

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 05/11/05                      Item

File Number  
PDC05-003

Application Type  
Planned Development Rezoning

Council                                      SNI  
10    NA

Planning Area  
Almaden

Assessor's Parcel Number(s)  
575-40-022

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: Northwest corner of McAbee Road and Skyfarm Drive

Gross Acreage: 8.92                      Net Acreage: 7.9                      Net Density: 3.29 DU/AC

Existing Zoning: A(PD) Planned Development      Existing Uses: Single-family residence and former Dairy Ranch

Proposed Zoning: A(PD) Planned Development and A Agriculture      Proposed Use: 25 Single-family detached residential units on 4.72 acres and one single family residence on 3.18 acres

### GENERAL PLAN

Completed by: LX

Existing Land Use/Transportation Diagram Designations  
Low Density Residential (5 DU/AC) and Non-Urban Hillside

Project Conformance:  
 Yes     No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: LX

North:      Single-family detached residential                      A(PD) Planned Development (4.7 DU/AC)

East:      Single-family detached residential                      A(PD) Planned Development (4.7 DU/AC)

South:      Almaden Quicksilver Park & McAbee Creek                      Unincorporated

West:      Hillside/Open Space                      Unincorporated

### ENVIRONMENTAL STATUS

Completed by: LX

Environmental Impact Report found complete  
 Negative Declaration circulated on  
 Negative Declaration adopted on May 5, 2005

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: LX

Annexation Title: Guadalupe No\_17

Date: 02/01/1977

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval  
 Recommend Approval with Conditions  
 Recommend Denial

Date \_\_\_\_\_ Approved by: \_\_\_\_\_

CURRENT OWNER	DEVELOPER / FUTURE OWNER	ARCHITECT
Anthony G. Pierce 8560 Las Animas Road San Jose, CA 95135	SummerHill Homes/Construction Co. 777 California Avenue Palo Alto, CA 94304	Dahlin Group 2671 Crow Canyon Road San Ramon, CA 94583

---

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: LX

**Department of Public Works**  
See attached memorandum

---

**Other Departments and Agencies**  
See attached memoranda from the following:

- San Jose Fire Department
- Environmental Services Department

---

**GENERAL CORRESPONDENCE**

- County of Santa Clara Environmental Resources Agency Parks and Recreation Department
- City of San Jose's response to the County Parks and Recreation Department letter
- Comment letter on the Mitigated Negative Declaration from.....
- City of San Jose's response to the comment letter on the Mitigated Negative Declaration

---

**ANALYSIS AND RECOMMENDATIONS**

---

**BACKGROUND**

The applicant, SummerHill Homes, is proposing a Planned Development and a conventional rezoning on an 8.92 gross acre site located at the northwest corner of McAbee Road and Skyfarm Drive, to allow the development of up to 25 single-family detached residential units on 5.74 acres, and one existing single-family residence on 3.18 acres. The subject site is surrounded by single-family residences to the north and east; McAbee Creek and the Almaden Quicksilver Park Trail to the south, and open hillside to the west.

The subject property is currently zoned A(PD) Planned Development. The applicant is proposing to change the existing Zoning to A(PD) Planned Development on 5.74 acres and A Agriculture on 3.18 acres. This rezoning would allow for the development of 25 single-family detached residential units under the A(PD) Planned Development Zoning District on 5.74 acres of the site and the continued use of a single-family residence under the A Agriculture Zoning District on the remaining 3.18 acres of the site. The proposed Planned Development Rezoning would allow for the demolition of a portion of the dairy ranch structures on the 5.74 acres of the site where 25 single-family detached residential units are proposed.

In addition, the County of Santa Clara Environmental Resources Agency Parks and Recreation Department is interested in acquiring the 3.18 acre portion of the site that is proposed to be rezoned to A Agriculture for a parking lot. The County Parks interest in the site is not a part of the proposed residential project. The County parking lot would require it's own environmental clearance including a riparian corridor analysis and historic report as a part of the County Parks public process.

**Project Description**

The proposed Planned Development Rezoning will allow for 25 single-family detached residential units on 5.74 acres of the subject site. To achieve this development, the project proposes the demolition of eight of the fifteen structures on the site. The 1956 single-family residence, old ranch bunkhouse, ranch sheds, c1960 bunkhouse, c1930 Hay Barn E, and old ranch bunkhouse structures on the remaining 3.18 acres of the site are not proposed for demolition at this time.

The proposed 25 single-family detached residential units have an average lot size of 8,225 square feet and an average unit square footage of 3,665 square feet. Each unit is two stories with four to six bedrooms, and three-and-a-half to four-and-a-half baths. Each residence has an attached three-car garage with a driveway apron, and front and rear yards.

As a part of the proposed project a new public street will connect Broadacres and Brownview Drives. The street will have parking on both sides, a park strip, and sidewalk.

## **ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project and the Director of Planning, Building, and Code Enforcement circulated a Mitigated Negative Declaration for public review beginning on April 5, 2005, and ending its circulation period on May 4, 2005. The primary issues that were addressed in the environmental review included the project's potential impacts on biological resources, cultural/historic

resources, geology, hazardous materials, and traffic generated from the new residential units. The project includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project's

Mitigated Negative Declaration (attached to this report). The full text of the Initial Study is available online at: <http://www.sanjoseca.gov/planning/eir/MND.htm>



### ***Riparian Corridor***

A biotic report, entitled "Biotic Evaluation for Pierce Ranch" has been completed by Live Oak Associates, Inc. Three biotic habitats were identified on the site: ruderal, ruderal riparian, and aquatic riparian woodland. The most prevalent habitat is the ruderal, comprising 82 percent of the site. Ruderal habitats are those that have been heavily disturbed by human factors. McAbee Creek makes up the southern border of the subject site. The Creek's riparian influence does not extend 100 feet and ruderal habitat comprises most of the setback area.

The project proposes a 100-foot setback from McAbee Creek for a majority of the site. However, there is an encroachment into this setback area where the setback reduces to 78 feet. The total area of encroachment is 3,485 square feet. McAbee Creek is not a major tributary and its riparian influence within the project site does not extend 100 feet. The minimal encroachment into the setback area meets the exception requirements as stated in the Riparian Corridor Policy. Therefore, the proposed project conforms to the Riparian Corridor Policy and no mitigation is required.

### ***Historic Resources***

A historic report, entitled “Historical Report and Evaluation for the Proposed Redevelopment of Pierce Dairy Ranch, 17571 McAbee Road, San Jose California,” has been completed for the project by Bonnie Bamburg of Urban Programmers.

In the 1930’s the subject site was owned by Dr. Mark F. Hopkins who used the site as a country retreat to keep horses. In 1947 Tony and Mary Pierce bought the property for a commercial herd of dairy cows. In 1961 a large hay and feeding barn was the last structure to be built on the site. In the 1970’s, a portion of the ranch was sold for residential development, which currently borders the subject site to the north and east. The Historic Report concluded that while the 1930’s era Hopkins Ranch and the 1950’s era Pierce Dairy Ranch are significant at the local level as Structures of Merit for their association with Agriculture in San Jose, 1930-1970, they do not appear to be eligible for the National Register of Historic Places, the California Register of Historical Resources, or as a City Landmark, due to the lack of association with significant people, events, or construction practices, and a loss of integrity of the structures.

At this time, the proposed residential project would demolish a portion of the Pierce Dairy Ranch to allow for residential development. What appears to be the first building constructed on the site, the c1930 Hay Barn E, located on the adjacent 3.18-acre parcel, is not proposed for demolition at this time. While the project does not propose to demolish structures that have been determined to be significant Historic Resources under CEQA, it does propose to demolish structures that qualify for the Historic Resources Inventory as Structures of Merit. The proposed demolition of these Structures of Merit does not constitute a significant impact under CEQA because they do not appear to be eligible for the National Register of historic Places, the California Register of Historical Resources, or as a City Landmark. Therefore, no mitigation is required. However, the applicant has agreed to include the following measures as part of the proposed project:

- Under the direction of the curator at History San Jose, the site shall be professionally recorded in video format incorporating interviews with the Pierce family members to describe the historic and current operations.
- Project development shall provide historically connected names for streets, or buildings or parks, and/or an interpretative display area to maintain the connection with the historical past.
- Prior to demolition, the structures shall be made available for salvage. A tour of the site shall be arranged with History San Jose, Preservation Action Council of San Jose, and representatives of the Historic Landmarks Commission to identify elements that warrant salvage for public information or for reuse in other locations; the applicant shall work to facilitate removal and transfer of the identified building elements to the above entities. Any building elements not identified through this effort for salvage shall be made available to salvage companies facilitating the reuse of historic building materials.

### **GENERAL PLAN CONFORMANCE**

The proposed project conforms to the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation for the site of Low Density Residential (5 DU/AC) and Non-Urban Hillside.

The Low Density Residential (5 DU/AC) land use designation is typified by 8,000 square foot lots. This density category responds both to the need for slightly larger than normal lots to prevent excessive grading on slopes between five and fifteen percent, and the need to provide a variety of lot and house sizes within the City. The project proposes an average lot size of 8,225 square feet at a net density of 3.29 DU/AC and is therefore consistent with this land use designation.

The Non-Urban Hillside land use designation is located for most part on hillside areas above the fifteen percent slope line. Because of the pervasive geologic conditions in the hills (landsliding, soilcreep, earthquake faults) and the extraordinary public costs of hillside development, uses must be limited to those having very little physical impact on the land and requiring 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 intent of the fifteen percent 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 fifteen percent slope line should be designated Non-Urban Hillside and remain outside the Urban Service Area boundary. The Land Use/Transportation Diagram is not intended to show the fifteen percent slope line precisely on any specific parcel, as this is possible only with site-specific topographic information. Therefore, where site-specific information locates the fifteen percent slope line more precisely, the Non-Urban Hillside density should be applied only to the area above the fifteen percent slope line. On the subject site the Non-Urban Hillside land use designation is located on the portion of the site that is above the 15% slope line and is not proposed for development.

## **ANALYSIS**

The primary issue associated with this proposal is conformance with the *Residential Design Guidelines*.

### ***Site Design/Interface***

The Residential Design Guidelines recommended setbacks from adjacent uses and public streets which are intended to ensure that new development is compatible with adjacent uses and relates appropriately to the surrounding streets. The recommended setbacks are 18 feet in the front living area and 15 feet to the porch, 20 feet in the rear, and 5 feet on the sides. The project provides a minimum front setback to the living area of 18 feet and 10 feet to the front porch, a minimum rear setback of 20 feet and a minimum side setback of 5 feet. While the proposed front porch setback does not meet the Guidelines recommended set back, the Guidelines do encourage front porches on new residential units. Therefore, the project as proposed meets the intent of the Residential Design Guidelines.

### ***Parking***

The Residential Design Guidelines recommend that a single-family detached project provide two covered parking spaces per unit plus one additional off-lot parking space within 150 feet of each unit. The proposed project provides each unit with a three-car garage driveway apron for each unit. In addition, on-street parking is available in front of each unit.

### ***Open Space***

The Residential Design Guidelines recommend that each unit be provided with a minimum of 1,000 square feet

of private open space per unit based on a minimum lot size of 5,000 square feet. This project provides each unit with at least a 2,000 square foot rear yard. In addition, the 4,147-acre Almaden Quicksilver County Park is adjacent to the project site.

### ***Architectural Design***

This project consists of two-story units with a height of approximately 33 feet. The project proposes four different architectural styles and three different floor plans. Each unit is accessed from the sidewalk off of the public street. The unit type and general style of the proposed structures are compatible with existing development in the neighborhood. As is typical for a Planned Development Rezoning, the architecture that is shown is considered “conceptual” and will undergo further review by staff at the Planned Development Permit stage. Building materials, roofing, colors, and other details will also be selected for their compatibility with the neighborhood development pattern.

### ***Grading***

The project proposes a conceptual grading plan that shows a five-foot grade difference between the existing single-family residential development that borders the site to the east and the proposed project. The impact of this grade difference can be alleviated by terracing to follow the natural contour of the slope. To ensure the projects compatibility with the adjacent existing terrain, the grading plan will undergo further review by staff at the Planned Development Permit stage.

## **COMMUNITY OUTREACH**

The project was presented at a Community Meeting on March 24, 2004 in order to discuss the proposed project and solicit feedback from the community. Those in attendance were generally supportive of the proposed project. However, there were some specific concerns, which included additional traffic on the neighborhood streets, construction staging and impacts, architecture, and colors and materials used for the new residences. Community members were also concerned about the existing lack of parking for the Almaden Quicksilver County Park. While this is not a part of the proposed project, it was overwhelming voiced as the neighborhoods greatest concern. The neighborhood would like a place for the park users to park their cars besides on the neighborhood streets.

The project was also presented at the May 4, 2005 Historic Landmarks Commission (HLC) meeting. The synopsis of the discussion will be provided as an additional staff report on May 11, 2005. In addition, the Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report and staff has been available to discuss the project with interested members of the public.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed rezoning for the following reasons:

1. The proposed project may be found consistent with the San José 2020 General Plan, its goals and policies.

2. The proposed project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed project is compatible with existing and proposed uses on the adjacent and neighboring properties.
4. The proposed project is in substantial conformance with the Residential Design Guidelines.
5. The proposed project is consistent with the Riparian Corridor Policy Study.

## Attachments

Pbce001/Implementation/Planning Files/Zonings/2005/PDC05-003.SR