



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 16, 2005

COUNCIL DISTRICT: 10

SUBJECT: PDC05-003. PLANNED DEVELOPMENT REZONING LOCATED AT THE NORTHWEST CORNER OF MCABEE ROAD AND SKYFARM DRIVE.

RECOMMENDATION

The Planning Commission voted 6-0-0-1 (Commissioner Levy, abstained) to recommend that the City Council approve the proposed rezoning.

BACKGROUND

On May 11, 2005, the Planning Commission held a public hearing to consider 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 for the development of 25 single-family detached residential units on 5.74 acres of the site (Parcel 2) and the continued use of a single-family residence on the remaining 3.18 acres of the site (Parcel 1). The Director of Planning, recommended approval of the proposed rezoning.

ANALYSIS

Elaine Breeze of SummerHill Homes, the applicant, made a presentation on the project. She explained the site design and conceptual architecture of the project and pointed out that the project is an infill development that will fit into the existing neighborhood fabric and connect existing public streets. She also stated that SummerHill Homes is willing to work with the Santa Clara County Parks and Recreation Department and the City of San Jose regarding the County's interest in Parcel 1 for a parking lot for the adjacent Almaden Quicksilver Park.

In response to Commissioners James and Zito, staff clarified that the existing home on Parcel 1 would be staying and that the parcel would not be part of the development of 25 single-family detached residential units.

Public testimony was then taken. There were four community members who spoke on the proposed rezoning. Ken Taher, representing himself, commented on the need for a parking lot for the users of the Almaden Quicksilver County Park Trail. He also stated that stop signs should be placed where the new public streets intersect Skyfarm Drive.

May 16, 2005

Subject: PDC05-003

Page 2

Sharon Potter, representing herself, commented on the Initial Study that was prepared for the project. She stated that there are numerous wildlife species in the area and that an Environmental Impact Report (EIR) should have been prepared because of the displacement of this wildlife.

David Armstrong, representing himself and neighbors, commented on the need for a parking lot for the users of the Almaden Quicksilver County Park Trail. He stated that the current parking situation of on street parking only is a safety concern and wanted the Commission to make the sale of Parcel 1 to the Santa Clara County Parks and Recreation department a condition of approval of the project.

Mark Frederick, representing the County of Santa Clara Environmental Resources Agency Parks and Recreation Department, stated that they are aware of the parking situation at the entrance to the Almaden Quicksilver County Park Trail and that they were working towards a solution including the acquisition of Parcel 1. Commissioner James inquired as to what amount of parking would alleviate the situation. County Parks and Recreation Department staff responded that the 75 parking spaces that they anticipate they could accommodate on Parcel 1 would meet the parking demand for the park.

Staff responded to the comments given by the speakers first by stating that the County of Santa Clara Parks and Recreation Department interest in Parcel 1 for a parking lot is not a part of the proposed project and that CEQA review for a parking lot on the site had not been done. The Deputy Director and Counsel both stated that without CEQA review the Commission could not condition the proposed project to develop a parking lot on the site and that their only option if they wanted that to occur would be to defer the project to allow for that CEQA review to happen. Counsel also stated that the Commission had no ability to condition the project for the parking lot development because no nexus exists to burden the project with remedying the existing parking situation.

Staff then responded to other comments given by the speakers by stating that all of the environmental impacts would be mitigated therefore no EIR was required and that the new project would be creating additional on street parking in the area by the addition of a public street in the area.

The Planning Commission then closed the public hearing. Commissioners Zito asked for information about the soils analysis to which staff responded was addressed in the Initial Study and in a memo from the City's Environmental Services Department toxic specialist. Commissioners Zito and James then asked for clarification on the difference between the initial staff report and the amended staff report and why the development standards had changed. Staff responded that the changes reflected that the Residential Design Guidelines do not cover lots greater than 6,000 square feet and that the front setback had been reduced on two of the interior lots due to slope issues on the properties.

The Planning Commission voted 6-0-0-1 (Commissioner Levy, abstained) to recommend that the City Council approve the proposed rezoning. The Commission made no comments on the motion.

PUBLIC 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 overwhelmingly 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.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Parks Department, Environmental Services Department, and the City Attorney.

CEQA

Mitigated Negative Declaration adopted on May 4, 2005.


For **STEPHEN M. HAASE**
Secretary, Planning Commission

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