

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. 10/24/06

File Number
C06-072

Application Type
Director Initiated Rezoning

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number
704-09-002, 704-09-003, 704-11-009,
704-11-10, 704-11-13 & 704-11-014

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: South side of Manila Drive and Curie Drive, west of San Ignacio Avenue

Gross Acreage: 17.23

Net Acreage: 17.23

Existing Zoning: Unincorporated

Existing Use: Vacant, Single Family Residence, Public Park Open Space

Proposed Zoning OS Open Space

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
Public Park and Open Space & Low Density Residential (5.0 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single Family Residences	R-1-5 & R-1-8 Single Family Residential
East: Single Family Residences & Intermediate School	R-1-8 Single Family Residential
West: Public Park Open Space	A – Agricultural
South: Public Park Open Space	Unincorporated

ENVIRONMENTAL STATUS

Environmental Impact Report found complete on August 16, 1994
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Oak Grove No. 70 (County Island Annexation)

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: *October 5, 2006*

Approved by: *Susan Walton*
 Action
 Recommendation

OWNER/APPLICANT

Santa Clara County

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Chris Burton

Department of Public Works

See attached memorandum

Fire

None Received.

OTHER CORRESPONDENCE

County of Santa Clara Parks and Recreation Department

See attached letter

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 prezoning, which is being done in preparation for the annexation of the 17.23-acre area referred to as Oak Grove Park No. 70 (one of the 58 unincorporated County islands or "pockets" scheduled for annexation).

Prezoning is the process of assigning City of San Jose zoning district 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 prezoning 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 OS Open Space in conformance with the Public Park Open Space and Low Density Residential (5 DU/AC) General Plan designations.

No changes are proposed to the existing uses on the property. Any legal aspects of the existing condition that would no longer be in conformance after annexation in to 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 subject site, bounded by Manila Drive and Curie Drive to the north, the Santa Teresa County Park to the west, the S.C.V.W.D. Coyote-Alamitos Canal to the south, and San Ignacio Avenue to the east. The site is developed with a mixture of residential, historic resources, public park, and open space uses and is surrounded by public park, open space, public/quasi public, and residential uses. The site consists of 6 parcels.

The site is owned by the County of Santa Clara and is part of the Santa Teresa County Park. The site is adjacent to the Santa Teresa County Park Historic Area, which houses the Joice Bernal Ranch and Santa Teresa Springs, and contains a restored ranch house and documents California farm life from the early 1900's.

As described in the attached memorandum, the Santa Clara County Parks and Recreation Department intends to develop these Park properties, which include two historic structures, in the near future, as part of a focused site plan for development of the historic interpretive site of the Rancho Santa Teresa. The two historic buildings have failing and non-compliant septic systems, and in addition, they are located on or near archaeological sites. County Parks and Recreation has been working to connect these two structures to the City Sanitary Sewer system as recommended by the Santa Clara County Environmental Health Department. Annexation will facilitate this effort.

The Santa Clara Valley Water District Coyote-Alamitos Canal forms the southern boundary of the area and is the Urban Service Area boundary for the City. It functions now only as a winter stormwater culvert, and there is public interest in the potential for levee roads to be converted into public trails, as has been done with other SCVWD waterways in the Bay Area.

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 Public Park Open and Space and Low Density Residential (5 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed Open Space Zoning District allows open space uses consistent with the General Plan Public Park and Open Space and Low Density Residential (5 DU/AC) land use designations. The Zoning Code provides that the OS Open Space Zoning District is a conforming district to any General Plan designation.

The rezoning and annexation of this unincorporated pocket will further the General Plan Urban Service Area policies that encourage the County and LAFCO to join in cooperative efforts to seek the annexation of urbanized County pockets with the City's Urban Service Area.

ANALYSIS

The proposed OS- Open Space Zoning District is the appropriate zoning for the site because it reflects the current use of the site as part of the Santa Teresa Park. The purpose of the OS Open Space District is to provide for the public peace, health, safety, and welfare by conserving open space to ensure the continued availability of land for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for the enjoyment of scenic resources, and by protecting the people and property in the City of San José against physical environmental hazards. The proposed rezoning to the Open Space Zoning District will also bring the zoning on the site into conformance with the General Plan.

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, 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 zoning for the following reasons:

1. The proposed Rezoning is in conformance with the General Plan Land Use/Transportation Diagram designations of Public Park Open Space and Low Density Residential (5 DU/AC).
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.



Memorandum

TO: Jeff Roche
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 07/31/06

PLANNING NO.: C06-072
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to OS Open Space District for on an approximately 17.23 gross acre area consisting of 7 parcels
LOCATION: South side of Manila Dr and Curie Dr, West of San Ignacio Av
P.W. NUMBER: 3-15904

Public Works received the subject project on 07/17/06 and submits the following comment.

1. **Geology:** A Geologic Hazard Clearance is required prior to approval of any building permit.

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

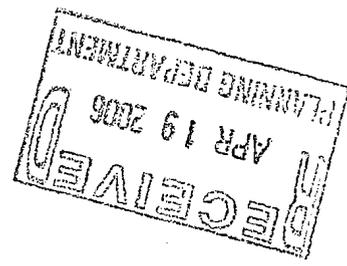
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County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



April 10, 2006

Joseph Horwedel, Interim Director
Planning, Building, and Code Enforcement
City of San Jose
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

Dear Mr. Horwedel,

Santa Clara County Parks and Recreation Department is interested in participating in California's urban pocket annexation process administered by Local Agency Formation Commission of Santa Clara County (LAFCO) for a number of parcels located within Santa Teresa County Park.

The identified urban pocket, totaling approximately 14.84 acres, is included in the LAFCO 2005 Urban Pocket Maps (page number 19) and is within the urban service area of the City of San Jose. This pocket does not include any residential properties and is solely contained within the park boundary. The APN's for the parcels making up this urban pocket are as follows: 704-09-002, 704-09-003, 704-11-009, 704-11-010, 704-11-013 and portions of APN 704-09-002 (approximately 3.19 acres) and 708-02-009 (approximately 1.72 acres). I have included a map of these parcels showing the location within the Park and a copy of the LAFCO map page for your reference.

We understand from Supurna Sahal, in the City of San Jose's planning office, that there is an opportunity to include this urban pocket on a second list of those going before the City Council for annexation in the near future. We would appreciate the inclusion of this urban pocket in that filing.

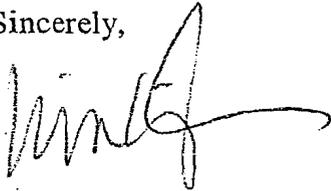
Santa Clara County Parks and Recreation Department intends to develop these Park properties, which include two historic structures, in the near future. In this instance, the Department intends to prepare a focused site plan for development of the historic interpretive site of the Rancho Santa Teresa. Unfortunately, the two historic buildings have failing and non-compliant septic systems, and in addition, they are located on or near archaeological sites. Therefore, it would be appropriate to connect these two structures to the City Sanitary Sewer system as recommended by Santa Clara County Environmental Health Department (*County of Santa Clara Ordinance Code Sec. B11-62. Public Sanitary Sewer, connection to*).



We have contacted the City and LAFCO on earlier occasions with the idea of creating an out-of-agency agreement as a means to connect to the City septic sewer system.

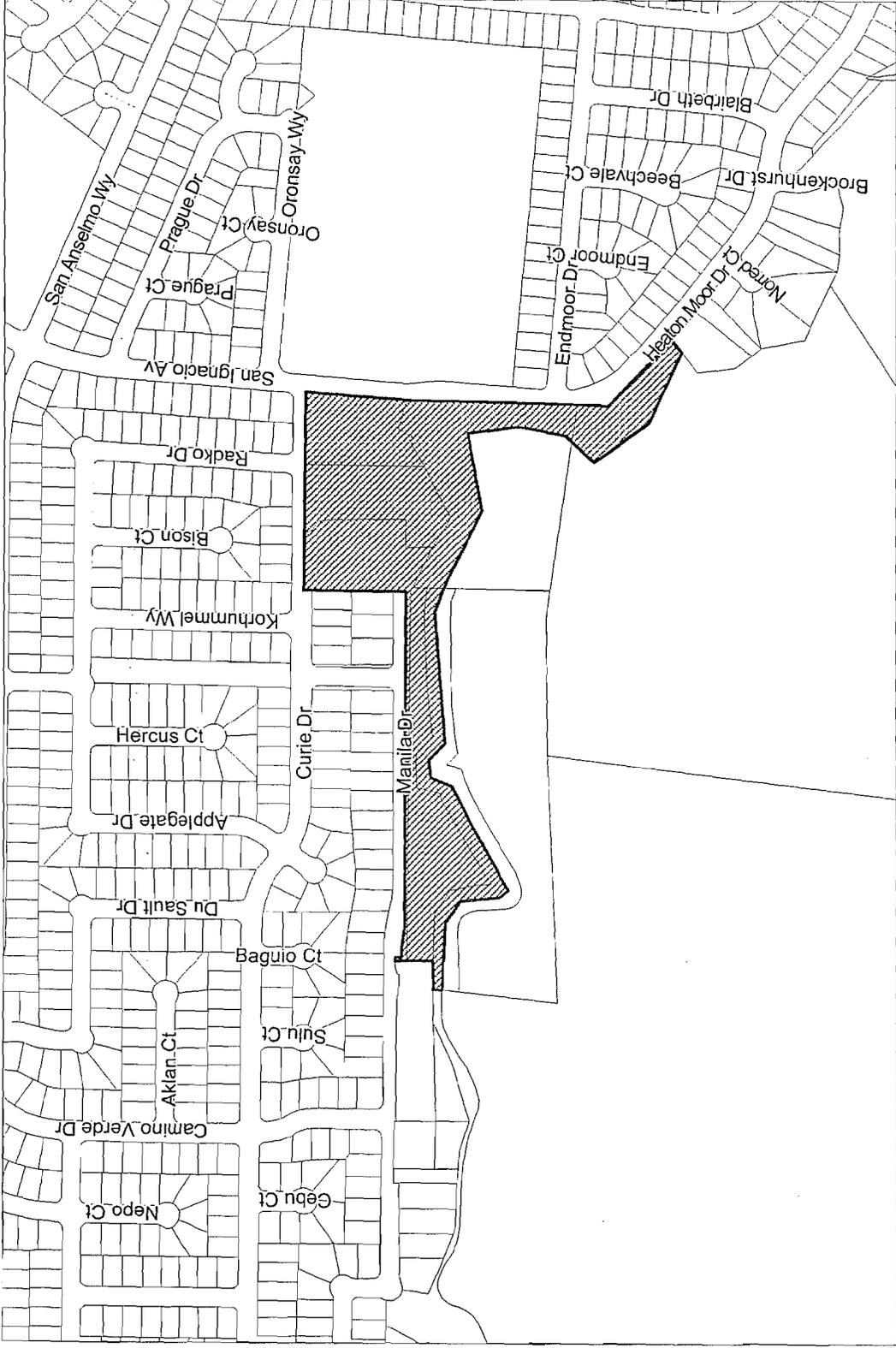
If there is anything our staff can do to assist in moving forward with the annexation process, or if you require any additional information, please contact Mark Frederick, Planning and Program Manager at (408) 355-2210, Mark.Frederick@prk.sccgov.org or Antoinette Romeo, Park Planner, at (408) 355-2235, Antoinette.Romeo@prk.sccgov.org. We appreciate the City's support and cooperation towards annexation of this urban pocket. Please feel free to contact me if you would like to discuss the matter further.

Sincerely,

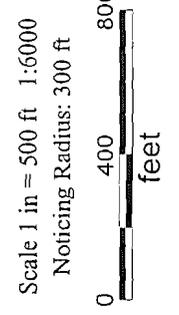
A handwritten signature in black ink, appearing to read "Lisa Killough", written in a cursive style.

Lisa Killough, Director
Santa Clara County Parks and Recreation Department

cc: Mark Frederick, County Parks
Dunia Noel, LAFCO
Stan Ketchum, Planning, Building, and Code Enforcement, City of San Jose

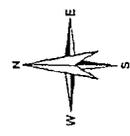
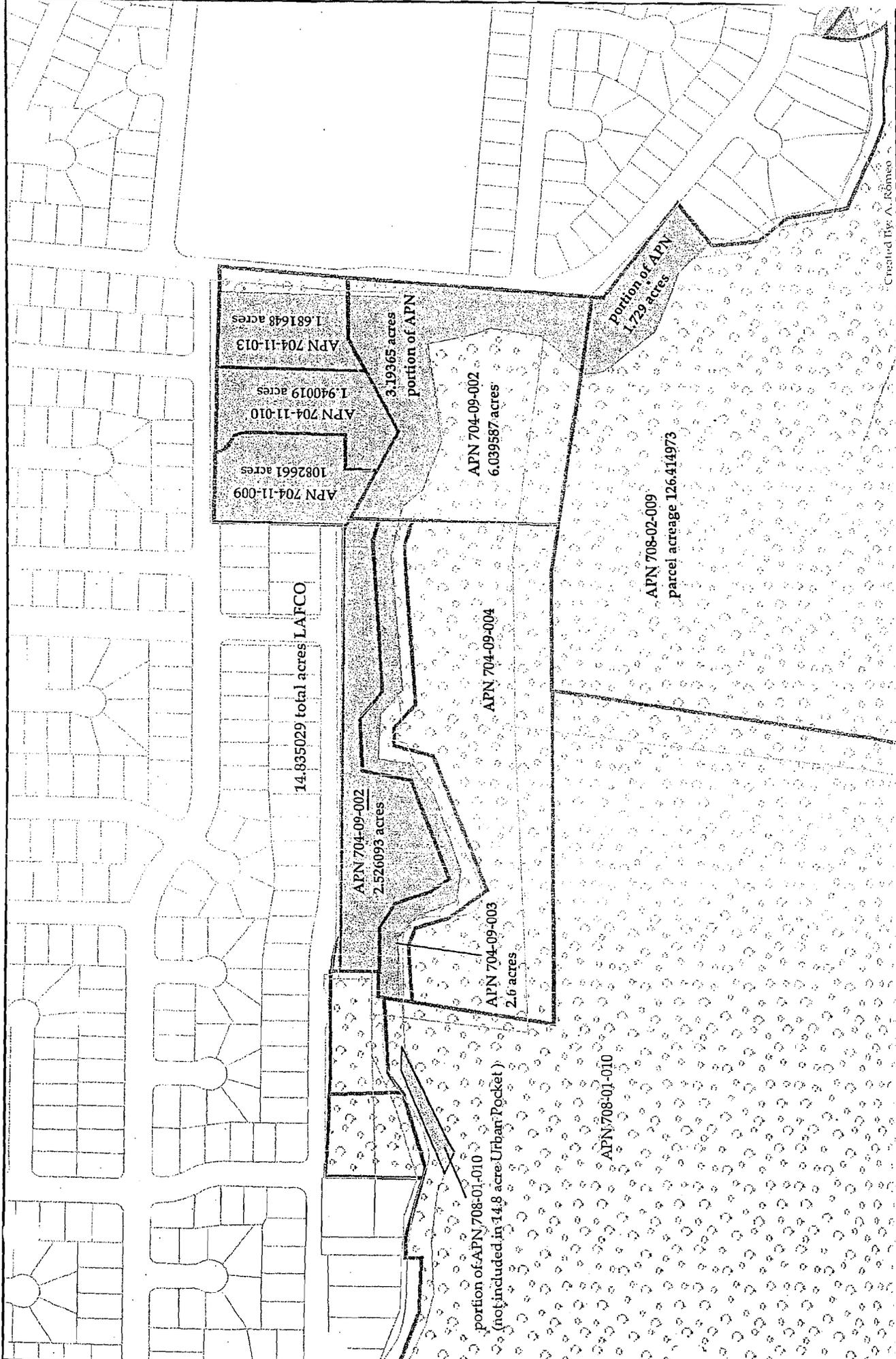


File No: C06-072 / OAK GROVE 70
District: 02
Quad No: 143



N
 Map Created On:
 9/14/2006

WDW



Date: March 2006

LEGEND

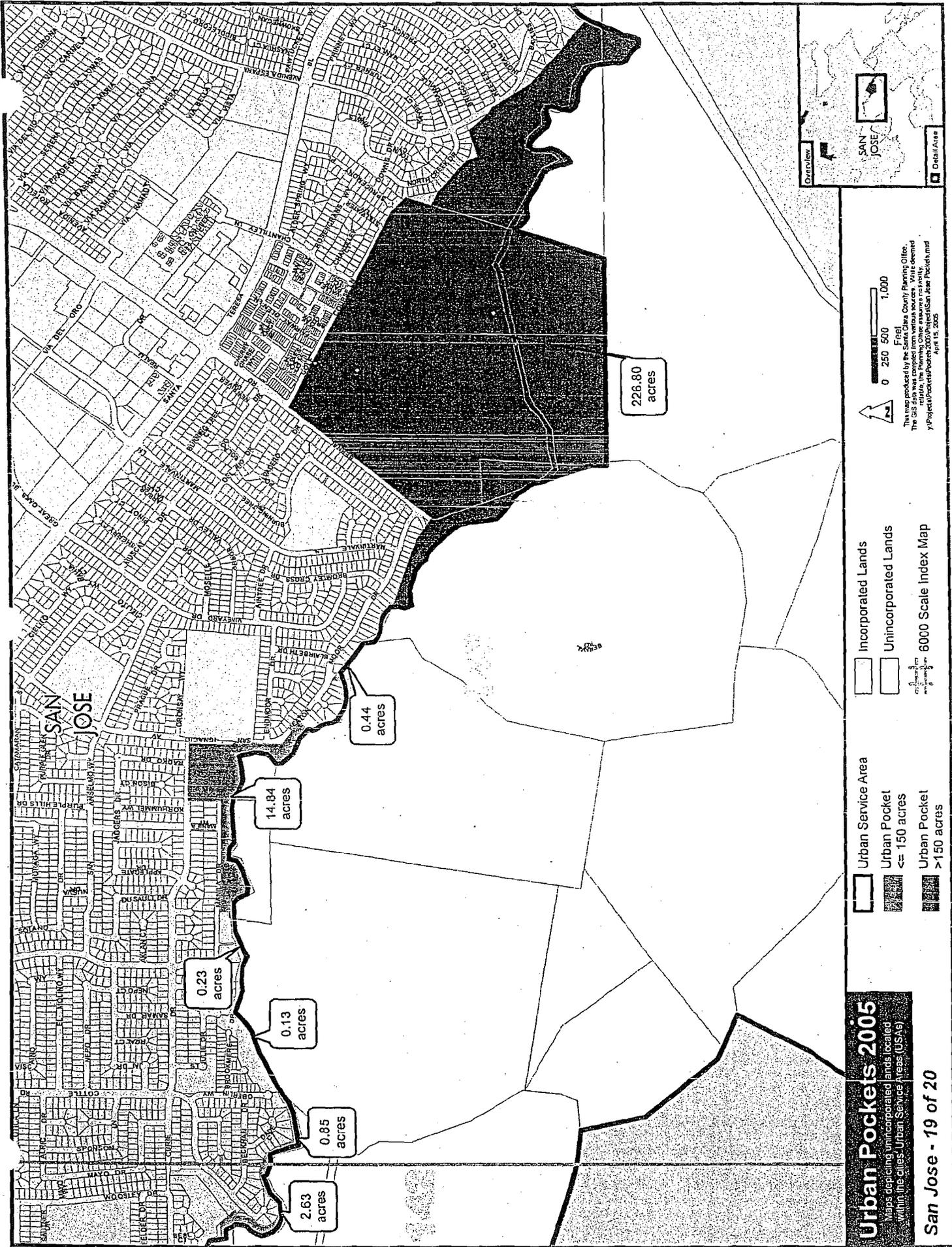
- Parcels
- Santa Clara County Park - parcels
- LAFCO Urban pockets 2005
- San Jose Urban Service Area

SANTA TERESA COUNTY PARK
LAFCO Urban Pockets



SANTA CLARA COUNTY PARKS

This map generated by the County of Santa Clara Department of Parks and Recreation. The GIS files were compiled from various sources. While deemed reliable, the Department assumes no liability.

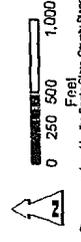


Urban Pockets 2005

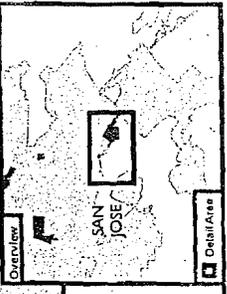
Maps depicting unincorporated lands located within the cities' Urban Service Areas (USAs)

- Urban Service Area
- Urban Pocket <= 150 acres
- Urban Pocket > 150 acres
- Incorporated Lands
- Unincorporated Lands

6000 Scale Index Map



The map produced by the Santa Clara County Planning Office. The GIS data was prepared by the Planning Office. The map is located at: \\planning\planning\GIS\Projects\2005\Projects\San Jose Pockets.mxd April 15, 2005





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