



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 8, 2010

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

**SUBJECT: FILE NO. GP08-08-03. A GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/ TRANSPORTATION DIAGRAM DESIGNATION FROM NON-URBAN HILLSIDE (SILVER CREEK PLANNED RESIDENTIAL COMMUNITY) TO PUBLIC/QUASI-PUBLIC (SILVER CREEK PLANNED RESIDENTIAL COMMUNITY) ON A 3-ACRE PORTION OF A 21.1-ACRE SITE LOCATED ON THE EAST SIDE OF DOVE HILL ROAD, APPROXIMATELY 500 FEET NORTH OF HASSLER PARKWAY.**

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the General Plan Amendment request to change the Land Use/ Transportation Diagram designation from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1-acre site.

## 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 an assisted living facility project on the subject site.

## BACKGROUND

On April 7, 2010, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment request for the reasons stated in the attached staff report. The project was on the evening's consent calendar.

Planning staff made one comment on the item stating that a Mitigated Negative Declaration was adopted for the proposed project on April 7, 2010 and that Planning staff has responded in writing to comments received from the Santa Clara Parks and Recreation Department before the end of the public review period (see attached). The comments contained in the letter did not

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affect the conclusion of the Negative Declaration, that there are no significant environmental effects from, or to, the proposed project.

In order to discuss the item, Commissioner Zito pulled the item from the consent calendar. The Planning Commission then took public testimony. There were two speakers on the item both of which were in favor of the land use change.

The applicant, Sal Caruso, stated that he supported staff's recommendation and two members of the public spoke in favor of the land use change. Commissioner Zito then questioned the applicant asking what had changed since the item was before the Commission for early consideration for immediate denial. Mr. Caruso stated that additional information as to the location of the 15% slope line was provided to the City and subsequently the proposed development area was reduced from five acres to three acres. In addition, the land use designation request was changed from General Commercial to Public/Quasi-Public to more adequately reflect the intended use of the site.

The Planning Commission then voted 7-0-0 to recommend to the City Council approval of the proposed General Plan Amendment.

### 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 a public/quasi-public use 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)**

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A notice of the Planning Commission and City Council public hearings 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. In addition, on March 29, 2010, a community meeting was held at the Hillview Branch Library, at which approximately 3 area neighbors were in attendance.

### **COORDINATION**

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, Building Division, 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**

A Negative Declaration (ND) was adopted on April 7, 2010.

/s/

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

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

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

**FILE NO.:** GP08-08-03

**Submitted:** June 30, 2008

**PROJECT DESCRIPTION:**

General Plan Amendment request to change the Land Use/ Transportation Diagram designation from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1-acre site.

**LOCATION:**

East side of Dove Hill Road, approximately 500 feet north of Hassler Parkway.

Existing General Plan	Non-Urban Hillside ( Silver Creek Planned Residential Community)
Proposed General Plan	Public/Quasi-Public ( Silver Creek Planned Residential Community)
Zoning	A - Agriculture
Council District	8
Annexation Date	January 22, 2003 (Evergreen No.184)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

Aerial Map





## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the City Council approval of the proposed General Plan Amendment for the following reasons:

1. The proposed amendment to change the Land Use/Transportation Diagram on the subject site from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) is consistent with the goals and policies of the San Jose 2020 General Plan, most notably:
  - a. Growth Management Major Strategy, as the land use change is for a site that is located within the Urban Service Area.
  - b. Greenline/Urban Growth Boundary Major Strategy, as the land use change is for a site that is located within the Greenline/Urban Growth Boundary below the 15% slope line.
  - c. Hillside Development Goal, as the General Plan allows for development of sites below the 15% slope line when it is proven that the site is stable and appropriate for development.
  - d. Scenic Routes Policy No. 4, as the site is adjacent to an Urban Throughway and a public/quasi-public use would provide an opportunity for a building with architectural interest consistent with this policy.

## **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 Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1-acre site located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway.

Approval of the proposed General Plan Amendment to Public/Quasi-Public and the submittal of a subsequent Planned Development Rezoning would facilitate the development of an assisted senior living facility for adults needing medical assistance on the subject site.

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

The project site slopes steeply from west to east, with the eastern property line situated at an elevation approximately 230 feet higher than the western property line. The site's existing land uses include two single-family residences and a storage and nursery area for a landscaping business. The storage area includes two small offices, sheds, vehicles and equipment. These existing uses are located on an area of the site with existing plateaus. The paved Dove Hill Road extends to the project site; however, at the property line asphalt paving yields to gravel and ultimately a dirt road.



The land uses surrounding the site include large lot single-family residential uses and open space to the north, single-family residential to the east known as The Ranch at Silver Creek or The Ranch, open space to the south, and Highway 101 to the west. The site is visible from Highway 101.

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

The subject site is located within the Evergreen-East Hills Development Policy (EEHDP) area, which encompasses all areas of the City that are south of Story Road and east of Highway 101. A revised Policy was adopted on December 8, 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, 500,000 square feet of new retail, and 75,000 square feet of new office within the area.

The proposed Public/Quasi-Public land use designation does not fit into the traditional form of residential, commercial, or office development in terms of the number of am/pm peak trips. Any Public/Quasi-Public use on the site will need to conduct a trip generation equivalency to determine the amount of trips required to be withdrawn from the pool and or pools.

Units/square feet are withdrawn from the pool with the approval of a rezoning or development permit. The previous 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 had no allocation. With the adoption of the new EEHDP the subject site now has the ability to develop with the approval of a Planned Development Zoning. The subject General Plan Amendment would facilitate a Planned Development Rezoning of the site for a senior assisted living facility, or other public/quasi-public use.

As a General Plan Amendment does not entitle the allocation of development capacity to the subject site, which can only occur through the approval of a development permit, the analysis required under the EEHDP for allocation has not been done at this time, but will be at the Planned Development Rezoning stage of the project. 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.

### **Early Consideration**

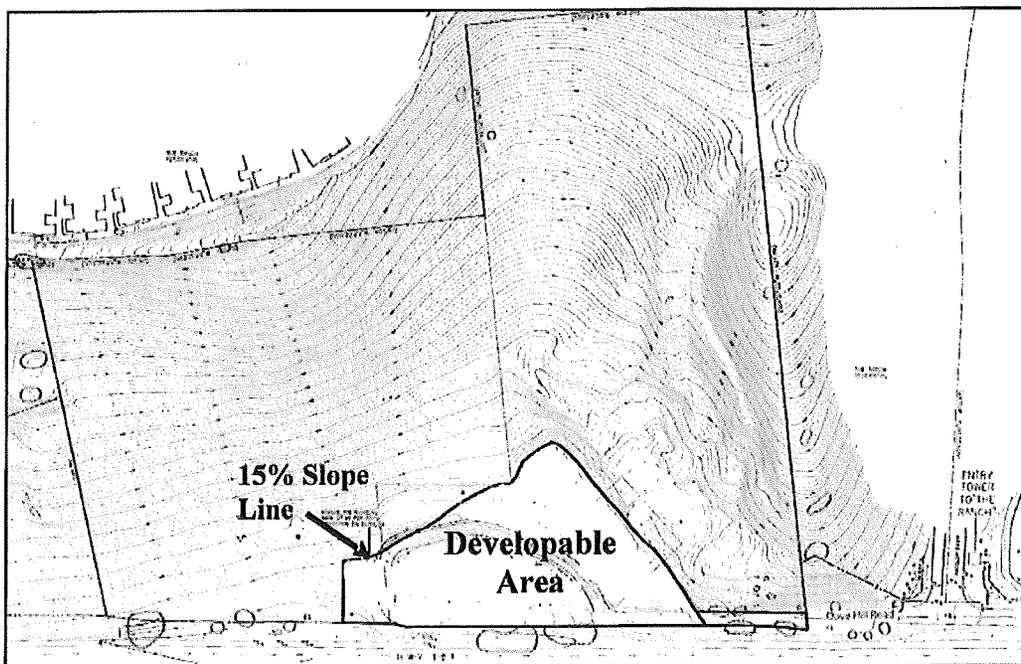
The proposed General Plan Amendment was originally requesting a land use change to General Commercial on five acres, and was subject to the Early Consideration hearing process. When a proposed land use amendment to the San José 2020 General Plan is fundamentally inconsistent with adopted Council policies, the Administration may bring the amendment to the Planning Commission for Early Consideration of a recommendation to the City Council for denial or continued processing. At public hearings held by the Planning Commission on August 20, 2008 and by the City Council on September 9, 2008, both the Planning Commission and City Council recommended continuing to process the General Plan Amendment.

The applicant's initial General Plan Amendment request was to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Non-Urban Hillside to General Commercial to allow 290 to 340 assisted living units on a 4-acre portion of a 21-acre site. The key issues with the proposed land use change identified by staff included fundamental inconsistencies with the San Jose 2020 General Plan and Silver Creek Planned Residential Community Specific Plan, specifically, that the change would (1) compromise the rural character of the site and the valuable watershed and view-shed of the hillsides, (2) result in significant impacts on the land, such as extensive grading and removal of native

vegetation, (3) would require major urban services and facilities, such as sanitary, storm, water and fire services, and (4) would exceed the density allowed per the hillside slope density formula.

### **ANALYSIS**

Since the outcome of the Early Consideration process, the applicant has revised their land use request. The requested land use designation went from General Commercial to Public/Quasi-Public. The requested acreage has also been reduced from five acres to three acres. The proposed three acre area, shown below, better reflects the existing topography, includes the plateaus where the existing structures on the site currently sit, and is located below the 15% slope line. The intent of the 15% slope line, as a general planning criterion, is to define the limit of the encroachment of urban land uses into the hillsides that border the valley floor. Areas above the 15% slope line are generally designated Non-Urban Hillside.



### **Land Use Designations**

The site's existing General Plan land use designation of Non-Urban Hillside limits land uses to those that have very little physical impact on the land and require no urban facilities or services. Very low intensity uses, such as grazing, tree farming, or very large lot residential estates, are potential uses under this category. The maximum residential density is determined by the Hillside Slope Density Formula which defines minimum lot sizes between 20 and 160 acres (i.e., a density range of 0.05 to 0.0063 dwelling units per acre) based on average slope of an existing legal parcel. The subject site is also located within the Urban Service Area and Greenline/Urban Growth Boundary.

The applicant's proposed General Plan land use designation of Public/Quasi-Public is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. This category is also used to designate lands used by some private entities, including public utilities and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications. In addition, such institutions as places of worship, private schools and private hospitals are also appropriate for this designation. Development intensities expected under this designation should generally be no greater than a Floor Area Ratio (FAR) of 1.5. The

development intensities in this category can be expected to vary significantly from very low (e.g., airports, corporation yards) to very high (e.g., government offices). The average intensity across the whole category, however, is not expected to exceed a FAR of 1.5.

### **Silver Creek Planned Residential Community (SCPRC)**

The subject site is located within the Silver Creek Planned Residential Community. The rural setting of this planned residential area, surrounded on three sides by developed urban uses, allowed for the development of a low density suburban community within close proximity to the fully urbanized city. The plan utilizes primarily the lowest density residential land use categories, locating the various densities according to the ability of the topography to support development. The site's existing Non-Urban Hillside designation was originally intended to preserve its non-urban character.

### **General Plan Goals and Policies**

The proposed land use change from Non-Urban Hillside to Public/Quasi-Public on the subject site is consistent with the following General Plan provisions and are the main reasons for recommending approval of the proposed General Plan amendment as discussed in the following:

- **Growth Management Major Strategy:** The purpose of the Growth Management Strategy is to find the delicate balance between the need to locate new development and the need to balance the City's budget, while providing acceptable levels of service.

*The site is within the Urban Service Area and any development on the site would be required to pay for the infrastructure required to support the use and maintain acceptable levels of service.*

- **Greenline/Urban Growth Boundary Major Strategy:** This Strategy defines the ultimate perimeter of urbanization in the City of San Jose. The General Plan designates areas that are within the Greenline/Urban Growth Boundary, but above the 15% slope line as Non-Urban Hillside, which is a designation that allows for only those uses that are of a very low intensity.

*The subject site is located within the Greenline/Urban Growth Boundary and the requested land use change is on the portion of the site that is located below the 15% slope line. Therefore, because development would not be above the 15% slope line the requested land use change is consistent with this Major Strategy.*

- **Residential Land Use Policy No. 25:** Large non-residential/institutional uses should not be located adjacent or in close proximity to one another in residentially designated areas. Large institutional uses should be designed to be compatible with the scale, character, and identity of the surrounding neighborhood.

*A Public/Quasi-Public use would be consistent with this policy as the site is somewhat isolated and not directly adjacent to a neighborhood.*

- **Hillside Development Goal:** Preserve the valuable natural resources of the hillsides and minimize the exposure of the public to potential environmental hazards associated with development on the hillsides.

*The requested land use change is on a portion of a larger site that is located below the 15% slope line. The General Plan allows for development of sites below the 15% slope line in that it still protects the visual and natural resource of the hillsides, there is less potential for exposure of the*

*public to potential environmental hazards, and before development can occur, it must be proven that the site is stable and appropriate for development.*

- **Scenic Routes Policy No. 4:** Any development occurring adjacent to Landscaped Throughways should incorporate interesting and attractive design qualities and promote a high standard of architectural excellence.

*Urban Throughways are designated as scenic routes on the Scenic Routes and Trails Diagram. This designation includes all the State and Interstate Highways that traverse through San Jose's Sphere of Influence. These Throughways are important transportation routes with high traffic volumes. San José's image for both residents and visitors are affected by the visual and aesthetic scene both at gateways where these routes enter the City, and as these routes traverse the City. A public/quasi-public use on the site would provide an opportunity for the development of a building with architectural interest consistent with this policy.*

### **Conclusion**

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

In addition, Public/Quasi-Public uses can range in nature from low to high intensity. Development of the subject site will need to: (1) protect the scenic views of the hillside, (2) be below the 15% slope line, (3) have a high standard of architectural detail and landscaping, and (4) have a building mass that respects the hillside and view-sheds, consistent with the General Plan's goals and policies.

### **ENVIRONMENTAL REVIEW**

A Negative Declaration (ND) was circulated on March 12, 2010 with the comment period ending on April 1, 2010. The ND states that the proposed General Plan Amendment will not have a significant effect on the environment. The entire ND 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 1,000-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.

### **Community Meeting**

On March 29, 2010, a community meeting was held at the Hillview Branch Library. Three community members were in attendance. Those in attendance were supportive of the land use change on the 3 acres, but would like for the remainder of the 21 acre site to stay designated as Non-Urban Hillside. In addition, they felt that the view up Highway 101 North is important as it is a gateway to the City and the current use of the site appears to be blight. Also, assisted senior living units are needed in the City, so this would be a positive change.

### **Tribal Consultation**

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

**Project Manager:** Lesley Xavier    **Approved by:** Samuel Peretti    **Date:** 3-30-10

Owner/Applicant:	Attachments:
<p><u>Owner:</u></p> <p><u>Applicant:</u> Salvatore Caruso 980 El Camino Real, suite 200 Santa Clara, CA 95050</p>	

**RESPONSE TO COMMENTS RECEIVED ON THE  
NEGATIVE DECLARATION FOR THE DOVE HILL ASSISTED LIVING  
GENERAL PLAN AMENDMENT  
FILE NO. GP08-08-03**

**LIST OF AGENCIES & ORGANIZATIONS COMMENTING ON  
THE INITIAL STUDY**

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1. Kimberly Brosseau, Planner III, County of Santa Clara Parks and Recreation Department.

**RESPONSES TO COMMENTS RECEIVED ON THE INITIAL  
STUDY**

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The following section includes all of the comments on the Initial Study that were received by the City of San Jose during the review period. The comments have been excerpted from the letters and are presented as "Comment" with each response directly following "Response". The actual letters submitted follow the responses to the comments.

**Letter 1 from the County of Santa Clara Parks and Recreation Department**

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**Comment 1-1**

Noted. As shown on the Errata section attached to this letter, the *Santa Clara County Countywide Trails Master Plan Update* has been included in the discussion of regulatory documents in the Public Services and Recreation sections of the proposed MND.

**Comment 1-2**

Comment noted. As shown on the Errata section attached to this letter, the *Bay Area Ridge Trail (R5-C)* is described in the Setting sections of both the Public Services and Recreation sections of the Initial Study.

**Comment 1-3**

Comment noted. As shown on the Errata section attached to this letter, the *Coyote Creek Llagas Sub-regional Trail (S5)* is described in the Setting sections of both the Public Services and Recreation sections of the Initial Study.

**Comment 1-4**

The proposed extension of the municipal sewer lines is described more completely in the Utilities and Services section of the Initial Study. This environmental review document is for a General Plan Amendment; the actions requested under this Project do not include development

approval, therefore, the proposed sanitary sewer connection has not yet been designed. The project will be required to undergo additional environmental review for the Planned Development (PD) zoning phase, which will require a more detailed Project Description. The proposed SS connection will be described more fully in that phase.

**Comment 1-5**

Comment noted. See response to Comment 1-7 below. The project applicant does not intend to request that any land entitlements be conveyed to the City by the County. As noted in the response to Comment 4 above, the proposed project will require additional environmental review in order to obtain PD zoning for the project site. If the applicant decides at that phase of the project to change the project description in order to pursue a sanitary sewer connection through Hellyer County Park, then the environmental analysis for the subsequent PD rezoning will provide a complete analysis of any potential impacts that may entail. In that event, the Santa Clara County Parks & Recreation Department will be listed as an agency whose approval is required.

**Comment 1-6**

Comment noted. See attached Errata.

**Comment 1-7**

Comment noted. At this time, the project applicant does not intend to pursue the option of obtaining easements through Hellyer County Park. The applicant is aware that the County Parks Department does not grant entitlements through public parkland to private entities for private development projects, and that the conveyance of any entitlement would be subject to conditions mutually agreed upon between the City and County. This Initial Study was prepared for a proposed General Plan Amendment; therefore, the project has not yet been designed in detail. As noted in the response to Comment 1-4 above, the proposed project will require additional environmental review in order to obtain a PD zoning for the project site. The proposed sanitary sewer system will be described more fully in that phase of the project.

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## Errata

The following are minor text changes, additions or modifications made to the Dovehill Assisted Living Facility GPA Initial Study.

Deletions are noted by ~~strike through~~; additions are underlined.

## Public Services

### *Parks* (Page 176)

In addition to the City's *General Plan* policies, future development resulting from the proposed land use designation shall be required to comply with the following City Ordinances:

- City's Park Impact Ordinance (PIO) and/or Park Dedication Ordinance (PDO) requirements.

The Santa Clara County Countywide Trails Master Plan Update, an element of the Parks and Recreation section of the County General Plan, also provides development guidance and policy directives and implementation strategies for the Countywide Trails Master Plan. The Santa Clara County Countywide Trails Master Plan Update includes Strategy #6: Facilitate Inter-jurisdictional Coordination, with the specific objective to "Coordinate trails planning within the County as well as within adjacent jurisdictions" and provides the following policy:

PR-TS 6.1: Trail planning, acquisition, development and Management of trail routes shown on the Countywide Trails Master Plan Map should be coordinated among various local, regional, state and federal agencies which provide trails or funding for trails.<sup>1</sup>

The City of San José General Plan 2020, prepared in 2008, is consistent with this policy. The San José General Plan Land Use / Transportation Diagram (Chapter 5), states the following:

"Portions of the Bay Trail and portions of the short term alignment of the Ridge Trail are already included on the Scenic Routes and Trails Diagram. The City should continue to work with other agencies in the development of a short term alignment for the Ridge Trail connection across North Coyote Valley between the foothills of the Santa Cruz Mountains and the Diablo Range and a long term alignment for the Ridge Trail through the Santa Cruz Mountains and the Diablo Range within the City's Sphere of Influence."<sup>2</sup>

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<sup>1</sup> Santa Clara County, *Countywide Trails Master Plan Update*, p. 39, November 1995.

<sup>2</sup> San José *General Plan 2020, Land Use / Transportation Diagram*, p. 272, 2008.

## Recreation (Page 183)

Environmental Factors and Focused Questions for Determination of Environmental Impact	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. RECREATION —				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[ ]	[ ]	[ ]	[✓]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	[ ]	[ ]	[✓]	[ <del>✓</del> ]

## Introduction (Page 184)

In addition to the City's *General Plan* policies, future development resulting from the proposed land use designation shall be required to comply with the following City Ordinances:

- City's Park Impact Ordinance (PIO) and/or Park Dedication Ordinance (PDO) requirements.

The Santa Clara County Countywide Trails Master Plan Update, an element of the Parks and Recreation section of the County General Plan, also provides development guidance and policy directives and implementation strategies for the Countywide Trails Master Plan. The Santa Clara County Countywide Trails Master Plan Update includes Strategy #6: Facilitate Inter-jurisdictional Coordination, with the specific objective to "Coordinate trails planning within the County as well as within adjacent jurisdictions" and provides the following policy:

PR-TS 6.1: Trail planning, acquisition, development and Management of trail routes shown on the Countywide Trails Master Plan Map should be coordinated among various local, regional, state and federal agencies which provide trails or funding for trails.<sup>3</sup>

The City of San José General Plan 2020, prepared in 2008, is consistent with this policy. The San José General Plan Land Use / Transportation Diagram (Chapter 5), states the following:

"Portions of the Bay Trail and portions of the short term alignment of the Ridge Trail are already included on the Scenic Routes and Trails Diagram. The City should continue to work with other agencies in the development of a short term alignment for the Ridge Trail connection across North Coyote Valley between the foothills of the Santa Cruz Mountains and the Diablo Range and a long term alignment for the Ridge Trail through the Santa Cruz Mountains and the Diablo Range within the City's Sphere of Influence."<sup>4</sup>

<sup>3</sup> Santa Clara County, *Countywide Trails Master Plan Update*, p. 39, November 1995.

<sup>4</sup> San José *General Plan 2020, Land Use / Transportation Diagram*, p. 272, 2008.

## Setting (p. 184)

As described above, there are five parks within a one-mile radius of the project site: Melody Park (two acres), located at LaTorre Avenue and Nokomis Drive, approximately 0.7 mile southwest of the project site; Hellyer Park & Coyote Creek Trail (205 acre County park), located at 985 Hellyer Road, approximately 0.4 mile west of the project site; Randlewood Park (9.3 acres), located at Dundale Drive and Kinsule Court, approximately 0.6 mile northwest of the project site; Dove Hill Park (3.9 acres), located at Carick Place Way and Ravens Place Way, approximately 0.75 mile north of the project site; and Silver Creek Linear Park (35 acres), located at Silver Creek Road and Yerba Buena Road, approximately 0.9 mile northeast of the project site.

There are also two County-wide trail routes located in the vicinity of the Project site. The *Bay Area Ridge Trail* (R5-C) and *Coyote Creek Llagas Sub-regional Trail* are both designated as a trail routes within other public lands for hiking, off-road cycling and equestrian use. In the vicinity of the project site, these trails pass through Hellyer & Coyote Creek Park.

**County of Santa Clara**

Parks and Recreation Department

208 Garden Hill Drive  
Los Gatos, California 95032-7600  
(408) 355-2200 FAX 355-2200  
Reservations (408) 355-2201  
www.parksrec.org



March 25, 2010

City of San Jose  
Department of Planning, Building, and Code Enforcement  
Planning Division  
Attn: Lesley Xavier, Project Manager  
200 East Santa Clara Street, Tower, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

**Subject: Notice of Intent to Adopt a Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment (File No. GP08-08-03)**

Dear Ms. Xavier:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of the Notice of Intent to Adopt a Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment (File No. GP08-08-03) in San Jose. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

The Negative Declaration should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update* ("Countywide Trails Master Plan Update"), an element of the Parks and Recreation Section of the County General Plan that the County of Santa Clara Board of Supervisors adopted on November 14, 1995.

Comment 1-1

The Negative Declaration should describe the following proposed countywide trail route located in the vicinity of the project site, which offers opportunities for non-motorized transportation connections to the surrounding neighborhoods, parks, trails, and open space areas.

Comment 1-2

- **Bay Area Ridge Trail (RS-C)** – Per the *Countywide Trails Master Plan Update*, the route is designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.



- *Coyote Creek Llagas Sub-regional Trail (S5)* – Per the *Countywide Trails Master Plan Update*, the route is designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.

Comment 1-3

## PROJECT DESCRIPTION

### Utilities

Page 9 states that “the proposed project includes the extension of municipal sewer lines to the project site and connection to the municipal wastewater system.”

Comment 1-4

This section should include a description of how the municipal sewer lines will be connected from the municipal wastewater system to the project site.

### Other Agencies Whose Approval is Required

Page 10 should list the County of Santa Clara Parks and Recreation Department if any land entitlement (e.g. easement for public sanitary system) is planned to be conveyed by the County to the City.

Comment 1-5

## XV. RECREATION

### Impact Analysis:

Page 185 states that “future development under the proposed land use designation shall comply with applicable General Plan policies. The City’s PDO and/or PIO shall be applied to the project, if applicable, an exemption shall be applied pursuant to Part 6 of each ordinance, otherwise the project would be required to provide park impact fees or dedicate parkland pursuant to each ordinance. Therefore, would not result in significant recreational impacts; this impact is considered less than significant.”

Comment 1-6

The above statement conflicts with the box checked under Recreation(a) on page 183 which is no impact. The box under Recreation (a) should be checked *Less Than Significant Impact*, rather than *No Impact*.

## XVI. UTILITIES AND SERVICES:

### Setting

Page 200 states that “sewer lines in the area are provided and maintained by the City of San Jose. Currently, there are no sewer lines serving the project site; sewage on the project site is currently provided by a septic tank and leach field. The nearest sewer line is six-inches in diameter and located in Thornbury Lane, in the Ranch at Silver Creek residential development.”

### Impact Analysis

Page 201 states that “future development on the project site would require an extension of the project’s sanitary sewer (SS) line to the City’s existing SS system. The proposed project intends to extend project SS system within the existing alignment of Hassler Parkway. The San Jose Department of Public Works indicates that the City does not currently have plans to bring SS service to the project site and that this project cannot consider that there will be service available at the corner of Hassler Parkway and Dove Hill Road, the intersection closest to the project site. The project sponsor proposes, therefore to pump SS flows up Hallser Parkway to connect with

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the public SS system near Hassler Parkway and Trestlewood Drive.”

County Parks Staff had previous correspondence with the developer and City of San Jose Public Works staff in March and April of 2009, at which time the developer was discussing the option of an easement through the County Parks Department's property (Hellyer County Park) for an extension of the sanitary sewer line from McLaughlin Avenue to the project site. However it appears from the information included in the Impact Analysis section of the Negative Declaration that the developer is alternatively pursuing a connection to the sanitary sewer line near Hassler Parkway and Trestlewood Drive.

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If the developer were to pursue a connection through Hellyer County Park, a request must first be submitted to the County Parks Department from the City of San Jose. The County Parks Department does not grant entitlements through public parkland to private entities for private development projects. The conveyance of a future entitlement would be subject to conditions mutually agreed upon by the City and the County.

Thank you for the opportunity to comment on the Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at [Kimberly.Brosseau@prk.sccgov.org](mailto:Kimberly.Brosseau@prk.sccgov.org).

Sincerely,



Kimberly Brosseau  
Park Planner III

cc: Jane Mark, Senior Planner  
Julie Mark, Deputy Director of Administration  
Tim Heffington, Senior Real Estate Agent  
Ian Champeny, Associate Real Estate Agent  
Vivian Tom, City of San Jose Public Works