



Memorandum

To: Honorable Mayor and City Council

From: Councilmember Nancy Pyle

Subject: PDC04-60

Date: January 24, 2005

Approved:

Nancy A. Pyle Jan. 24, 2005

Recommendation

Approve the proposed rezoning, PDC04-060, with the Director of Planning's recommended 30 foot setback.

Background

On January 11, 2005, the City Council approved for publication the proposed rezoning ordinance for a property located on the south side of Hillsdale Avenue. Staff recommended a 30-foot setback from Canoas Creek. The Planning Commission approval of the proposed rezoning however suggested that the setback be increased to 50 feet. This is inconsistent with the Director of Planning's recommendation. My motion for approval for this item did not include reference to which recommendation the City Council intended to approve.

In March of 2004, H.T. Harvey & Associates conducted a Biotic Survey of Canoas Townhouse Riparian Corridor. Following the survey, H.T. Harvey & Associations concluded "a 30 foot setback from the top of the creek bank to be adequate setback." A copy of the memo is attached (Attachment 1). Planning staff also arrived at the same conclusion.

I wanted to clarify that my motion on January 11th was to recommend that the Council approve the project as recommended by staff.

As you may note in the Staff report for this item, Staff has assured that the proposed 30-foot setback affords some enhancement to the riparian corridor and is consistent with applicable guidelines and exceptions contained in the Riparian Corridor Policy.



H.T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

March 1, 2004

Mr. Steve Saray
492 Sunnoaks Ave.
Campbell, CA 95008

SUBJECT: Biotic Survey of Canoas Villa Townhouse Riparian Corridor

Dear Mr. Saray,

I conducted a reconnaissance survey of the above-referenced project site along Canoas Creek to assess the potential for sensitive biotic resources along the side of the project site fronting the creek, and also to assess the proposed 30 foot riparian setback for the development.

The creek flows along a manmade trapezoidal channel alignment at the site, with earthen banks along most of the reach, except for closest to Hillsdale Avenue where approximately 50 linear feet are in concrete wingwalls approaching the culvert under the road. The bottom of the channel generally has some flow year round, based on our observations over time and on the presence of some patches of cattails that depends on consistently moist conditions. The creek bank next to the proposed development is vegetated with non-native grasses primarily, and at the top of bank there is a broad (approx. 6 feet wide) gravel path. There only trees or shrubs present on that side of the creek are growing behind fences within the development area. In summary, there is no functional riparian habitat present on the western bank of the creek adjacent to the proposed development area, and there is very limited wildlife value to this area.

Given the highly degraded nature of the creek we consider a 30 foot setback from the top of the creek bank to be an adequate setback for avoiding further degradation of the creek habitat area. There are presently no sensitive biotic resources within the creek that would be disturbed as long as the 30 foot setback is maintained. However, there is a very slight possibility that Burrowing Owl (*Athene cunicularia*) could move onto the site in the future. Therefore, we recommend that you conduct a survey for Burrowing Owl at least 30 days prior to any construction activity on the site.

Please call me if you have any questions at (408) 448-9450 ext 401.

Sincerely,

Daniel Stephens
Senior Restoration Ecologist

cc PN 2368-01