

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 06-050

Application Type
Director Initiated Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number
264-07-019, -020, -029, -030, -033, -034, -035, -038, -055, -063, -065

STAFF REPORT

PROJECT DESCRIPTION Completed by: Erin Morris

Location: South side of Paula Street extending 430 feet westerly of Race Street

Gross Acreage: 1.7 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 Project Conformance:
Medium High Density Residential (12-25 DU/AC) Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Interstate 280 N/A

East: Multi-family residences R-M Multiple Residence Zoning District

West: Single-family residence Unincorporated County

South: Multi-family residences and single-family detached residence CP Commercial Pedestrian, A -Agriculture, A(PD) Planned Development Zoning District

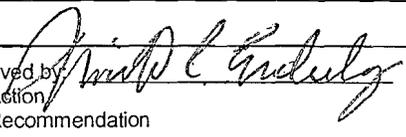
ENVIRONMENTAL STATUS

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

FILE HISTORY

Annexation Title: SUNOL 74 Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval Date: August 8, 2006 Approved by: 
 Approval with Conditions Action
 Denial Recommendation
 Uphold Director's Decision

OWNERS APPLICANT

Various City of San Jose

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Erin Morris

See attached memorandum from Public Works

OTHER CORRESPONDENCE

None received

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 1.7-acre area referred to as Sunol 74 (one of the 59 unincorporated County islands or "pockets" scheduled for annexation). The subject site, located on the south side of Paula Street extending 430 feet westerly of Race Street, is developed primarily with single-family detached residences and is surrounded by Interstate 280 and residential uses. The subject site consists of 11 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 dwelling units per acre) 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. Medium high density residential uses are planned primarily for locations on major streets and near major activity centers. 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. As discussed above, the proposed rezoning 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.



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

C06-050. Conforming Conventional Rezoning for a project located on the South side of Paula Street extending 430 feet westerly of Race Street on a 1.7-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 264-07-019, -020, -029, -030, -033, -034, -035, -038, -055, -063, -065

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

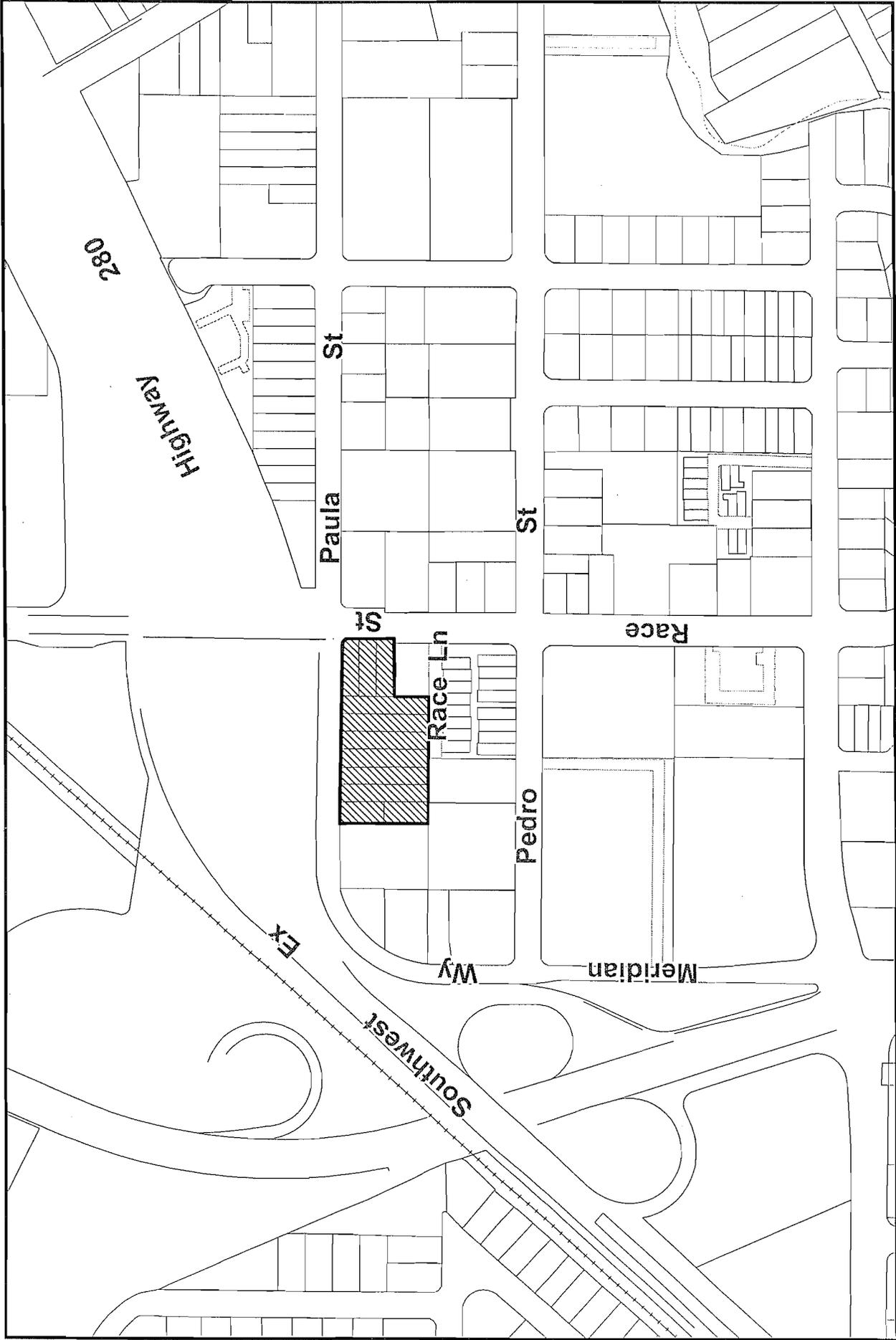
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this 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 Horwedel, Acting Director
Planning, Building and Code Enforcement

8/9/06
Date

Akeni Davidlsen
Deputy



File No: C06-050

District: 6

Quad No: 98

Scale: 1"= 300'
Noticing Radius: 500 feet

