COUNCIL AGENDA: August 17, 2010
ITEM: 11.4

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: MAYOR AND CITY COUNCIL

FROM: **COUNCILMEMBER NANCY PYLE**

SUBJECT: **PDC10-005-REZONING REAL PROPERTY LOCATED ON THE WEST SIDE OF GUADALUPE MINES ROAD**

DATE: **August 17, 2010**

APPROVED: Nancy Pyle **DATE:** 8/17/10

RECOMMENDATION

Residents of the Almaden Valley who live up against the Urban Boundary live in some of the most beautiful areas of the city. New development in this area must always work to enhance the interface of the city with the surrounding natural beauty. I have been assured by the developers that Brookside Estates understands their responsibility to provide and enhance public access to the area while providing much needed housing for current and future residents of San Jose. At this time the site does not provide any legal public access to the area. The proposed development will secure permanent public access to the Guadalupe Creek via public Streets A and B. The landscape plans for the development call for privately funded and privately maintained public amenities such as a creek side trail with benches, tables, children's play areas.

Approve the project with the following changes to conditions of Conditional Approval by Planning Staff and the Planning Commission:

1. Riparian Set-Back - The project is developed with an average 70 foot riparian set-back
2. Streets A and B are developed as public streets with sidewalks, park strips and on-street parking on both sides as proposed.
3. The remaining streets are developed as 30' private streets with sidewalks, park strips and on-street parking on one side of the street as proposed.
4. Trees - Oak trees outside the Riparian set-back are replaced at the standard rate per City guidelines and the project will continue to evaluate the preservation of additional existing oak trees within the context of the proposed grading plan.
5. Given the community concerns with existing condition of traffic weaving on the section of Camden between Coleman/Guadalupe Mines and Hicks road, the developer has offered to contribute $15,000 to help pay for the costs for a traffic study and potential mitigation work. Staff should accept these additional funds and look at ways to address this issue.

6. It was noted at the Planning Commission that there was a discrepancy regarding the rear yard set back. To allow the development to meet the rear yard set-back, Planning staff should work with the developer to allow the front porch to move forward 2 feet into the set-back. This applies only to the front porch and does not change the length of the driveway apron or move the house into the set-back.

Riparian Set-Back

The proposed development has a 47.5' riparian set-back with staff and the Planning Commission recommending the full 100' set-back with the exception of the southern end of the site. However, the Riparian Policy allows Council to evaluate the project as a whole regarding the impact of a 100' set-back. Per the Riparian Policy, Council should evaluate the following considerations to this site:

- If the property has a disproportionately long riparian frontage
- The total amount of the site that will be affected by a 100' set-back
- If the proposed development will improve an existing condition

This site has 2,088 linear feet of creek footage. The width of the property varies from 208' to 572'. Given these dimensions, the site is considerably longer that it is wide. I agree with the Planning Staff recommendation that the very narrow southern most section of the property remove homes 91, 92, 93 and 94 which will increase the riparian set-back and still allow limited development. At the Planning Commission, it was demonstrated that sites with creek frontages that are substantially longer than the width of the site are more heavily impacted by 100' riparian set-backs. A 100' set-back on this location will require this project to forfeit 33% of the site.

According to the developer, a 70' average riparian set-back will convert 2.3 acres from the existing pavement to riparian habitat which will improve the existing conditions.

Public and Private Streets

The development plan includes a mix of public and private streets. The public streets provide access to the proposed trail and playground with ample parking. The internal, private streets will differ from the public streets by simply limiting parking to one side of the street. They will still provide sidewalks and park strips. In addition, they will relieve the city of the long term cost of maintaining additional streets by covering maintenance through Home Owner Association fees. As proposed with 94 units, there are 109 on-street parking spaces which is more than the required 94 on-street parking spaces.

Trees

Increasing the riparian set-back from 47.5' to an average 70' will allow more of the existing native trees to remain. As noted in the staff report, when the site was originally developed for commercial use, several of the oak trees were preserved within the development site. However, several of the preserved trees within the site failed due to normal landscape watering. Preserving oak trees within a development site becomes problematic given their incompatibility with normal residential landscaping. To meet City requirements regarding tree replacement, the project is required to plant an additional 700 trees on the site.

BACKGROUND

As stated in the staff report, in 2006 Council approved a GPA to change the land use designation from Office to Medium Low Density (8DU/AC). The density of the original proposal for Brookside Estates was 7.2DU/AC. The number of units in this project will decrease with the increased Riparian set-back.

New development is always of great concern to established neighborhoods. I and my staff have had numerous conversations with the community around the site, Planning Staff, and the developer's representative. I have been assured by the developer that although they would greatly prefer approval of their original proposal, my recommendations including a 70' average riparian set-back will allow the project to move forward. Decisions regarding the amount of Riparian set-back are given the room to find recommendations that work for everyone and should not be looked upon as a mandate.

All new developments must take on the difficult task of balancing the conflicting rights and concerns of the existing neighborhood, the environment, and the property owner. San Jose will grow in the coming years and is required to provide additional housing to meet the needs with the increased population. This site is located in an extremely desirable urban boundary. The homes will be developed to the highest standards to provide opportunities for many professional families to join the Almaden Community.

Additional Direction to Staff

To address the community concerns regarding emergency evacuation with the new development, Office of Emergency Services Staff should work with my office and the neighbors to create an emergency preparedness and emergency evacuation plan. The discussions should begin prior to the completion of the Brookside Estates Development.