

STAFF REPORT
PLANNING COMMISSION

FILE NO.: GP07-10-01

Submitted: August 7, 2007

PROJECT DESCRIPTION:

General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-acre site.

Existing General Plan	Very Low Density Residential (2 DU/AC)
Proposed General Plan	Medium Low Density Residential (8 DU/AC)
Existing Zoning	A Agriculture
Council District	10
Annexation Date	May 12, 1978 (Alamitos No. 21-B)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

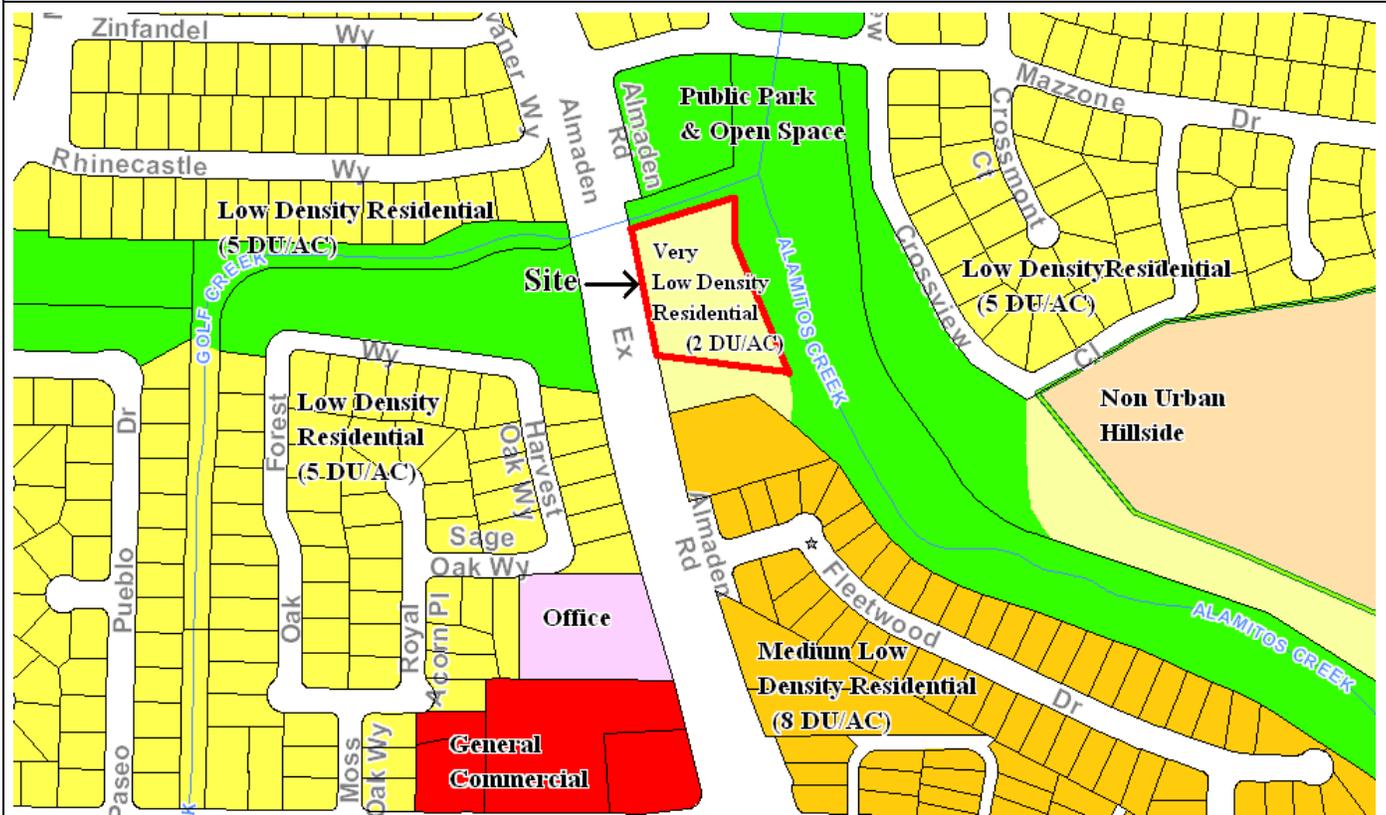
LOCATION:

East side of Almaden Expressway, approximately 400 feet northerly of Fleetwood Drive (6082 Almaden Expressway).

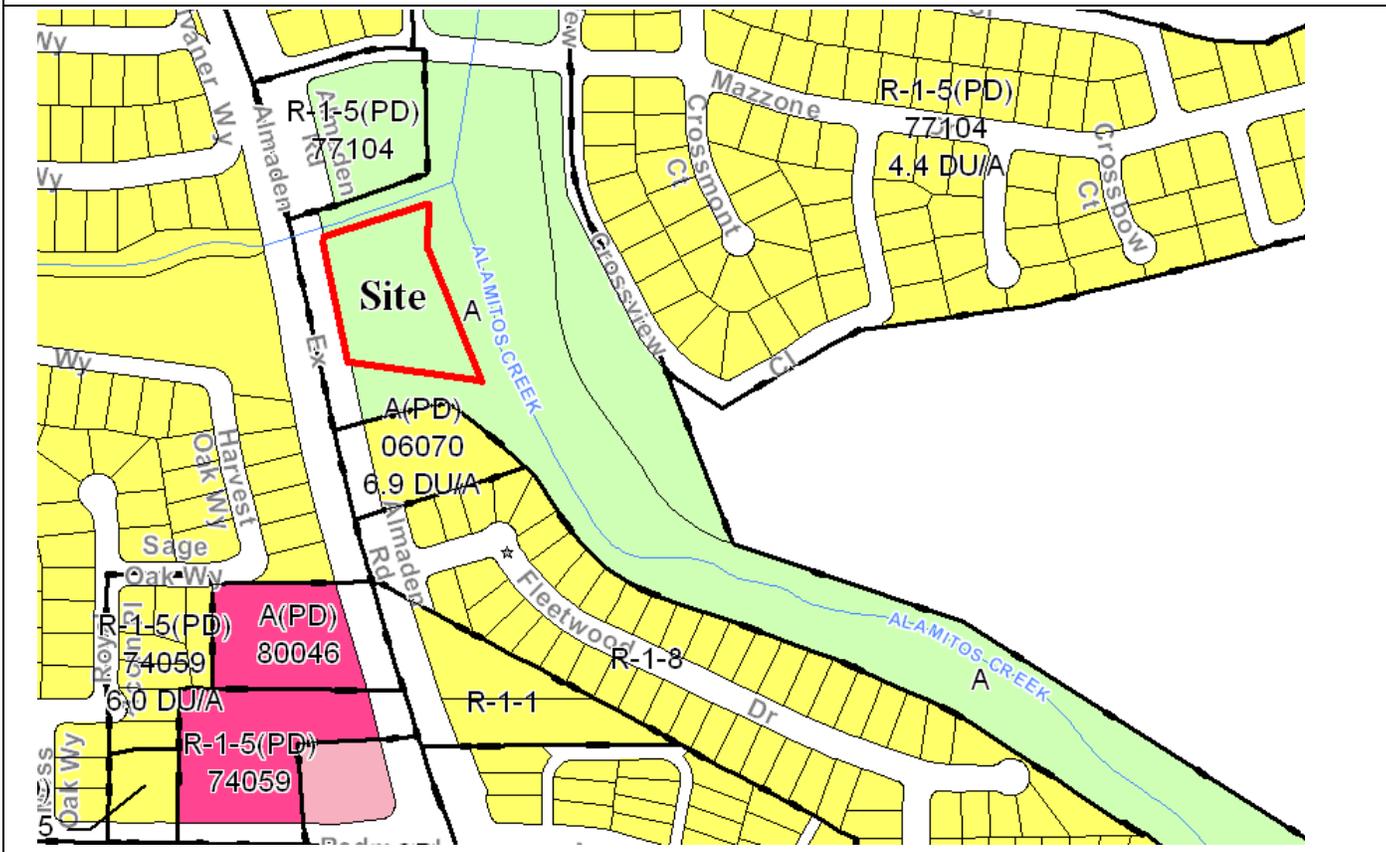
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed General Plan Amendment with a staff alternative land use designation of Low Density Residential (5 DU/AC) on 1.38 acres and Private Open Space on the 0.44 acres of riparian setback area for the following reasons:

1. The proposed amendment as recommended by staff is consistent with the goals and policies of the San Jose 2020 General Plan, specifically:
 - a. The Growth Management Major Strategy, as the change will facilitate infill development within an urbanized area.
 - b. The Housing Major Strategy, as the change will maximize the infill housing opportunity and at the same time be compatible with the surrounding development pattern.
 - c. Residential Land Use Policy No. 9, given the site constraints, a slight increase in density would allow for new development that is compatible with the development pattern of the adjacent neighborhoods
 - d. Riparian Corridors and Upland Wetlands Policy No. 2, as the Private Open Space designation is consistent with the setback guidelines of the Riparian Corridor Policy Study.

BACKGROUND & DESCRIPTION

This is a privately initiated General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram land use designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-gross acre site located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive. Approval of the proposed General Plan Amendment to Medium Low Density Residential (8 DU/AC), and a subsequent Planned Development Rezoning could allow up to 14 single-family detached residential units on the subject site.

Site and Surrounding Land Uses

The subject site is currently developed with a single-family residence, built circa 1965, and associated accessory structures built in the 1970's. High voltage power lines cross the southern end of the project site within a 100-foot non-buildable PG&E easement. The site is bounded by Golf Creek to the north with residential uses beyond. The Santa Clara Valley Water District owns the adjacent property to south that contains a major water pipeline. Alamos Creek is located to the east, and Almaden Expressway to the west. Surrounding land uses in the larger area include single-family residential to the north, northwest, southwest and south, as well as beyond Alamos Creek to the east.

Early Consideration of a General Plan Amendment

The proposed General Plan Amendment was brought before the Planning Commission and the City Council on January 16, 2008 and February 5, 2008, respectively, through the early consideration process. The amendment was brought forth for early consideration because no compelling evidence had been presented to determine that the increase in residential density was consistent with the General Plan's Major Strategies, goals and policies. Specifically, the proposal was inconsistent with the San José 2020 General Plan Sustainable City Major Strategy, which strives to use resources efficiently and protect and conserve sensitive ecosystems and riparian corridors. The proposed increase in density would create pressure to compromise the full 100-foot riparian setback envisioned by the Riparian Corridor Policy Study, which was made evident by the setbacks proposed under the associated Planned Development Rezoning.

The City Council voted to allow for the processing of the General Plan Amendment to continue. Based on the synopsis from the hearing, the motion included the following direction:

1. Evaluate the dedication and improvement of project frontage to facilitate future construction of an acceleration/deceleration lane consistent with the Jayden Lane Planned Development Rezoning File No. PDC06-070 (Attachment A) since that evaluation will inform any future decision related to the subject site.
2. Evaluate the establishment of a riparian setback along Los Alamitos Creek consistent with the City's Riparian Corridor Policy Study as a part of this application.
3. Identify existing easements and other constraints related to this site on a survey plan prepared by a registered civil engineer.
4. Pursue a residential development density that is consistent with the surrounding neighborhood with added direction that the project not exceed six (6) units.

Planned Development Rezoning

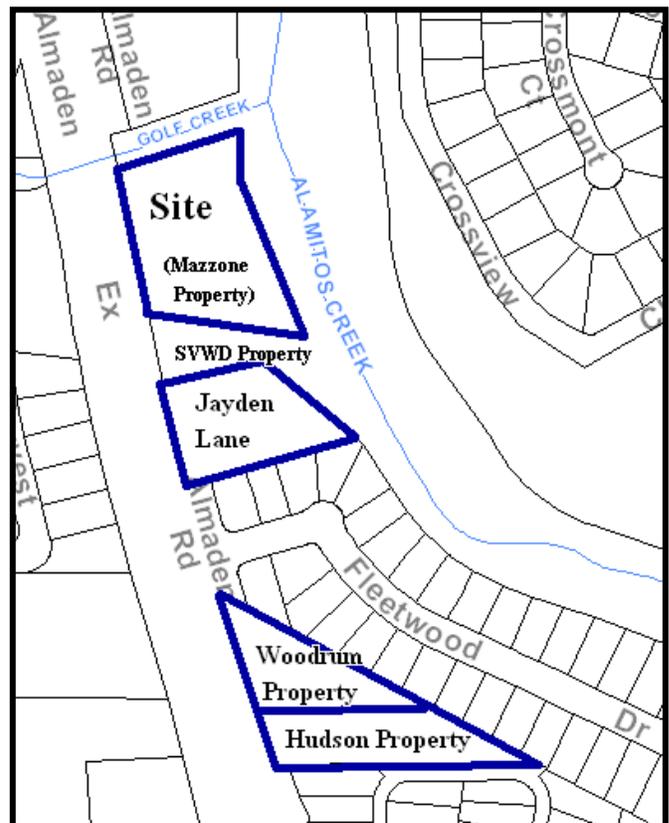
An associated Planned Development Zoning (File No. PDC07-058) was filed concurrently with the General Plan Amendment. However, this application has since been withdrawn and is no longer on file. If the proposed General Plan Amendment is approved, a Planned Development Rezoning application would need to be re-filed in order for any project to be developed.

Previous Planning Approvals Affecting the Project Site

On June 5, 2007, the City Council approved a Planned Development Rezoning (File No. PDC06-070), commonly known as Jayden Lane, on an adjacent site at 16310 Almaden Road, which is situated just south of the subject site. The approved Planned Development Zoning allows for the development of up to six single-family detached residential units on the 1.07 gross-acre site, at a density of 6.9 DU/AC. The density of the Jayden Lane project is consistent with the General Plan land use designation for the site of Medium Low Density Residential (8 DU/AC). A General Plan amendment was not required for that project.

As a part the Jayden Lane Planned Development Zoning, the City Council included the following recommendation:

- At the time that the three (3) underutilized properties to the north and south of the subject site are proposed for development, staff shall explore the feasibility of alternative access to those sites utilizing Almaden Expressway.
- In recognition that the properties to the north and south are expected to soon request rezonings, staff should proactively study and analyze access for these sites via Almaden Expressway and meet with the Santa Clara County Roads & Airports Department to discuss guidelines and implementation of an acceleration and deceleration lane.



The three other undeveloped properties mentioned in the Council recommendation include the subject site (Mazzone property) and two other sites (Woodrum and Hudson properties), which are all located along Almaden Expressway between Redmond Avenue and Mazzone Drive. A Planned Development Rezoning (File PDC08-051) was recently approved on the Woodrum Property for up to seven (7) residential units. A Planned Development Rezoning (File PDC07-064) for the Hudson property for up to nine (9) residential units is still pending.

Since receiving direction from City Council, as part of the Jayden Lane project, City staff has actively met with the Santa Clara County (SCC) Roads and Airports Department to discuss the potential for the implementation of the acceleration and deceleration lane as well as meeting with various City departments and outside agencies, including the Santa Clara Valley Water District (SCVWD). It was determined that the best access solution for the four underdeveloped sites, as identified on the illustration on page 4 of this report, was to create a frontage road that connects the Jayden Lane project, Woodrum and Hudson sites to Fleetwood Drive. No direct access to the expressway was deemed feasible. The subject site (Mazzone property) should take access from the existing frontage road just to the north and should not connect to the segment in front of the Jayden Lane property.

ANALYSIS

Land Use Designations

The subject site's existing Very Low Density Residential (2 DU/AC) land use designation is typified by half acre residential lots in areas of topographical and/or geologic considerations. In Almaden, this designation also applies generally to areas near creeks, which are subject to ground failure from liquefaction and where, therefore, higher densities are not appropriate.

The applicant's proposed land use designation for the site of Medium Low Density Residential (8 DU/AC) is generally typified by the 6,000 square-foot subdivision that is prevalent in San Jose. It is characteristic of many residential neighborhoods, and is the density at which the majority of San Jose's single-family housing has been built. Due to unique site constraints, and the ability to cluster development as allowed under the General Plan, and as explained later in this report, the subject site would likely be developed with a townhouse product if the applicant's request is approved.

Planning staff's proposed land use designation of Low Density Residential (5 DU/AC) is generally 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. This density is found throughout the Almaden Valley. Staff's proposed Private Open Space land use designation is applied to privately-owned lands used for low intensity, open space activity primarily within the Urban Service Area. This designation is often applied to private buffer lands such as riparian set back areas. Staff is proposing that this designation be applied to the riparian setback areas of the subject site along Golf Creek and Alamos Creek. Again, as similarly described in the previous paragraph, due to unique site constraints, and the ability to cluster development as allowed under the General Plan, if Staff's recommendation is approved, the subject site would likely be developed with a small lot single-family detached product, similar to that which was recently approved for the Woodrum property (File PDC08-051) south of this site.

The applicant's requested land use designation of Medium Low Density Residential (8 DU/AC) across the entire site, including the riparian setback areas, could allow up to 14 single-family detached residential units on the subject site. Development at a density of 8 DU/AC on the subject site would result in a development that would be inconsistent with the pattern and size of the surrounding residential neighborhoods. Given the subject sites constraints of its location against Almaden Expressway, Golf Creek, Alamitos Creeks, and the 100-foot, non-buildable PG&E easement, and given that the site itself is somewhat buffered from the existing neighborhoods because of these constraints, a slight increase in density would be appropriate and result in compatible development with the surrounding neighborhood.

Therefore, Planning staff is recommending that the land use designation on the site be changed to Low Density Residential (5 DU/AC) on 1.38 acres and Private Open Space on the approximate 0.44 acres that encompasses the riparian setback area. The Private Open Space designation over the riparian setback area will ensure that the riparian area remains undeveloped and send a clear message about where development is appropriate on the site. The Low Density Residential (5 DU/AC) land use designation will not intensify the neighborhood, but allow for the constrained site to be developed consistent with the character of the neighborhood. Because of the site's riparian and utility easement constraints, all of the development on the 1.82-acre site will need to be clustered on about 0.89 acres. While the General Plan allows, and even encourages the clustering of development, this will result in density that appears much greater than the surrounding development including those for the recently approved projects for Jayden Lane and the Woodrum property. While these other recent projects in this area have a land use designation of Medium Low Density Residential (8 DU/AC), they have not needed to concentrate the development on a smaller portion of the site thereby, appearing less dense than would be expected on the subject site.

If the new development is at 5 DU/AC, the resulting clustered development will be more comparable with the existing neighborhood and other recently approved projects. The recommended land use designation of Very Low Density Residential (5 DU/AC) would allow for the development of up to six units on the subject site.

General Plan Goals and Policies

The proposed increase in residential density, as recommended by staff, on the subject site is consistent with the following General Plan Policies 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 proposed change in land use will facilitate infill development within an urbanized area. Infill 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.

Staff's proposed land use designations will maximize the infill housing opportunity and at the same time be compatible with the surrounding development pattern.

3. 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.

Staff's proposed land use designation would allow for new development that is compatible with the development pattern of the adjacent neighborhoods. The resulting lot sizes would be slightly smaller, which is appropriate given the constraints of the site and the need to cluster the development. Because the site is constrained, a higher density as proposed by the applicant would not be compatible with the adjacent neighborhoods and would result in a product type that would feel more like an isolated multi-family development while the goal is to allow some increase in density while still preserving the character of the surrounding neighborhood.

4. Urban Conservation Policy No. 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

Staff's proposed land use designations would allow for development on the site that would have a compatible development pattern consistent with the adjacent neighborhoods, ensure that the riparian setback area would remain undeveloped and preserve the character of the surrounding neighborhood.

5. Riparian Corridors and Upland Wetlands Policy No. 2: New public and private development adjacent to riparian corridors should be consistent with the Riparian Corridor Policy Study.

Staff's proposed Private Open Space land use designation is to be located on the riparian setback area that is 75 feet from Alamitos Creek and 30 Feet from Golf Creek, consistent with the setback guidelines of the Riparian Corridor Policy Study. In addition, this will ensure that the riparian setback area would remain undeveloped.

Conclusion

The subject General Plan Amendment request as proposed by staff is consistent with the San Jose 2020 General Plan and its Goals and Policies, as stated above. This would facilitate a Planned Development Zoning that is consistent with other recent approvals in the immediate area.

ENVIRONMENTAL REVIEW

Previously, a Mitigated Negative Declaration (MND) was circulated for a project that included the General Plan Amendment and a Planned Development Rezoning. The Rezoning application has been withdrawn and is no longer a part of the project. Therefore, the environmental clearance has been revised, and a Negative Declaration (ND), which was circulated for public comment and review on March 18, 2010, and which ends circulation on April 7, 2010, 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

PUBLIC OUTREACH/INTEREST

Community Meeting

On September 17, 2008, a community meeting was held at the Camden Community Center on Camden Avenue, at which 18 area neighbors were present. Those in attendance expressed concerns with the increase in density in that additional traffic through the existing neighborhoods would impact the quality of life for the existing residents.

An additional community meeting was held on September 1, 2009 at the Almaden Branch Library on Camden Avenue, at which approximately 100 area neighbors were present. The meeting was held to discuss all three pending projects in this area (subject site- Mazzone property, Woodrum property, and the Hudson property) and how they would be accessed. The Santa Clara County Roads and Airports Department as well as the city staff, the District 10 Council member, and all three property owners were present. The neighbors indicated a preference for the sites to be accessed via the creation of an acceleration and deceleration lane from Almaden Expressway so that no new traffic would go through the existing neighborhoods, more specifically via Fleetwood Drive. As indicated, in background section of this report (Previous Planning Permits Affecting the Project Site), the issue of access was conceptually resolved as part of the approval of the Planned Development Zoning for the Woodrum site (File PDC08-051).

General Correspondence

In addition, three e-mails were received from area neighbors. All of the e-mails were in opposition to the project stating that there would be too much additional traffic through the existing neighborhoods.

Tribal Referral

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives on August 31, 2007. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

Public Notice

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.

Project Manager: Lesley Xavier **Approved by:**  **Date:** 3-24-10

Owner/Applicant: Benjamin W. Mazzone, Trustee & ET AL 939 Larissa Court San Jose, CA 95136	Attachments: ▪ Neighbor correspondence.
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Xavier, Lesley

From: Laura Jacobs [ljacobs@ix.netcom.com]
Sent: Friday, August 21, 2009 10:49 AM
To: Office of Councilmember Nancy Pyle
Cc: Xavier, Lesley; strangis@aol.com; george bettisworth; lbrown@nikon.com; dauerx831@aol.com; mkg@usa.com; elliot_kerry@yahoo.com; nancy_wilson@sjusd.org; Hanh Thompson
Subject: Proposed Developments adjacent to Almaden Expressway near Redmond and Mazzone Drive

Dear Ms. Pyle,

I am a resident of the Almaden Valley Estates development. It has recently been brought to my attention by my homeowners association that there is a proposed development being discussed that would dramatically change the layout and the traffic pattern of our quiet and exclusive neighborhood.

The project I am referring to is the one that would open up the dead end of Mazzone Drive and connect it with Fleetwood drive.

I am strongly against this measure as I feel that it would have a very negative impact on traffic flow in our neighborhood, which only has one entrance through Winfield. With the proposed new building of approximately 34 single family homes, there is the potential of at minimum, 140 extra car trips per day through our neighborhood (assuming 2 cars per family and two trips per day per car). This additional traffic would be expected to create huge back ups at the Almaden/Winfield intersection.

In addition to the traffic concerns, I am also very concerned about additional access to our currently quiet neighborhood and the potential for crime. At this time our neighborhood enjoys one entrance and one exit. Most of us in the community purchased here for just this reason. The closed nature of this community has offered us the ability to keep a closer watch on the happenings internally as well as having a deterrent effect on criminals looking for quick and easy ways in and out of housing developments. Having additional exits and attaching other neighborhoods would create a more suitable environment for crime.

Finally, I am very concerned about our property values. In this recessionary environment we have all endured a drop in the values of our homes. However, with this new development accessing our neighborhood and the increased negatives of traffic and the loss of our exclusivity, all the realtors that I have had conversations with have concurred that our property values would be seriously impacted in a negative way.

Because of all the negative ramifications with this access road I would like to suggest that you seriously reconsider the options for this project. I feel that the most beneficial option to everyone involved, Almaden Estates, Fleetwood Drive, the property owners and the developers would be to have a deceleration lane built off of Almaden Expressway that allowed access to these new developments while still allowing Almaden Estates and Fleetwood Drive to retain their closed end streets. I have heard that this option has been dropped due to the cost and the work involved in coming up with a feasible solution. However, I would suggest that those who stand to gain by developing the sites should be held responsible for the costs to develop the entire project, which should include accessibility.

I appreciate your time in considering this letter. I look forward to attending the September 1 meeting and finding a solution that benefits everyone.

Sincerely,

Laura Jacobs
Xavier Lelong
5942 Crossmont Circle
Almaden Valley Estates

cc: Almaden Valley Estates Homeowners association board of directors

8/24/2009

Xavier, Lesley

From: dksams@aol.com
Sent: Sunday, August 30, 2009 9:14 PM
To: Office of Councilmember Nancy Pyle
Cc: dow5m@yahoo.com; Xavier, Lesley; strangis@aol.com
Subject: Almaden Valley Development between Redmond Ave and Mazzone Dr

Dear Council Member Pyle,

We are residents who recently moved into the Almaden Hills Estates development less than 1 year ago. Part of the reason that we chose to relocate to this San Jose neighborhood was the fact that it is quiet and exclusive with only one entrance/one exit. By having a limited number of households within Almaden Hills Estates, we have the unique opportunity to really get to know our neighbors and to keep a closer watch out for unwanted intruders and crime. The new proposed development between Redmond and Mazzone, as we understand it, may bring through traffic to our neighborhood connecting us to Fleetwood Drive. This in our opinion would not only change the day to day living environment that we currently enjoy but would also stand to negatively impact our future property values. Therefore, we strongly suggest that the city reconsider options for building a deceleration lane off of Almaden Expressway to access the new developments. By doing so, the homeowners in our area and the Fleetwood Drive homeowners could maintain the current limited access which has afforded the high standard of living that we are each accustomed to. We would furthermore suggest that the cost of the access lane be included in the overall cost to the developer since they are the ones who stand to benefit the most financially from the new project.

We appreciate this opportunity to have our thoughts heard and look forward to attending the upcoming community meeting on Sept. 1st.

Thank you and best regards,

Dana and Stacey Sams
1026 Crossbow Court, San Jose

cc:
Almaden Hills Estates Homeowners Association
Lesley Xavier, City of San Jose Planning Division
Jerry Strangis, Project Consultant

Xavier, Lesley

From: PATRICK C HUANG [pat.huang@sbcglobal.net]
Sent: Monday, August 31, 2009 6:33 PM
To: Office of Councilmember Nancy Pyle
Cc: Xavier, Lesley
Subject: proposed development adjacent to Almaden Hill Estates

Dear Nancy:

I am preparing to attend the Community meeting on September 1st at Almaden Community Center.

I am very concerned about those developments' access to Almaden Expressway. It is best to build a deceleration lane in front of the new development site. The peaceful environment of Almaden Hill Estates can not be disturbed by new neighbors' increased intruding motor traffic. Therefore, I strongly oppose any plan to connect Mazzone Drive. I sincerely believe that you can help us with your power on this matter.

Thank you and see you on Tuesday evening at Almaden Community Center.

Peace,

Patrick Huang
60240 Crossview Circle