

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
C06-083

Application Type
Director Initiated Rezoning

Council District
4

Planning Area
North

Assessor's Parcel Number
097-15-029, 097-15-033 & 097-15-034

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: North corner of Montague Expressway and Seely Avenue

Gross Acreage: 39.5

Net Acreage: 39.5

Existing Zoning: Unincorporated

Existing Use: Agricultural, Vacant

Proposed Zoning IP Industrial Park (22 acres closest to Seely Avenue) and OS Open Space

Proposed Use: Industrial and Open Space

GENERAL PLAN

Land Use/Transportation Diagram Designation
Industrial Park & Public Park and Open Space

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Northeast: Industrial

Unincorporated

Southeast: Industrial

IP Industrial Park & HI Heavy Industrial

Southwest: Industrial

IP Industrial Park

Northwest: Industrial

IP Industrial Park

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: Orchard No. 148 (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

097-15-029 – Santa Clara Valley Water District
097-15-033 – Suzuye Sakauyer
097-15-034 – Sakauye Partners

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Chris Burton

Department of Public Works

None Received.

Fire

None Received.

OTHER CORRESPONDENCE

See attached memorandums from Municipal Water Department.

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 39.5-acre area referred to as Orchard No.148 (one of the 58 unincorporated County islands or "pockets" scheduled for annexation).

Rezoning 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 rezoning 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 IP Industrial Park on the 22 acres closest to Seely Ave and OS Open Space on the remaining area in accordance with the IP Industrial Park General Plan designation.

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 consisting of 3 parcels is located on the northeast corner of Montague Expressway and Seely Avenue and is developed primarily with a mixture of agricultural uses and the Coyote Creek Trail, and is surrounded by campus-style industrial units. There are two single family residences on the site with associated agricultural buildings. The subject site consists of three properties with parcel sizes of approximately 11 acres.

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 IP Industrial Park and Public Park and Open Space on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed IP Industrial Park and OS Open Space Zoning Districts allow industrial and open space uses consistent with the General Plan IP Industrial Park land use designation.

The zoning and annexation of this unincorporated pocket furthers 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 IP Industrial Park and OS Open Space Zoning Districts will allow industrial and open space uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. The proposed rezoning to the IP-Industrial Park and OS Open Space Zoning Districts will also bring the zoning of the properties into conformance with the General Plan.

Prezoning 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. An Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase I of the program. Staff has also 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

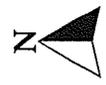
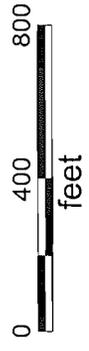
Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed Prezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of IP Industrial Park and Public Park and Open Space.
2. The proposed Prezoning 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: C06-083 / ORCHARD 148
District: 04
Quad No: 035

Scale 1 in = 500 ft 1:6000
Noticing Radius: 300 ft



Map Created On:
7/24/2006

**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

C06-083. Planning Director-initiated rezoning for a project located on the north corner of Montague Expressway and Seely Avenue, on a 39.5-gross-acre site referred to as Orchard No. 148 (one of the 59 unincorporated County islands or "pockets" scheduled for annexation), with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of IP Industrial Park to be rezoned OS Open Space and IP Industrial Park Districts.

Council District 4 County Assessor's Parcel Numbers: 097-15-029, 097-15-033 & 097-15-034

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		

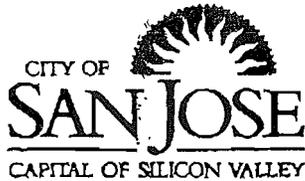
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this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

Chris Burton
Project Manager

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

10/5/06
Date


Deputy



Memorandum

TO: Jeff Roche
Planning Department

FROM: Tim Town
Municipal Water System

SUBJECT: Muni Water Comments
On Proposed Development

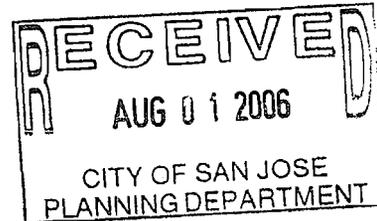
DATE: August 1, 2006

San Jose Municipal Water System has reviewed the proposed development C06-083 regarding a Planning Director Initiated Rezoning from unincorporated county to IP Industrial Park and OS Open Space Districts on an approximately 39.5 gross acre site located at the northeast corner of Montague Expressway and Seely Avenue, and has the following comments:

There are potable and recycled water mains available to serve this development.

This development is subject to the following fees:

- Major Water Facilities Fee
- Area and Frontage Fee
- Meter Fee
- Engineering and Inspection Fee



Additionally, the developer is responsible for all costs associated with constructing potable and recycled water facilities needed to serve the site.

All water wells within the site shall be abandoned in accordance with Santa Clara Valley Water District regulations prior to receiving water service from Muni Water.

If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

Timothy S. N. Town
Timothy S. N. Town
Associate Civil Engineer
Municipal Water System

Memorandum

TO: Christopher Burton
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

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

DATE: 09/15/06

PLANNING NO.: C06-083
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to IP Industrial Park and OS Open Space Districts on an approximately 39.5 gross acre area consisting of 3 parcels; the 22 acres closest to Seely Av is to be IP and the remainder to be OS
LOCATION: North corner of Montague Exp and Seely Av
P.W. NUMBER: 3-18127

Public Works received the subject project on 07/25/06 and submits the following comments:

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

This site is located within the new North San Jose Policy Area and must participate in the payment of the Traffic Impact Fee.

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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