

CITY OF SAN JOSÉ, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, California 95113

Hearing Date/Agenda Number
 C.C. 8-29-06

File Number
 C 06-042

Application Type
 Director Initiated Rezoning

Council District
 5

Planning Area
 Alum Rock

Assessor's Parcel Number
 612-33-009, -013, -014, -015

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: Northeasterly corner of Story Road and Machado Lane (10050, 10080, 10100, & 10130 Machado Lane)

Gross Acreage: 3.7

Net Acreage: n/a

Net Density: n/a

Existing Zoning: Unincorporated

Existing Use: Single-family residences

Proposed Zoning R-1-5 Single Family Residence District

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
 Low Density Residential (5 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single family detached residences

R-1-5 and R-1-1 Single Family Residence District, A(PD)
 Planned Development Zoning District

East: Single family detached residences

R-1-5 Single Family Residence District

West: Single family detached residences

R-1-8 Single Family Residence District

South: Single family detached residences

A(PD) Planned Development Zoning District

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Story No. 59

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: August 11, 2006

Approved by: 
 Action
 Recommendation

OWNER – 10050 Machado Lane	OWNER – 10080 Machado Lane	OWNER – 10100 Machado Lane	OWNER – 10130 Machado Lane
Marvin Castro	Earl Chin	Wilma Souza Trust	Ronald & Francisca
Miriam Ayllon	Ha Siu	10100 Machado Lane	Hartman-Kok
2435 Aztec Way	3195 Kawalker Lane	San Jose, CA 95127	10130 Machado Lane
Palo Alto, CA 94303	San Jose, CA 95127		San Jose, CA 95127

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Erin Morris

Department of Public Works

None received

Fire

None received

OTHER CORRESPONDENCE

See attached memorandum from Public Works

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County island annexation program which involves the annexation of all unincorporated County pockets less than 150-acres in size. The subject project is a Planning Director-initiated rezoning which is being done in preparation for the annexation of the 3.7-acre area referred to as Story No. 59 (one of the 59 unincorporated County islands or "pockets" scheduled for annexation). The subject site, located on the northeasterly corner of Story Road and Machado Lane, is fully surrounded by single-family detached residential uses. The site consists of four single-family residential properties along Machado Lane as depicted on the attached location map.

Rezoning is the process of assigning City of San Jose zoning district designation to a property in advance of annexation so that the property will have an appropriate zoning designation once the annexation is effective. All of the unincorporated island sites are within the City of San Jose's Sphere of Influence and thus currently have a General Plan Land Use/Transportation Diagram designation. The proposed rezoning designation should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites. In this case, staff is recommending that the property be zoned R-1-5 Single Family Residence District in conformance with the Low Density Residential (5 dwelling units per acre) General Plan designation.

No changes are proposed to the existing single-family residences on the property. Any legal aspects of the existing condition that would no longer be in conformance after annexation into the City of San Jose and after the new zoning district is adopted, shall become legal nonconforming. Any changes to the legal nonconforming aspects of the property would be subject to the provision of Chapter 20.150 of the San Jose Municipal Code.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

GENERAL PLAN CONFORMANCE

The site is designated Low Density Residential (5 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. This designation is found in the Alum Rock foothills, such as the subject sites, and is typified by 8,000 square foot lots. This density category is intended to respond to both the need for slightly larger than normal lots to prevent excessive grading on slopes between five and fifteen percent and to the need to provide a variety of lot and house sizes within the City. The proposed R-1-5 Single Family Residence Zoning District would allow the existing single-family residences to remain and would guide future development in a manner consistent with the General Plan density.

ANALYSIS

The proposed R-1-5 Residence Zoning District will allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses on the subject property. As discussed above, the proposed rezoning will also bring the zoning into conformance with the General Plan.

Some of these parcels are much larger than 8,000 square feet and may be able to be subdivided. Due to slope considerations and hillside development policies in the General Plan, any subdivision would require a subsequent rezoning of the property to Planned Development.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 300 feet of the project site. Information on the County Pocket annexation program is available on the Planning Divisions website on the areas proposed for annexation and general information on what current county residents can expect upon the annexation of their property to the City of San Jose. Staff has been available to discuss the proposal with members of the public.

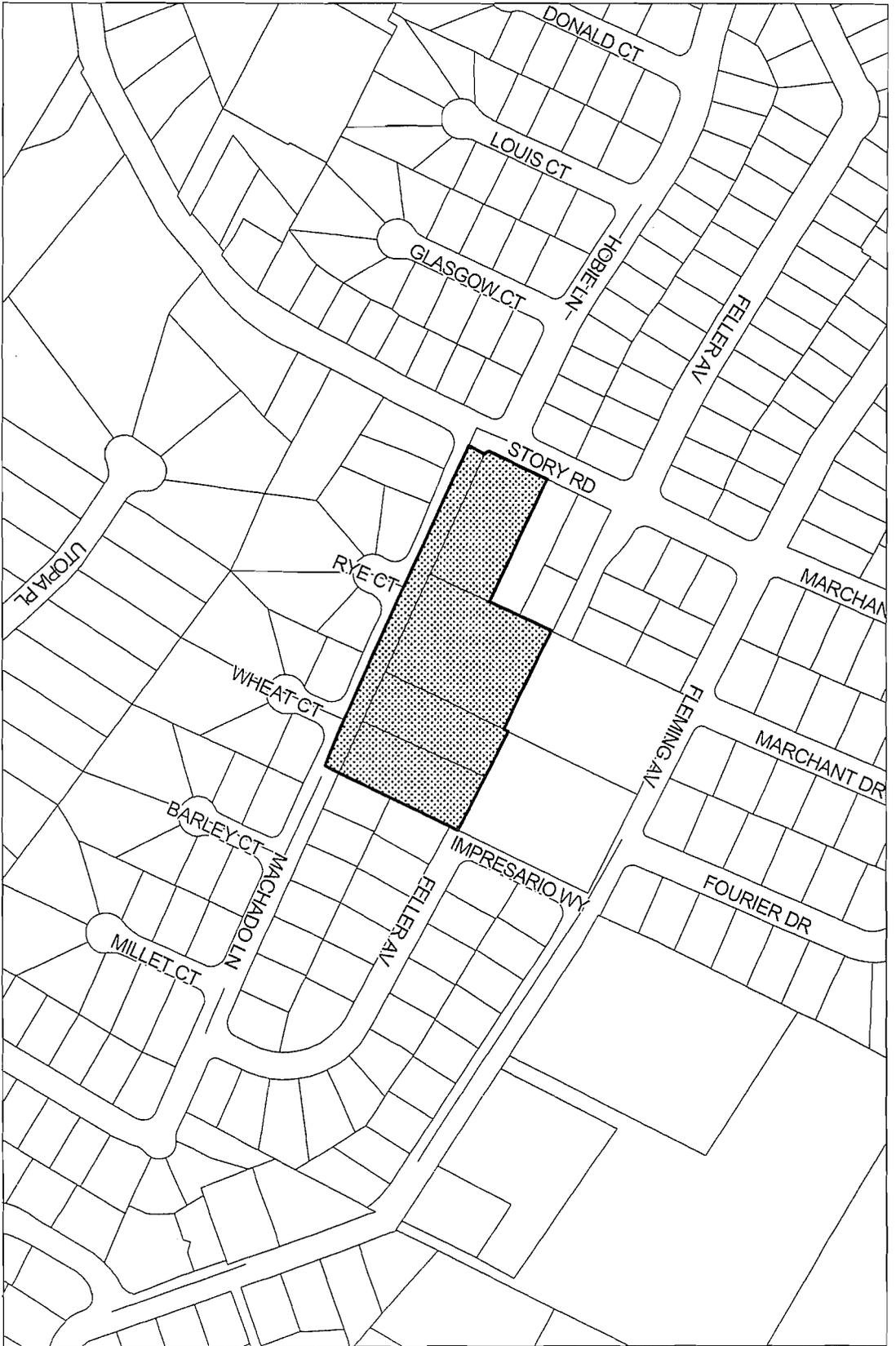
COORDINATION

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

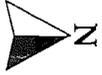
RECOMMENDATION

Planning staff recommends approval of the proposed rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC).
2. The proposed rezoning will facilitate the annexation and continued use or redevelopment of this site with a use that is consistent with the General Plan and compatible with the surrounding land uses.



Scale 1 in = 300 ft 1:3600
Noticing Radius: 500 ft



Map Created On:
5/8/2006



File No: C06-042
District: 05
Quad No: 69