11.1(h)

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

STAFF REPORT

Hearing Date/Agenda Number
C.C. 10-24-06

File Number
C 06-075

Application Type
Director Initiated Prezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number
601-31-011, 010, 005, 055, 043

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: North side of Story Road, 780 feet easterly of Machado Lane

Gross Acreage: 3.7 | Net Acreage: n/a | Net Density: n/a

Existing Zoning: Unincorporated | Existing Use: Single-family detached residences

Proposed Zoning R-1-RR Rural Residential Residence District | Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
Urban Hillside (1DU/5 AC)

Project Conformance:
[☒] Yes [☐] No
[☐] See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single-family residence	R-1-8 Single Family Residence District
East: Single-family residence	R-1-5 Single Family Residence District
West: Single-family residence	R-1-5 Single Family Residence District, R-1-8 Single Family Residence District
South: Single-family residence, Child Daycare Facility	R-1-5 Single Family Residence 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 61 (Island Annexation) | Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

[☒] Approval
[☐] Approval with Conditions
[☐] Denial
[☐] Uphold Director's Decision

Date: October 05, 2006

Approved by: Susan Walton
[☒] Action
[☐] Recommendation

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. 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 prezoning which is being done in preparation for the annexation of the 3.7-acre area referred to as Story 61 (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 R-1-RR Rural Residential Residence District in conformance with the Urban Hillside (1DU/5 AC) 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.

Site and Surrounding Uses

The subject site, located on the north side of Story Road 780 feet easterly of Machado Lane, is developed primarily with single-family detached residences and is surrounded by residential uses and one nursery school. The subject site consists of five properties with parcel sizes ranging from one third of an acre to an acre and a half.

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 Urban Hillside (1DU/5AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. This designation is intended for most hillside areas above the fifteen percent slope line above fifteen percent, but within the urban service area. These areas also contain important watersheds, natural habitats, and prime percolation soil that should be preserved from encroachment of urban densities. This designation is not intended to create new urbanization; instead it is intended to complete the existing pattern of urbanization at the edge of the City. The proposed R-1-RR Rural Residential Residence District with a minimum lot size of 5 acres would allow the existing single-family residences to remain and would guide future development in a manner consistent with the General Plan density of one dwelling per five acres.

The zoning and annexation of this unincorporated pocket furthers the Urban Service Area policies which 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 R-1-RR Rural Residential Residence District will allow residential uses compatible with the existing neighborhood and the existing uses on the subject property. As discussed above, the proposed prezoning 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 prezoning for the following reasons:

1. The proposed prezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Urban Hillside (1DU/5 AC).

2. The proposed prezoning 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.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, 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

C06-075. Conforming Conventional Prezoning for a project located on the North side of Story Rd 780 ft easterly of Machado Lane on a 3.7-gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Urban Hillside (1 DU/5 AC) from unincorporated County to R-1-RR Rural Residential Residence District (1DU/5 AC).

Council District 5 County Assessor's Parcel Numbers 601-31-011, 010, 005, 055, 043

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

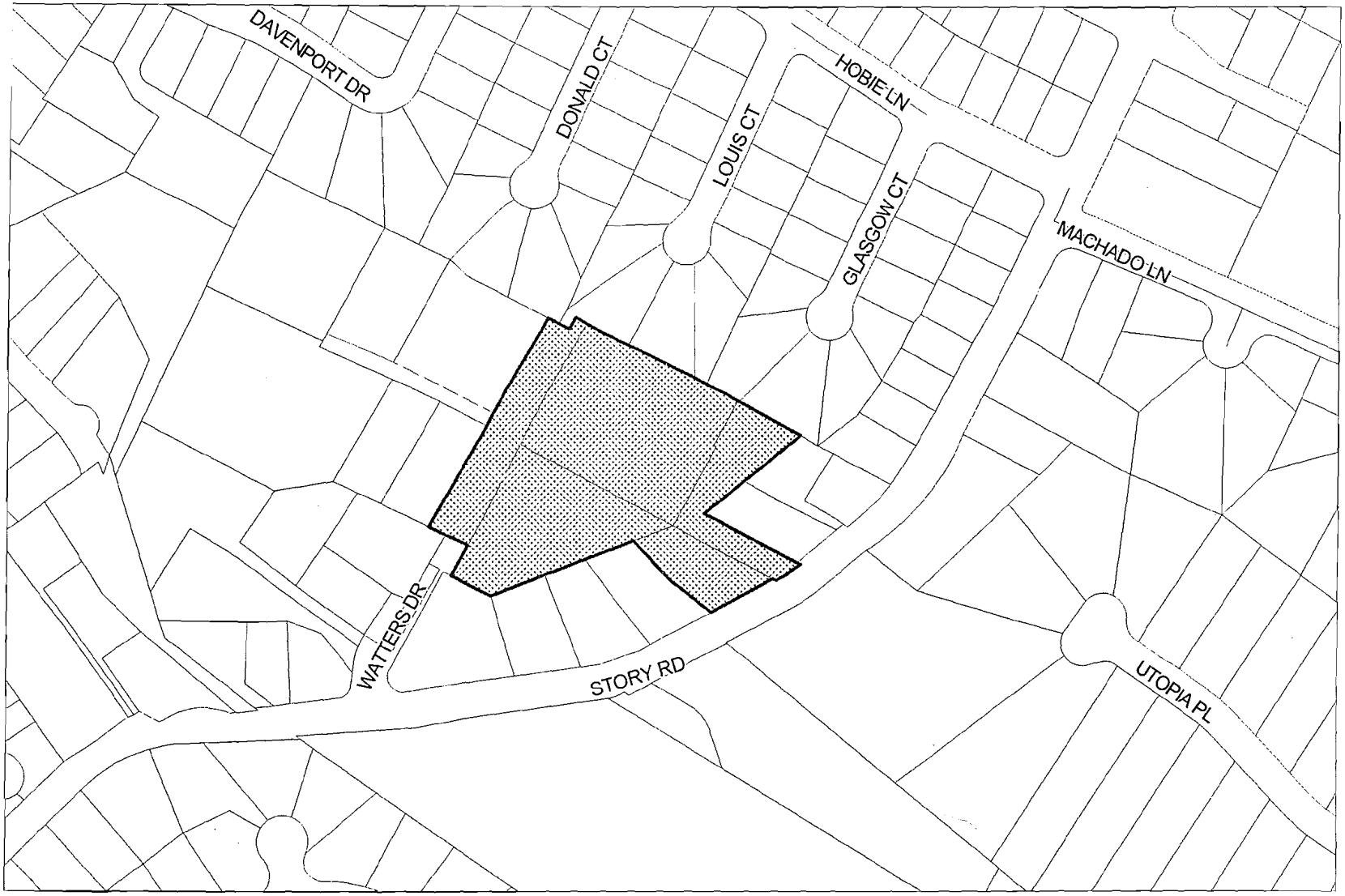
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this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

8/23/06
Date

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Deputy



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Map Created On:
7/10/2006

Scale 1 in = 250 ft 1:3000
Noticing Radius: 300 ft

0 200 400
feet

File No: C06-075 / Story No. 61
District: 05
Quad No: 069

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Rebekah Ross
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: **RESPONSE TO GENERAL PLAN AMENDMENT APPLICATION**

DATE: 08/03/06

PLANNING NO.:	C06-075 and STORY 61
DESCRIPTION:	Planning Director Initiated Prezoning from unincorporated county to R-1-RR Single Family Residence District on an approximately 3.7 gross acre area consisting of 5 parcels, one of which lacks an APN (was 601-31-055)
LOCATION:	North side of Story Rd 780 ft easterly of Macado Ln
P.W. NUMBER:	3-09162

Public Works received the subject project on 07/13/06 and submits the following comments:

[D]	Flood Zone
[YES]	Geological Hazard Zone
[YES]	State Landslide Zone
[NO]	State Liquefaction Zone
[NO]	Inadequate Sanitary capacity
[NO]	Inadequate Storm capacity
[NO]	Major Access Constraints
[NO]	Near-Term Traffic Impact Analysis

Comments: Street dedication along Story Road and Watters Drive will be required prior to development of the site.

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

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

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