

**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:**

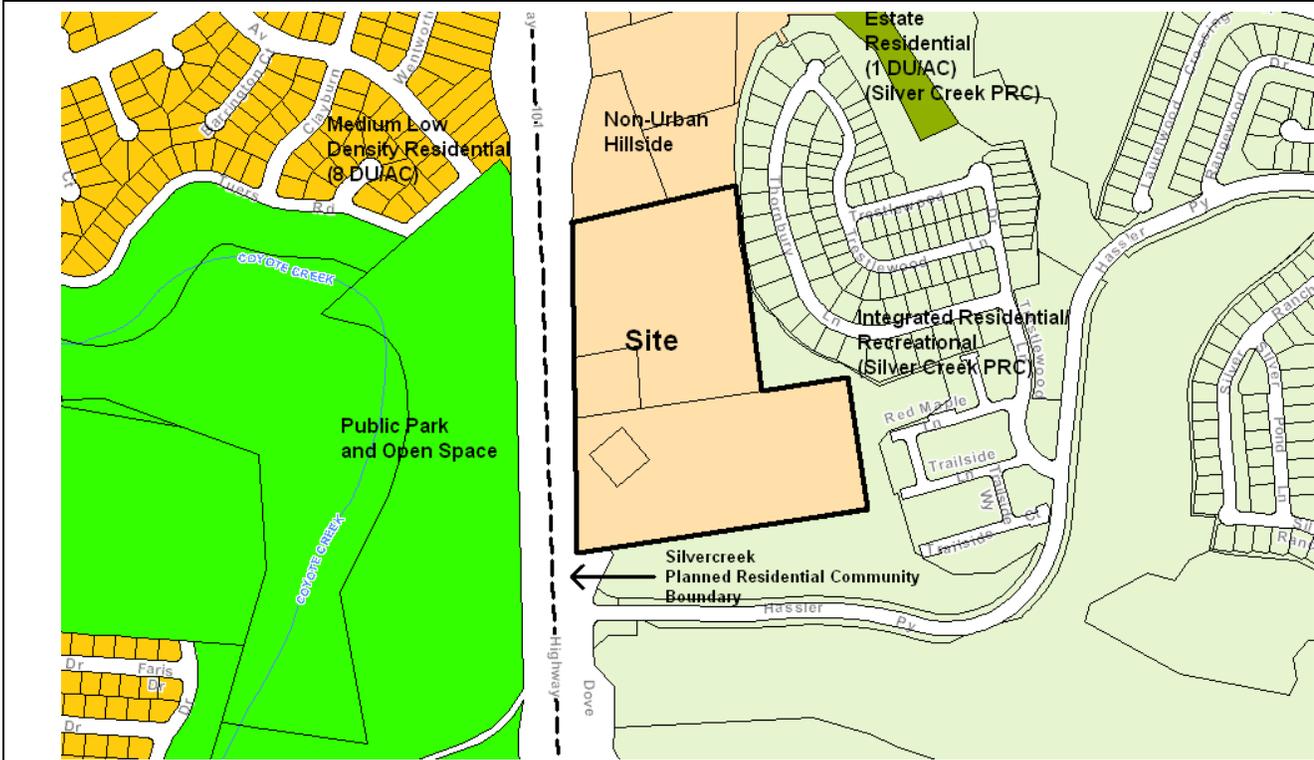
East side of Dove Hill Road, approximately 500 feet north of Hassler Parkway.

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

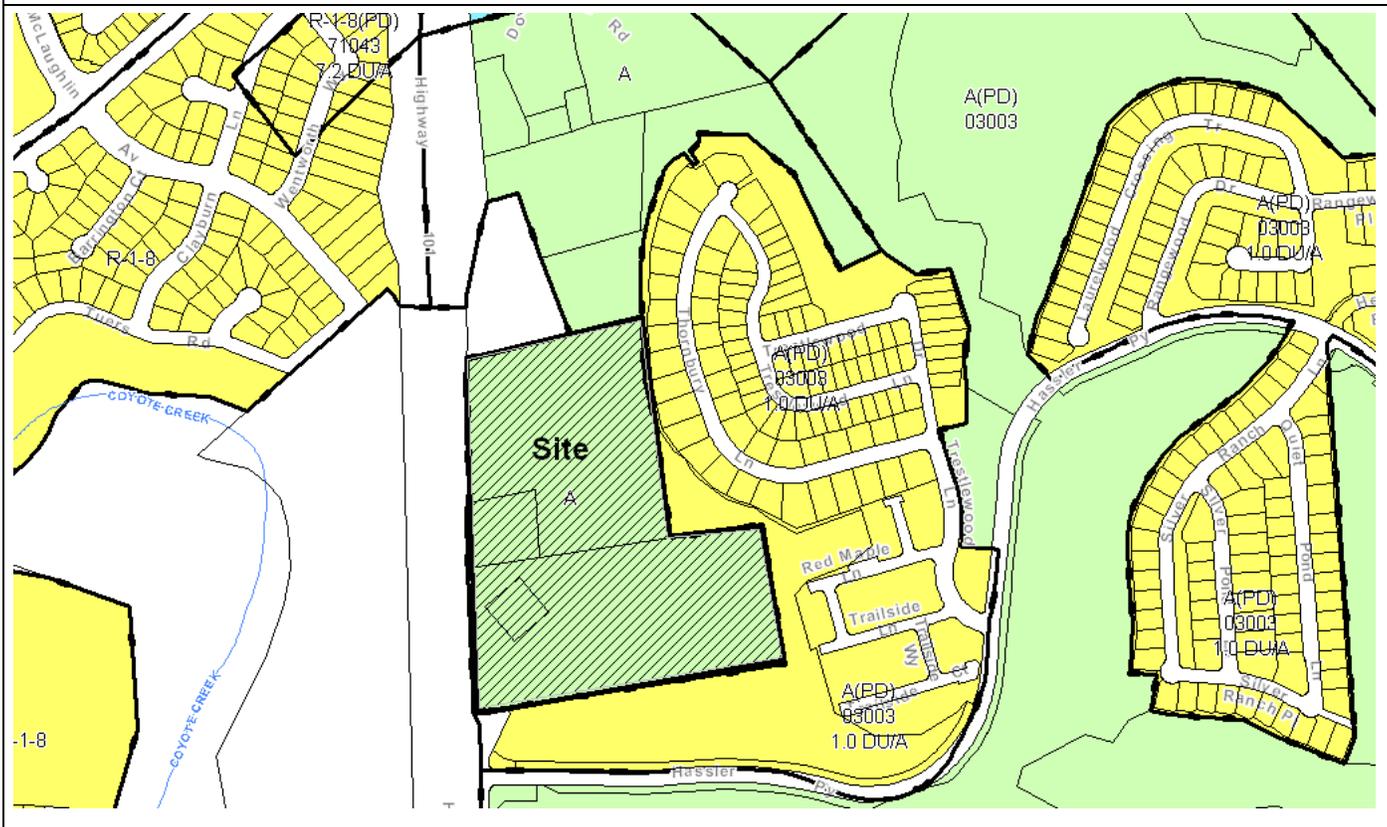
**Aerial Map**



### GENERAL PLAN



### ZONING



## **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.

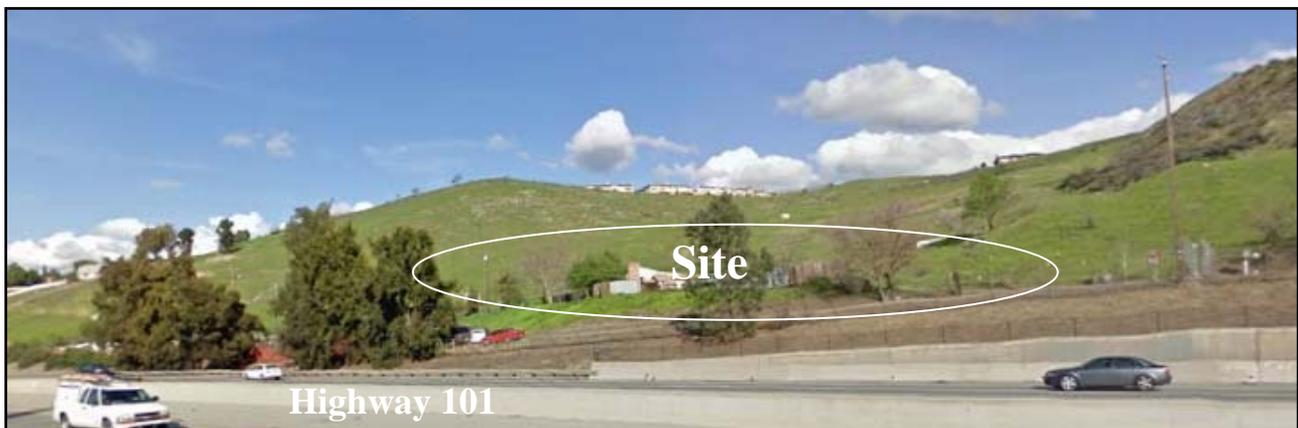
## **BACKGROUND & DESCRIPTION**

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**

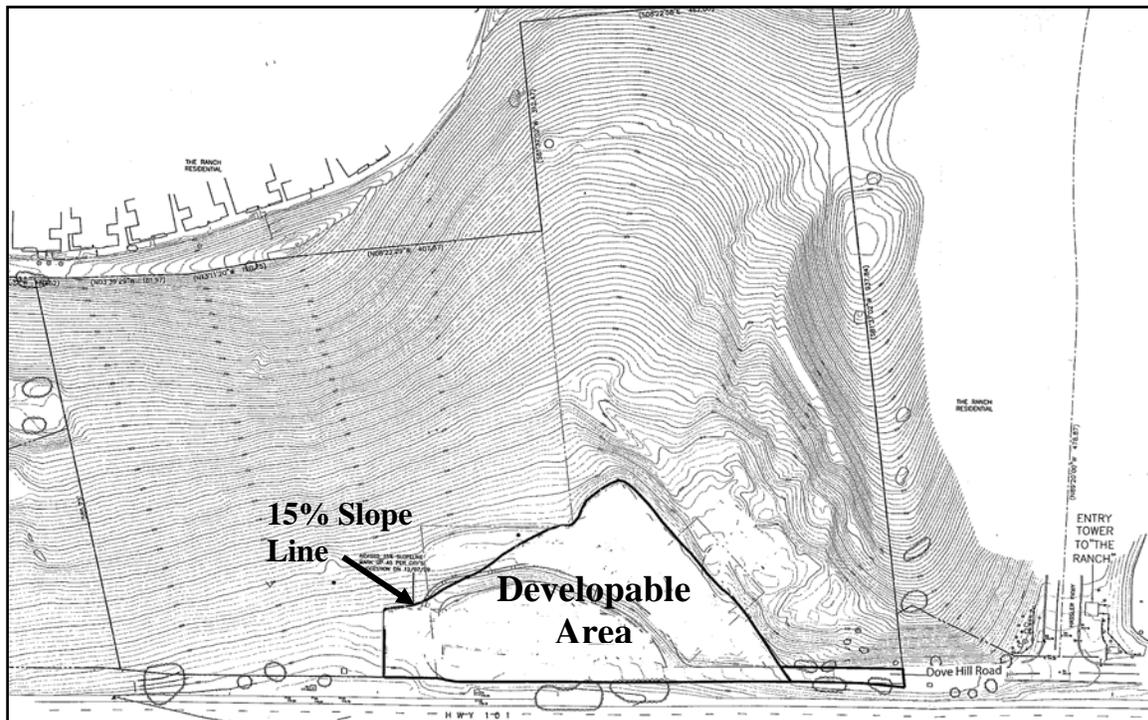
The proposed General Plan Amendment was originally requesting a land use change to General Commercial on five acres, and was subject to the Early Consideration hearing process. When a proposed land use amendment to the San José 2020 General Plan is fundamentally inconsistent with adopted Council policies, 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>	