
PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Justin Fried

Department of Public Works
See attached memorandum.

Fire
See attached memorandum.

OTHER CORRESPONDENCE

See attached memorandum from Berryessa Union School District.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

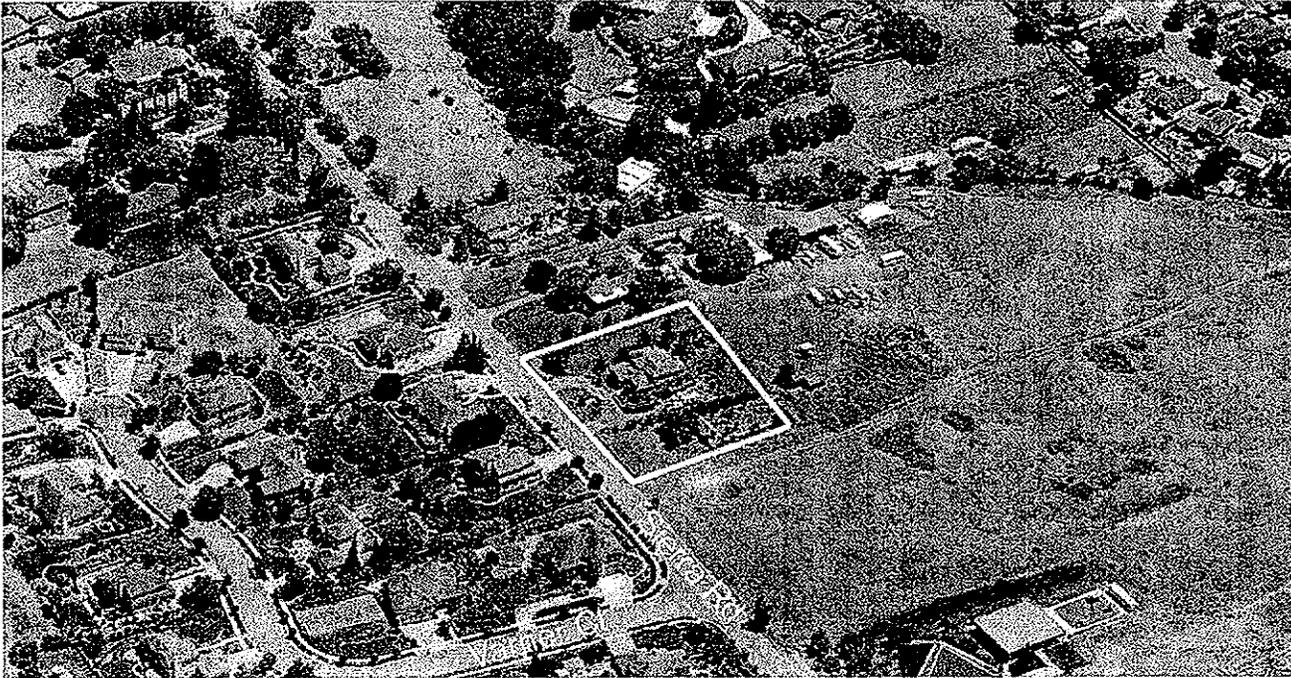
On April 26, 2006, the City Council voted to proceed with a County island annexation program which involves the annexation of all unincorporated County pockets less than 150-acres in size. The subject project is a Planning Director-initiated rezoning which is being done in preparation for the annexation of the 1.14 acre County pocket referred to as Penitencia No. 76 (one of the 49 unincorporated County islands or "pockets" scheduled for annexation in the program).

Rezoning is the process of assigning a 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 R-1-2 Single Family Residence.

No changes are proposed to the existing uses on the property. Any legally established aspects of the existing site that would not be in conformance with the City's Zoning Ordinance 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 1 parcel on approximately 1.14 acres, is located on the south side of Sierra Road, 200 feet east of Varner Court and is currently developed with a single family residence. The site is surrounded by single family residences and vacant land.



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 Very Low Density Residential (2.0 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-2 Single Family Residence Zoning District allows uses consistent with the General Plan Very Low Density Residential (2.0 DU/AC) 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 within the City's Urban Service Area.

ANALYSIS

The proposed rezoning should be consistent with the City's General Plan and also address existing uses on the subject property and surrounding sites. The San Jose 2020 General Plan Land Use/Transportation Diagram designates the site Very Low Density Residential (2.0 DU/AC). The site is developed with one single family residence. Neighboring uses include large lot residential, vacant, and church uses. R-1-2 Single Family Residence is the appropriate zoning as it will allow single family residential use consistent with the existing neighborhood. It may permit the subject site to be subdivided into two lots.

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 2 of the program. Staff held a community meeting on August 23, 2007, with residents of Phase 2 County pockets. Staff has also been available to discuss the proposal with members of the public.

Staff has had multiple conversations with the owner of the property. He has expressed interest in changing water service, sewer connection, and subdividing his property into two lots or constructing an in-law unit. Staff has provided the owner with information on in-law units and the permitting process and costs associated with connecting to City sewer service. Staff has also contacted San Jose Water Company and the Public Utilities Commission to provide the owner with information regarding making changes to water service territory. Water service boundaries are not affected by annexation.

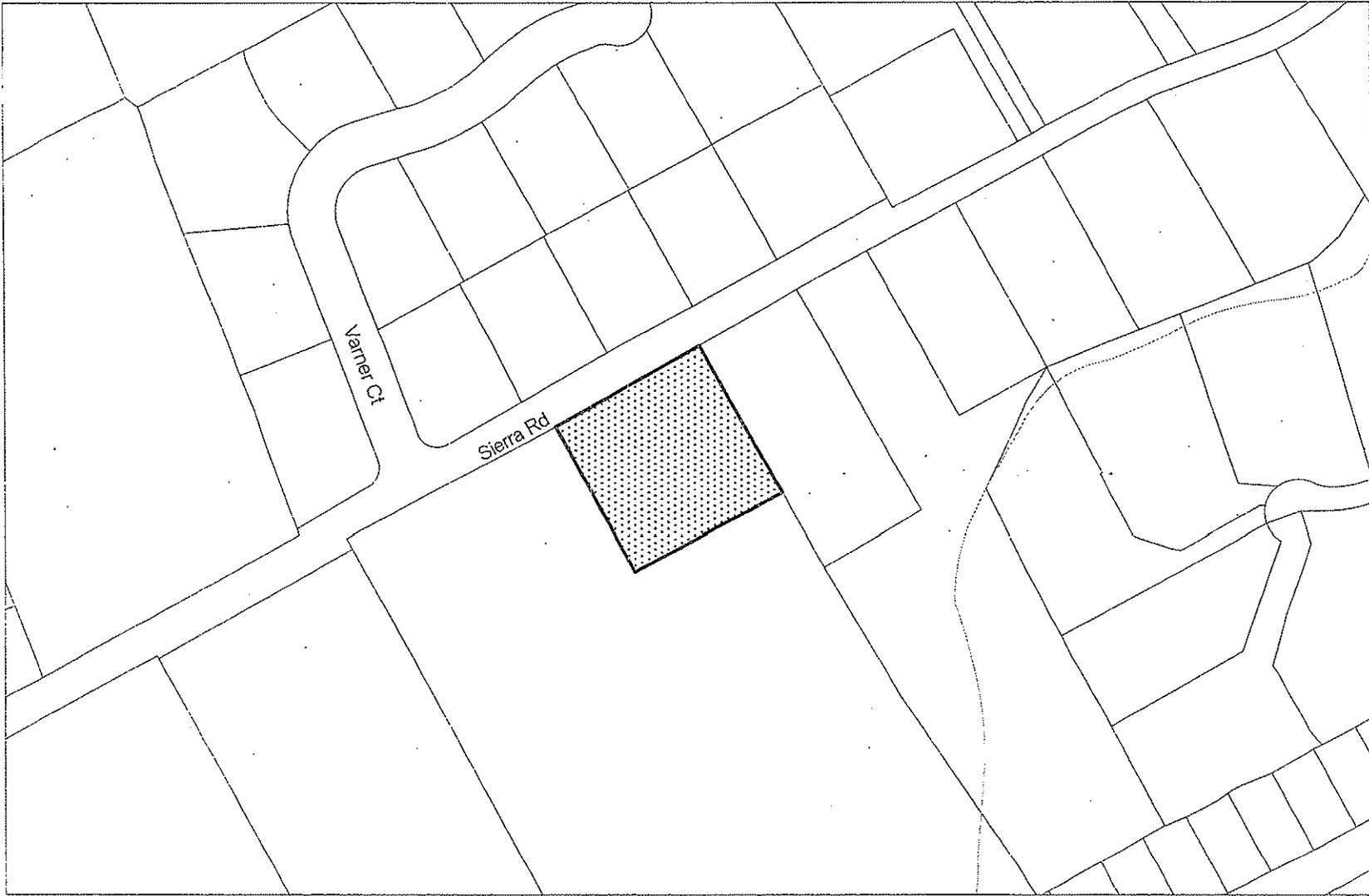
COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

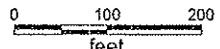
Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed prezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Very Low Density Residential (2.0 DU/Acre).
2. The proposed prezoning will facilitate the re-development of this site with a use that is consistent with the General Plan and compatible with the surrounding uses.
3. The proposed prezoning will facilitate the elimination of a County island as directed by City Council's initiation of the County Island Annexation Program.



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Map Created On:
10/10/2006
WDW

Scale 1 in = 200 ft 1:2400
Noticing Radius: 300 ft


File No: CC06-105 / PENITENCIA NO_76
District: 04
Quad No: 37



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

C06-105 / Penitencia No. 76 Planning Director-initiated rezoning to R-1-2 Single Family Residence District and reorganization/annexation to the City of San José of an approximately 1.14 gross-acre site referred to as Penitencia No. 76, located on the south side of Sierra Road, 200 feet east of Varner Court.

Council District 4
County Assessor's Parcel Number: 595-04-010

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		

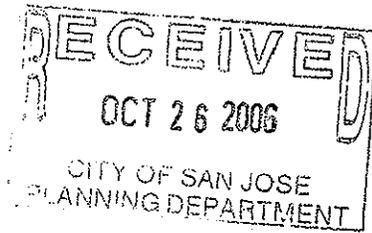
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this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

Justin Fried
Project Manager

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

10/11/07
Date

Deputy



Memorandum

DATE: 10/25/06

TO: Christopher Burton
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

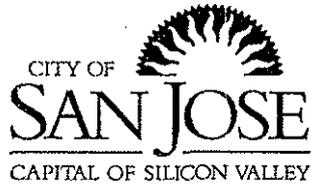
PLANNING NO: C06-105
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to R-1-RR Single-Family Residence Zoning District for single family residential purposes of an approximately 1.01 gross acres area consisting of 1 parcel.
LOCATION: South side of Sierra Road, 200 feet east of Varner Court.
ADDRESS: South side of Sierra Road, 200 feet east of Varner Court. (3440 SIERRA RD)
FOLDER #: 06 029889 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

County Territories may be fire flow/hydrants deficient.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699



Memorandum

TO: Sanhita Mallick
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 10/10/06

PLANNING NO.: C06-105
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to R-1-RR Single-Family Residence Zoning District for single family residential purposes of an approximately 1.01 gross acres area consisting of 1 parcel.
LOCATION: South side of Sierra Road, 200 feet east of Varner Court.
P.W. NUMBER: N/A

Public Works received the subject project on 10/10/06. We have no comments or requirements.

Please contact the Project Engineer, Winnie Pagan, at (408) 535-6824 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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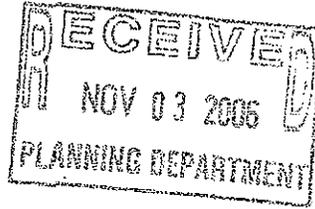
Marc B. Liebman, Ph.D.
Superintendent

1376 Piedmont Road
San Jose, CA 95132-2427



Phone: (408) 923-1800
Fax: (408) 259-3869

October 26, 2006



Sanhita Mallick,
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

RE: City File No. C06-105 APN: 59504010

The District is in receipt of a Planning Director Initiated Rezoning from unincorporated county to R-1-RR Single-Family Residence Zoning District for single family residential purposes of an approximately 1.01 gross acres area consisting of 1 parcel located at the South side of Sierra Road, 200 feet east of Varner Court. The schools that serve this project are currently at or above capacity and any new development will create a facility impact.

Since the District encourages cooperation with developers and all local agencies, it is anticipated that any impacts to the district's facilities will be mitigated. Therefore, the District does not oppose the proposed project.

If you have any questions, or need additional comments please contact me at 408-923-1861.

Sincerely,

Rosanna Jeng
Assistant Superintendent,
Business Services

RJ:ms
CITYOFSJC06-105

Board of Trustees

Kansen Chu

John Coyle

Francine Davis

Ray Kwok

Rudy Nasol

