

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 06-047

# STAFF REPORT

Application Type  
 Director Initiated Rezoning

Council District  
 6

Planning Area  
 Willow Glen

Assessor's Parcel Number  
 264-06-015, -016, -017, -018, -019, -020,  
 -021, -022, -023, -064, -071, -075, -079

**PROJECT DESCRIPTION**

Completed by: Erin Morris

Location: North side of Paula Street, south of Interstate 280, between Race Street and Northrup Street

Gross Acreage: 1.8

Net Acreage: n/a

Net Density: n/a

Existing Zoning: Unincorporated

Existing Use: Single-family detached residences and duplexes

Proposed Zoning R-M Multiple Residence Zoning District

Proposed Use: No change

**GENERAL PLAN**

Land Use/Transportation Diagram Designation  
 Medium High Density Residential (12-25 DU/AC)

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

**SURROUNDING LAND USES AND ZONING**

North: Interstate 280 and single-family attached residences

A(PD) Planned Development Zoning District

East: Multi-family residences

A(PD) Planned Development Zoning District and Unincorporated County

West: Interstate 280

N/A

South: Duplex residences and church

R-M Multiple Residence 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**

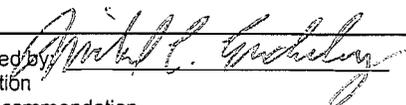
Annexation Title: SUNOL 76

Date: Pending

**PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION**

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: August 8, 2006

Approved by:   
 Action  
 Recommendation

**OWNERS**

Various

**APPLICANT**

City of San Jose

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: Erin Morris

See attached memorandum from Public Works

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**OTHER CORRESPONDENCE**

None received

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**ANALYSIS AND RECOMMENDATIONS**

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**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. On August 8, 2006 the City Council approved the proposed phasing for the annexation of these pockets.

The subject project is a Planning Director-initiated rezoning to the R-M Multiple Residence District which is being done in preparation for the annexation of the 3.6-acre area referred to as Sunol 76 (one of the 59 unincorporated County islands or “pockets” scheduled for annexation). The subject site, located on the north side of Paula Street south of Interstate 280 between Race Street and Northrup Street, is developed with primarily single-family detached residences and duplexes and is surrounded by Interstate 280 and residential uses. The subject site consists of 13 properties and is within 2000 feet of the Race Street Light Rail Station.

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-M Multiple Residence District in conformance with the Medium High Density Residential (12-25 dwelling units per acre) General Plan designation.

No changes are proposed to the existing land uses on the subject properties. 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 Medium High Density Residential (12-25 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. Two-story apartments and condominiums with surface parking typify this density, although structures of greater height with compensating amounts of open space may be possible. The General Plan envisions that properties located within a reasonable walking distance of a planned or existing rail station should be developed at a minimum density of 20 units per acre under this designation. The subject site is located within 2000 feet of the Race Street Light Rail Station. The proposed R-M Multiple Residence Zoning District would allow the existing land uses to remain and would guide future development in a manner consistent with the General Plan density.

## **ANALYSIS**

The proposed R-M Multiple Residence Zoning District will allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses on the subject property. Rezoning the property is necessary in order to proceed with the County Island Annexation Program as outlined in the phasing schedule provided to the City Council in a memorandum dated July 19, 2006. The proposed rezoning to the R-M Multiple Residence Zoning District will also bring the zoning into conformance with the General Plan.

## **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.

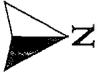
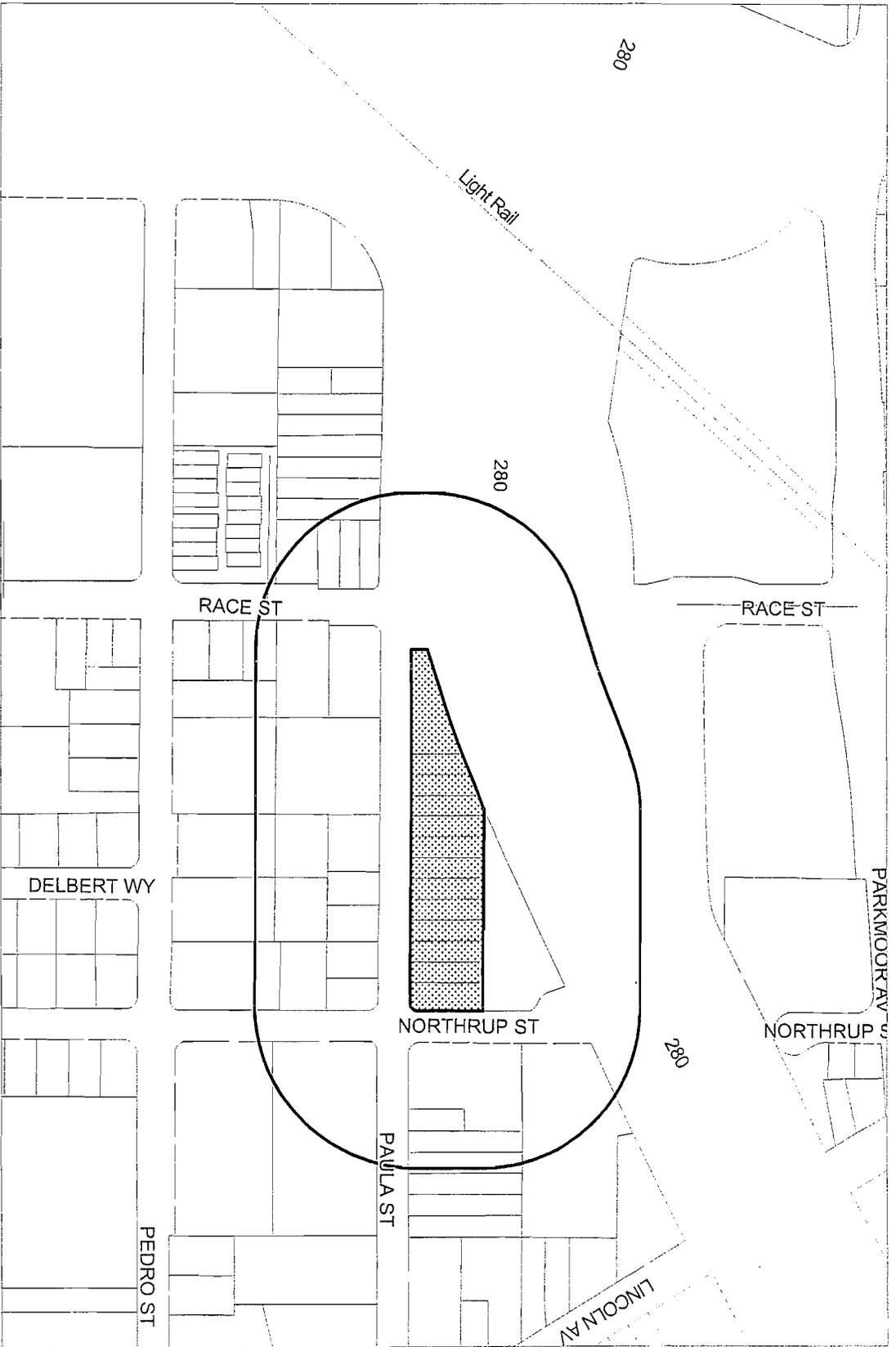
## **COORDINATION**

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 Medium High Density Residential (12-25 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.



Map Created On:  
5/10/2006



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

**File No: C06-047**  
**District: 06**  
**Quad No: 99**



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDDEL, ACTING DIRECTOR

USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C06-047. Conforming Conventional Rezoning for a project located on the north side of Paula Street, south of Interstate 280, between Race Street and Northrup Street on a 1.8-gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Medium High Density Residential (12-25 DU/AC) from unincorporated County to R-M Multiple Residence District.

Council District 6 County Assessor's Parcel Numbers 264-06-015, -016, -017, -018, -019, -020, -021, -022, -023, -064, -071, -075, -079

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

- Traffic and Circulation, Cultural Resources, Urban Services, Energy, Open Space, Vegetation and Wildlife, Soils and Geology, Hazardous Materials, Air Quality, Facilities and Services, Schools, Noise, Land Use, Aesthetics, Water Quality/Resources, Drainage and Flooding

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Erin Morris Project Manager

Joseph Horweddel, Acting Director Planning, Building and Code Enforcement

8/9/06 Date

Allen Stricker Deputy



# Memorandum

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**TO:** Rebekah Ross  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 05/16/06

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**PLANNING NO.:** C06-047/SUNOL 76  
**DESCRIPTION:** Planning Director Initiated Rezoning from unincorporated county to R-M Multiple Residence Zoning District for multi family residential purposes on an approximately 1.8 gross acre area consisting of 13 parcels  
**LOCATION:** North side of Paula Street east of Race and west of Northrup Street  
**P.W. NUMBER:** 3-09999

Public Works received the subject project on 05/11/06. We have no comments or requirements.

Please contact the Project Engineer, Winnie Pagan, at (408) 535-6824 if you have any questions.

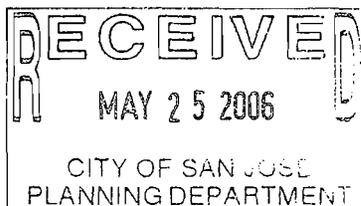
Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

ES:WP;jk  
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# County of Santa Clara

Roads and Airports Department  
Land Development and Permits

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2460 FAX (408) 441-0275



May 24, 2006

Ms. Rebekah Ross  
Project Manager  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905

Subject: Prezoning and Annexation of approximately 3.2 gross acres from the County into the City of San Jose  
Both sides of Maria Way and Antonio Lane

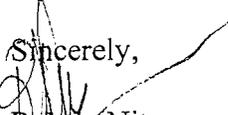
Dear Ms. Ross,

Your May 4, 2006 letter along with the attachments for the subject application have been reviewed. We have no comments.

Thank you for the opportunity to review and comment on this project.

If you have any questions, please call me at 573-2464.

Sincerely,



Raluca Nitescu  
Project Engineer

Cc: MA, WRL, File