

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. 1-26-04 Item:

File Number
PDC04-057

Application Type
Planned Development Rezoning

Council District
10

Planning Area
Calero

Assessor's Parcel Number(s)
742-11-011

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Lesley Xavier

Location: West side of McKean Road, approximately 4,000 feet north of Uvas Road

Gross Acreage: 89.3

Net Acreage: 89.3

Net Density: NA

Existing Zoning: A Agriculture

Existing Use: One single-family residence

Proposed Zoning: A(PD) Planned Development

Proposed Use: Planned Development Rezoning from "A" Agriculture District to A(PD) Planned Development Zoning District to allow a 2-lot subdivision and 1 additional single family detached residence.

GENERAL PLAN

Completed by: LX

Land Use/Transportation Diagram Designation
Non-Urban Hillside

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: LX

North: Single-Family Residential/Open Space

A Agriculture

East: Single-Family Residential/Open Space

A(PD) Planned Development

South: Single-Family Residential/Open Space

Unincorporated

West: Single-Family Residential/Open Space

R-1-1 Single-Family Residence

ENVIRONMENTAL STATUS

Completed by: LX

Environmental Impact Report
 Mitigated Negative Declaration circulated on January 7, 2005
 Mitigated Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: LX

Annexation Title: Riverside No_8

Date: 01/23/1964

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT/DEVELOPER
Patrick and Patti Young
P.O. Box 20112
San Jose, CA 95160

OWNERS
Patrick and Patti Young
23735 McKean Road
San Jose, CA 95141

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: LX

Department of Public Works

See attached memoranda.

Other Departments and Agencies

See attached memoranda from the San Jose Fire Department, Santa Clara Valley Water District, County of Santa Clara Environmental Resources Agency, and U.S. Fish and Wildlife Service

GENERAL CORRESPONDENCE

None.

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

The applicants, Patrick and Patti Young, are proposing a Planned Development (PD) rezoning from A Agriculture District to A(PD) Planned Development Zoning District on a 89.3 gross acre site located on the westerly side of McKean Road, approximately 1.5 miles south of Bailey Avenue, to allow a two-lot subdivision and one additional single family detached residence.

The site is currently developed with one single-family residence located approximately 850 feet west of McKean Road. The subject site takes access from of a private drive from that connects to McKean Road. The remainder of the subject site is open hillside. McKean Road is a designated rural scenic corridor. The subject site is located within the Urban Growth Boundary (UGB), but outside of the Urban Service Area (USA).

Project Description

The proposed PD Zoning will allow for a two-lot subdivision on the site and the construction of an additional single-family residence that would be located approximately 1,000 feet west of the existing single-family residence. Permitted uses on the site are those of the R-1 Single-Family Residence Zoning District, including conditional and special uses. The proposed project establishes development standards for the site, including specific building areas for each lot, and standards for building height, accessory structures and parking typical for single family uses.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning, Building, and Code Enforcement on January 7, 2005 and the public review period ends on January 26, 2005. The Director will adopt the Mitigated Negative Declaration if no formal protests are received. The primary issues that were addressed in the environmental review include: (1) aesthetics; (2) biological resources; and (3) geology and soils. The project includes mitigation measures that would reduce any potentially significant impacts to a less-than-significant level. A comprehensive compilation of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration and development standards (attached to this report). The full text of the Initial Study is available online at:

<http://www.sanjoseca.gov/planning/eir/mitigatednegativedeclaration.htm>.

ANALYSIS

The primary issue associated with this proposal is conformance with the *San Jose 2020 General Plan*.

General Plan Conformance

The subject site has a *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Non-Urban Hillside. This designation allows for very low intensity uses, such as grazing, tree farming, or very large lot residential estates. The proposed project is a two-lot subdivision to allow for an additional single-family residence on the site, which is in conformance with the intent of the Non-Urban Hillside land use designation.

The Non-Urban Hillside land use is proposed for most 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. Protecting natural habitats and minimizing the visibility of development are important to enhance the open space character of these land areas. The proposed two-lot subdivision will create two lots of approximately 44 acres each. The buildable area of each lot is situated such that it will not be visible from the adjacent public street and will maintain a majority of the property in an open space condition. The sites will not be served by urban services, but by wells and an on-site sewer system.

The maximum residential density on property with a Non-Urban Hillside designation is determined by the Hillside Slope Density Formula, which defines minimum lot sizes between 20 and 160 acres (i.e., a density range of .05 to .0063 DU/AC). The average slope of the existing site is 34.65%. Using the slope density formula, where a = the minimum land area per dwelling unit (see below), the minimum lot size for this project would be 43.4 acres. The proposed two-lot subdivision conforms to this requirement because each lot is approximately 44 acres.

<i>Minimum lot area using Slope Density Formula</i>
$a = 1/[0.0609375 - (0.00109375 \times 34.65)]$
$a = 1/[0.0609375 - 0.03789625]$
$a = 1/0.02304125$
$a = \mathbf{43.4 \text{ acres}}$

Rural Scenic Corridor

The Land Use/Transportation Diagram also designates McKean Road as a Rural Scenic Corridor. Rural Scenic Corridors are generally located in rural and open space areas of significant scenic value. These Corridors can be defined as the scenic route right-of-way plus the landscape visible on either side of that right-of-way. Permitted land uses in Rural Scenic Corridors should be limited to well landscaped campus industrial uses, single-family residences, agriculture, parks, trails, and other open space uses in order to preserve the natural scenic resources. The proposed project conforms to the rural scenic corridor criteria in that, single-family residences are a permitted land use and the proposed project is to allow for a new single-

family residence in addition to the existing one on the site.

Hillside Development Policies

The General Plan seeks to preserve the natural resources of the hillsides and minimize the exposure of the public to potential environmental hazards associated with development on the hillside. The following are the policies relevant to the site:

- *Hillside Development Policy #5:* Planned Development zoning should be used to govern hillside developments since it allows flexible design techniques such as clustering, and varying lot sizes, and setbacks which can help to minimize damage to the natural environment and maximize resource preservation.
- *Hillside Development Policy #6:* In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.
- *Hillside Development Policy #7:* Because street construction on slopes often requires a disruptive amount of grading, modified street sections designed for both utility and minimum grading are encouraged.
- *Hillside Development Policy #10:* The preservation of existing trees, rock outcroppings and other significant features is encouraged.
- *Hillside Development Policy #14:* The City should require soils and geologic review of hillside development proposals to assess such potential hazards as seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards are present and can be adequately mitigated. Geotechnical studies for hillside development proposals should determine the actual extent of seismic and other hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location. Hillside development should incorporate the identified mitigation measures necessary to protect public safety and the natural environment.

The proposed project conforms to the above mentioned policies in that a Planned Development Zoning is being utilized to allow for the proposed development, the proposed new building site is located on a knoll so that minimal grading would be required, the proposed new driveway follows natural contours in the land again to minimize grading and disruption to the land. The location of the proposed new dwelling unit will not require the removal of any existing trees and rock outcroppings, and a soils and geologic review was conducted as a part of the environmental clearance and a geologic hazard clearance was issued by the Public Works Department for the subject site.

Conclusion

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 development pattern of the area. Based on the above analysis, staff concludes that the proposed project is in substantial conformance with the *San Jose 2020 General Plan*, and an appropriate land uses on the site.

COMMUNITY OUTREACH

Notices of the public hearings were mailed to all property owners and tenants within 500 feet of the subject site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval to the City Council for the following reasons:

1. The proposed project is consistent with the *San José 2020 General Plan* Land Use/Transportation Diagram designation of Non-Urban Hillside.
2. The proposed project is in substantial conformance with the *Residential Design Guidelines*.
3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.
4. The Mitigated Negative declaration has been adopted in compliance with CEQA.

Attachments