

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  
C06-053

Application Type  
Director Initiated Rezoning

Council District  
9

Planning Area  
Cambrian

Assessor's Parcel Number  
414-06-003; 004; 005; 006; 007; 008;  
009; 010 & 034.

# STAFF REPORT

**PROJECT DESCRIPTION:**

Completed by: Suparna Saha

Location: Southwest corner of Curtner Avenue and Bascom Avenue.

Gross Acreage: 2.6

Net Acreage: 2.6

Net Density: 8.0 DU/Acre

Existing Zoning: Unincorporated

Existing Use: Single-Family Residences and Office uses.

Proposed Zoning R-1-8 Single Family Residence and CP Commercial Pedestrian

Proposed Use: No Change

**GENERAL PLAN**

Land Use/Transportation Diagram Designation  
Medium Low Density Residential: (8.0 DU/AC) & General Commercial

Project Conformance:  
 Yes  No  
 See Analysis and Recommendations

**SURROUNDING LAND USES AND ZONING**

North: Single Family Residences

A(PD) Planned Development Zoning

East: General Commercial

CP Commercial Pedestrian Zoning

West: Multi-Family Residential

A(PD) Planned Development Zoning

South: General Commercial

CP Commercial Pedestrian Zoning

**ENVIRONMENTAL STATUS**

Reuse of Environmental Impact Report "San Jose 2020 General Plan"  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

**FILE HISTORY**

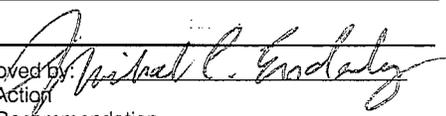
Annexation Title: CAMBRIAN NO. 35

Pending

**PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION**

Approval  
 Approval with Conditions  
 Denial  
 Uphold Director's Decision

Date: 8-11-06

Approved by:   
 Action  
 Recommendation

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OWNER	APPLICANT
Gerald & Joy Spence (414-06-003), Gerardo Hernandez (414-06-004) Eric Anchondo (414-06-005); Brian & Wendy Mignosa ( 414-06-006) Susan Flynn ( 414-06-007); Marian Sonneman (414-06-008) Timothy Shanahan (414-06-009); Brian & Dina (414-06-010) Cambrian School District (414-06-034)	City of San Jose

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<b>PUBLIC AGENCY COMMENTS RECEIVED</b>	Completed by: SS
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Department of Public Works  
See attached memorandum.

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Fire  
None

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**OTHER CORRESPONDENCE**

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None

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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 the County pockets.

The subject project is a Planning Director-initiated rezoning which is being done in preparation for the annexation of the 2.6 acre area referred to as Cambrian No. 35 (one of the 59 unincorporated County “islands” or “pockets” scheduled for annexation).

Rezoning is the process of assigning a 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 Urban Service Area 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 approximately 1.6 acres, consisting of 7 parcels fronting on Curtner Avenue be rezoned to R-1-8 Single-Family Residence. Staff is recommending that the remaining two parcels (approximately .89 acres) be rezoned CP Commercial Pedestrian in accordance with the General Commercial General Plan designation.

No changes are proposed to the existing residential and non-residential uses 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.

### **Site and Surrounding Uses**

The area of the proposed zoning consists of nine (9) parcels, currently zoned with residential designations by Santa Clara County. The existing uses of the property consist of single-family residences and office uses. The existing uses surrounding the property consist of single-family attached residential to the north, multi-family residential to the west, a hotel to the south and commercial uses to the east on the opposite side of Bascom Avenue.

### **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 Low Density Residential (8.0 DU/AC) and General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 allows residential uses consistent with the General Plan Medium Low Density Residential (8.0 DU/Acre) land use designation. The proposed CP Commercial Pedestrian district will facilitate future development in accordance with the General Commercial General Plan land use designation.

### **ANALYSIS**

The proposed R-1-8 Single-Family Residence and CP Commercial Pedestrian Zoning Districts will allow residential and commercial uses consistent with the Zoning Ordinance, the existing neighborhood and the existing uses and/or structures on the subject property. The proposed rezoning to the R-1-8 Single-Family Residence and CP -Commercial Pedestrian will also bring the zoning into conformance with General Plan. The site is currently zoned (R1-8 and R1) Residential by the County Zoning Ordinance. The existing single-family residences and the office use will remain legal under the City of San Jose's proposed zoning designation.

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 and adopted on August 8, 2006.

### **PUBLIC OUTREACH**

A notice of the public hearing was published (Mercury News), posted on the City's web site, posted on LAFCO's website ([www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov)) and distributed to the property 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 Low Density Residential (8.0DU/Acre) and CP Commercial Pedestrian..
2. The proposed rezoning will facilitate the annexation and continued use or re-development of this site with a use that is consistent with the General Plan and compatible with the surrounding land uses.

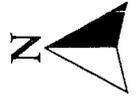


**File No: C06-053**

**District: 9**

**Quad No: 113**

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





# Memorandum

**TO:** Suparna Saha  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 07/03/06

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PLANNING NO.: C06-053  
DESCRIPTION: Planning Director Initiated Prezoning from unincorporated county to R-1-5 Single-Family Residence Zoning District for single family residential purposes on an approximately 2.6 gross acres area consisting of 9 parcels  
LOCATION: South side of Curtner Avenue, west of Bascom Avenue  
P.W. NUMBER: 3-18080

Public Works received the subject project on 05/15/06. We have no comments or requirements.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.

Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

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