project on the subject site.

## BACKGROUND

On November 18, 2009, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The project was on the consent calendar and there was no public testimony or Commission discussion on the item. The Commission then voted 6-0-1 (Kamkar absent) to recommend approval of the General Plan Amendment as recommended by staff.

## ANALYSIS

For complete analysis please see the original Staff Report (see attached).

## EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement the increased density on the subject site.

**POLICY ALTERNATIVES**

Not applicable.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. This staff report is also posted on the Planning division website and staff has been available to respond to questions from the public.

**COORDINATION**

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, Building Department, and the Fire Department.

**FISCAL/POLICY ALIGNMENT**

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

CEQA: Mitigated Negative Declaration.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Lesley Xavier at 408-535-7852.

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.: GP09-08-02**

**Submitted: June 16, 2009**

**PROJECT DESCRIPTION:**

General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Very Low Density Residential (2.0 DU/AC) to Low Density Residential (5.0 DU/AC) on a 1.7 acre site.

**LOCATION:**

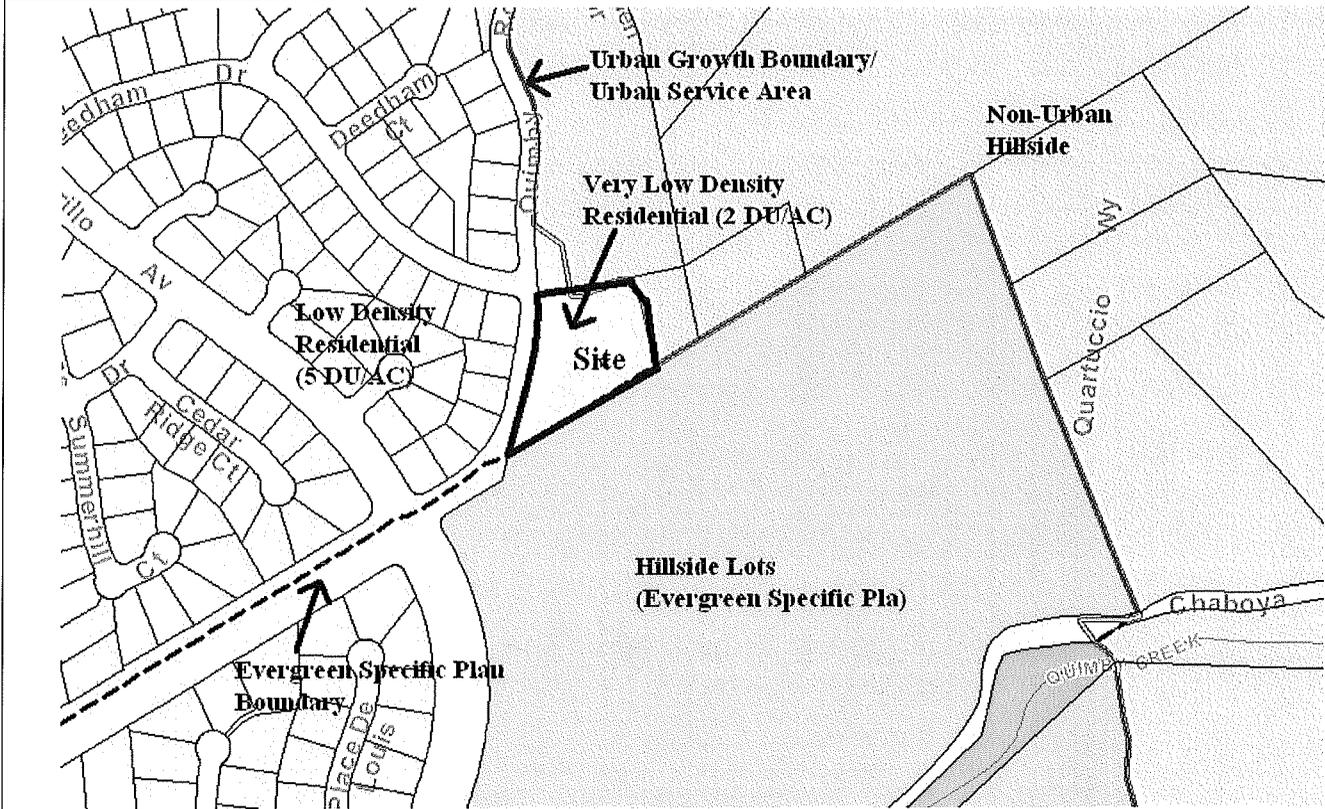
South side of Quimby Road, approximately 400 feet east of Murillo Avenue.

Existing General Plan	Very Low Density Residential (2.0 DU/AC)
Proposed General Plan	Low Density Residential (5.0 DU/AC)
Zoning	Unincorporated
Council District	8
Annexation Date	NA
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

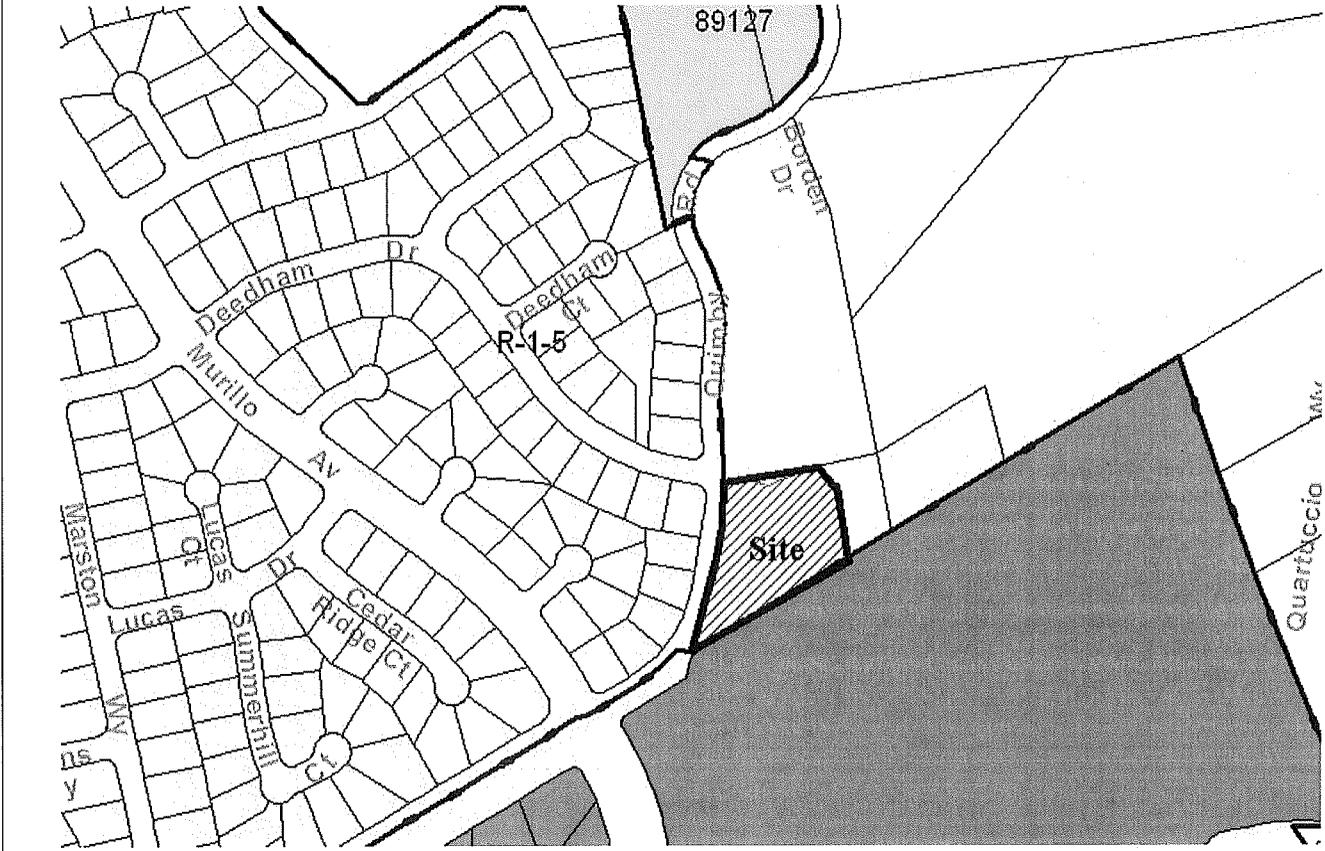
**Aerial Map**



**GENERAL PLAN**



**ZONING**



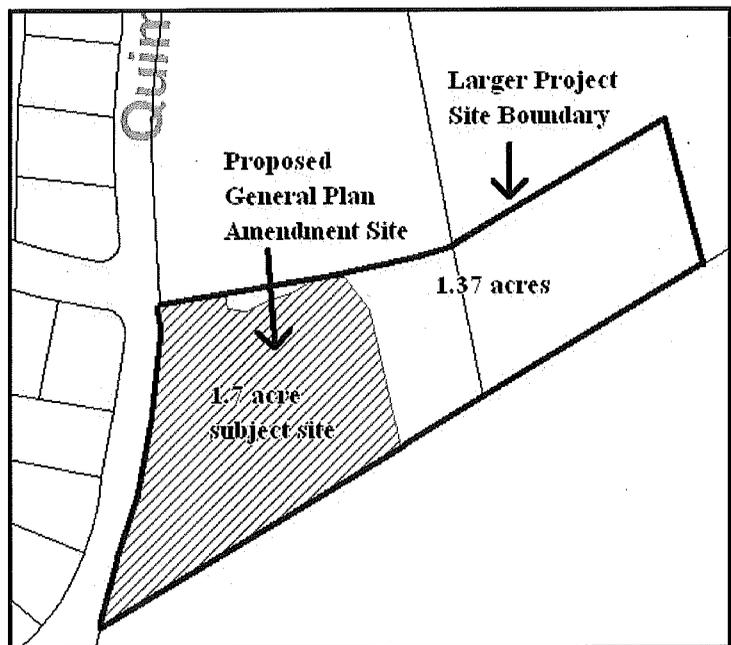
## **RECOMMENDATION**

Planning staff recommends approval of the proposed amendment to change the San Jose 2020 Land Use/Transportation Diagram on the subject site from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) as it is consistent with the goals and policies of the San Jose 2020 General Plan, most notably:

1. The Growth Management Major Strategy, as the change will facilitate infill development within the City's Urban Service Area boundary and Urban Growth boundary.
2. The Housing Major Strategy, as the change will maximize the housing opportunity and at the same time be compatible with the surrounding development pattern.
3. Residential Land Use Policy No. 9, as the change in density will allow for the existing development pattern of the surrounding neighborhood to be carried out over the subject site.

## **BACKGROUND & DESCRIPTION**

This is a privately initiated General Plan Amendment request to change the San José 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 1.7-acre site located on the south side of Quimby Road, approximately 400 feet east of Murillo Avenue. This 1.7 acre site is a portion of a larger 3.07 acre site that would currently yield three dwelling units. The remaining 1.37 acres is designated as Non Urban Hillside and is above the 15% slopeline. The approval of the proposed General Plan Amendment to Low Density Residential (5 DU/AC), and a subsequent Planned Development Rezoning over the entire site, could allow for the development of up to eight residential units.



In addition, the subject site is currently unincorporated. Any project proposed on the site would first require annexation into the City of San Jose.

### **Site and Surrounding Land Uses**

The subject site is presently a gently sloping parcel that is open grassland with 10 existing trees and a single-family residence (built in 1966) and associated accessory structures. The subject site is surrounded by large lot single-family detached residences to the north, open hillside to the east, undeveloped property designated for single-family detached residences, followed by an existing church to the south, and single-family detached residences with typical lot sizes are located to the west, across Quimby Road.

## ANALYSIS

The site's existing Very Low Density Residential (2 DU/AC) land use designation is typified by ½ acre residential lots in areas of topographical and /or geologic considerations, and is lower than the density of the single-family detached residential neighborhood located to the west across Quimby Road is built. The adjacent neighborhood across Quimby Road has an average lot size of 7,800 square feet and has a land use designation of Medium Low Density Residential (5 DU/AC). The open hillside lots to the north and east range in size between 3 and 17 acres. The undeveloped property located to the south, between the subject site and the existing church, has a General Plan land use designation of Hillside Lots (Evergreen Specific Plan) which stipulates a lot size of a minimum of 6,000 square feet and an average of 10,000 square feet.

The proposed Low Density Residential (5 DU/AC) land use designation is typified by 8,000 square foot lots that are intended to respond to the need for slightly larger than normal lots to prevent excessive grading on slopes, provide adequate space for slopes to transition between home sites, and the need to provide a variety of lot and house sizes within the City. Therefore, development under the Low Density Residential land use designation could achieve compatibility with the existing land use patterns and lot sizes.

In addition, the General Plan allows for a transfer of densities within a contiguous area that has more than one residential density. Given that the subject General Plan Amendment site is part of a larger development site, the over all maximum density would be 2.78 DU/AC (1.7 net acres at 5 DU/AC and 1.37 net acres of Non Urban Hillside at 0.05 DU/AC). This change would still result in larger lot sizes and allow for minimum grading on the hillside, which is required in order to be in conformance with the General Plan's Hillside Development Policies. The change will also allow for development that will be consistent with the lotting pattern of the adjacent residential development. Given that the site is on a slope, it is expected that development would be clustered close to Quimby Road below the 15% slopeline and the uphill portion of the site would remain free of structures. Given the need to meet the General Plan's Hillside Development Policies, staff would expect that a maximum of six (6) units would be developed on the site.

The proposed increase in residential density on the subject site is consistent with the following General Plan Policies and are the main reasons for recommending approval of the proposed General Plan amendment as discussed in the following:

1. Growth Management Major Strategy: The purpose of a growth management strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service.  
*The existing site is designated for residential uses. The proposed change in residential density will facilitate infill development within the City's Urban Service Area boundary and Urban Growth boundary and directly adjacent to an existing subdivision. Such development can be more easily supported by existing infrastructure and facilities such as libraries, schools, parks, community centers and commercial amenities.*
2. Housing Major Strategy: This strategy seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided.  
*The proposed change in residential density will maximize the housing opportunity and at the same time be compatible with the surrounding development pattern.*

3. Urban Conservation Policy No. 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.  
*The proposed amendment would allow for development on the site that would continue the lotting pattern consistent with the adjacent neighborhood across Quimby Road and will continue to protect hillside areas above the 15% slopeline.*

4. Residential Land Use Policy No. 9: 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, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.  
*The proposed amendment would continue the development pattern of the adjacent neighborhood across Quimby Road consistent with existing neighborhood character. The resulting lot sizes would be slightly larger, which is appropriate as the site is uphill from the existing neighborhood and a larger lot size will minimize potential visual impacts and grading.*

*State law (Government Code §65996) specifies the method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The proposed project would increase the number of school children attending public schools in the project area, the impact to schools would be less than significant and development of the subject site will require the payment of a school impact fee, as mandated by the State, to offset the increased demands on school facilities caused by the proposed project.*

### **Evergreen-East Hills Development Policy**

The subject site is located within the Evergreen-East Hills Development Policy (EEHDP) area. A revised Policy was adopted on December 16, 2008 to change the traffic analysis methodology for managing the traffic congestion associated with near term development in the EEHDP area and promote development consistent with the General Plan goals. The updated EEHDP establishes a capacity for the development of up to 500 new residential units within the area. The pool of new residential units is divided between 70% small projects (35 units or less) and 30% large projects (between 35 and 150 units). Units are withdrawn from the pool with the approval of a rezoning or development permit.

The previous Evergreen Development Policy created a benefit assessment district which allocated units to specific parcels and not every undeveloped or underdeveloped parcel had a unit allocation. Under the old policy the subject site did not have any unit allocation. With the adoption of the new EEHDP the subject site now has the ability to develop additional residential units with the approval of the subject General Plan Amendment for an increase in the density and the approval of a subsequent Planned Development Zoning.

In addition, under the EEHDP, the applicant will pay a Traffic Impact Fee (TIF) based on a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with the development.

### **Conclusion**

The subject General Plan amendment request is consistent with the San Jose 2020 General Plan and its Goals and Policies, as stated above.

**ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (MND), which was adopted on May 27, 2009, states that the proposed General Plan Amendment and Planned Development Rezoning will not have a significant effect on the environment.

The primary issues addressed in the Initial Study include the potential impacts of the physical development of the site on biological resources and noise. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures will be included in the development standards of the Planned Development Zoning. The entire MND and Initial Study are available for review on the Planning web site at: [www.sanjoseca.gov/planning/eir/MND.asp](http://www.sanjoseca.gov/planning/eir/MND.asp)

**PUBLIC OUTREACH/INTEREST**

The property owners and occupants within a 500-foot radius were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

On Thursday, November 5, 2009, the proposed General Plan Amendment was heard as an agenda item on the District 8 Community Round Table meeting held at the Evergreen Branch Library Community Room on Aborn Road. Notices of the proposed General Plan Amendment's occurrence on the Community Round Table meeting agenda were sent to property owners and occupants within a 500-foot radius of the subject site. There was one concern expressed, which was that a 6,000 square foot lot size seemed too small.

The General Plan Amendment was also presented to the Neighborhood Roundtable on August 18th, the Developers Roundtable on August 28th and the Parks Commission Meeting on November 4th, 2009.

**Project Manager:** Lesley Xavier    **Approved by:**     **Date:** 11/12/09

<b><u>Owner/Applicant:</u></b> <b><u>Owner:</u></b> Euson Huang 1862 Hunt Drive Burlingame, CA 94010  <b><u>Applicant/Contact:</u></b> Gerry De Young Ruth and Going, Inc. P. O. BOX 26460 San Jose, CA 95159-6460	<b><u>Attachments:</u></b> None.
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