



CITY OF SAN JOSE, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 200 East Santa Clara Street, 3rd Floor Tower
 San José, California 95113

Hearing Date/Agenda Number
 CC 11-06-07 / Item: 11.4

File Number
 C06-113

Application Type
 Director Initiated Rezoning

Council District
 9

Planning Area
 Cambrian / Pioneer

Assessor's Parcel Number 421-01-003; -004

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Justin Fried

Location: South side of Woodard Road, 300 feet west of Twilight Drive

Gross Acreage: 0.53

Net Acreage: 0.53

Net Density: 3.8

Existing Zoning: Unincorporated

Existing Use: Single Family Detached Residential

Proposed Zoning R-1-8

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
 Medium Low Density Residential (8 DU/AC)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Farnham Elementary School	R-1-8 Single Family Residence
East: Single Family Residences	R-1-8 Single Family Residence
West: Single Family Residences	A(PD) (7.9 DU/AC) Planned Development
South: Single Family Residences	R-1-8 Single Family Residence

ENVIRONMENTAL STATUS

Environmental Impact Report found complete (San Jose 2020 General Plan; August 16, 1994) Exempt
 Negative Declaration circulated on Environmental Review Incomplete
 Negative Declaration adopted on

FILE HISTORY

Annexation Title: Parker No. 26 (Pending)

Date: _____

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 10-17-2007

Approved by: Andrew Cabtree
 Action
 Recommendation

OWNER/APPLICANT

Callesen Family Trust, Owner
 Sara L Stauffer, Owner

PUBLIC AGENCY COMMENTS RECEIVED	Completed by: Justin Fried
Department of Public Works See attached memorandum.	
Fire See attached memorandum.	
OTHER CORRESPONDENCE	
City of Campbell Planning Division had no comments. (Site is near border with Campbell)	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

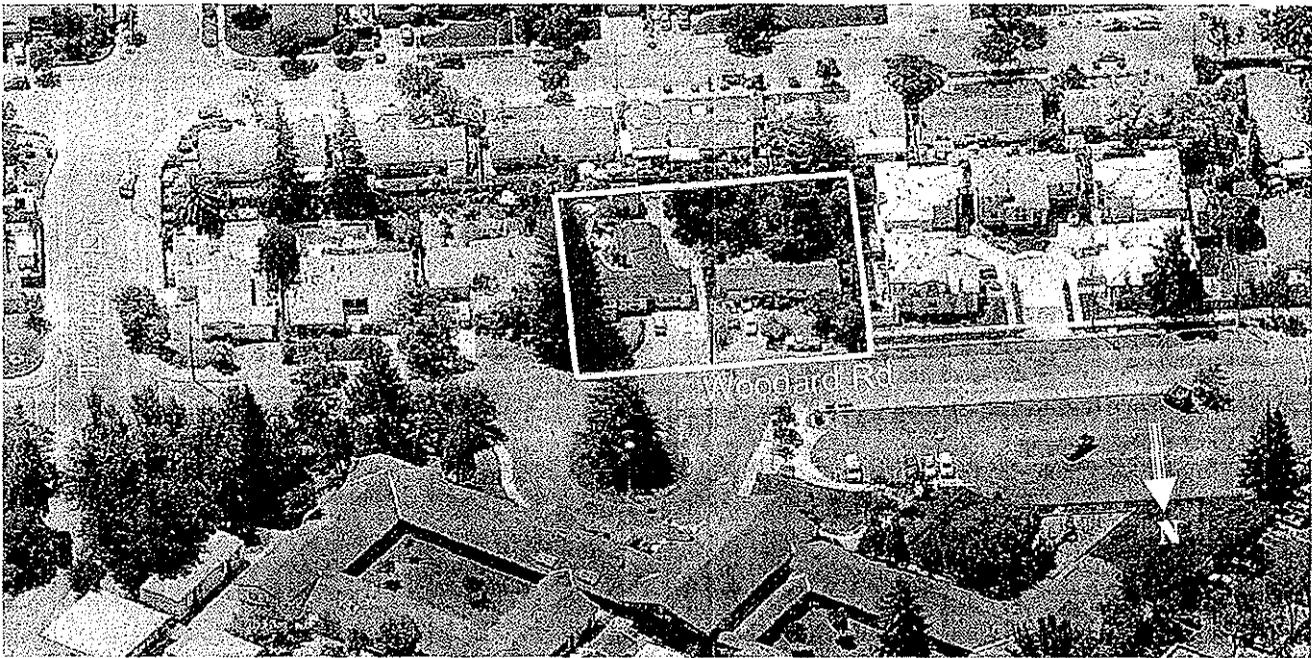
On April 26, 2006, the City Council voted to proceed with a County island annexation program which involves the annexation of all unincorporated County pockets less than 150-acres in size. The subject project is a Planning Director-initiated rezoning which is being done in preparation for the annexation of the 0.53 acre County pocket referred to as Parker No. 26 (one of the 49 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 R-1-8 Single Family Residence.

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 2 parcels on approximately 0.53 acres, is located on the south side of Woodard Road, 300 feet west of Twilight Drive and is currently developed with single family residences. The site is surrounded by single family residences and Farnham Elementary School.



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) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Single Family Residence Zoning District allows uses consistent with the General Plan Medium Low Density Residential (8.0 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 Medium Low Density Residential (8.0 DU/AC). The site is developed with single family residences. Neighboring uses include residential and school uses. R-1-8 Single Family Residence is the appropriate zoning as it will allow single family residential use consistent with the existing neighborhood.

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 received phone calls from property owners (mainly in neighboring pocket Parker No. 25) asking for clarifications regarding taxes and fees as well as sidewalks. Staff informed them of the changes in tax assessments that they can expect, that assessed property value does not change, and that most sidewalk improvements are funded when properties redevelop.

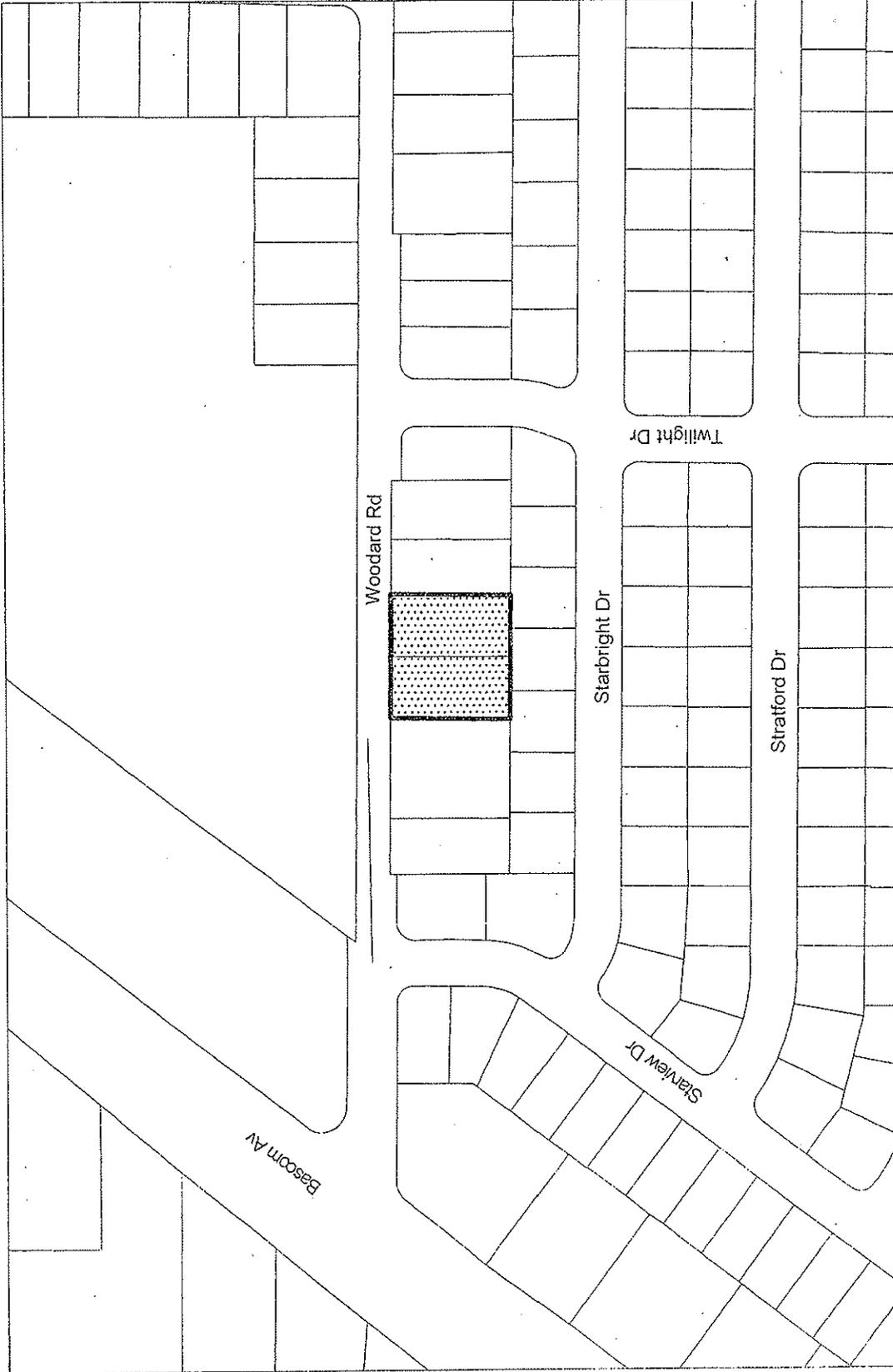
COORDINATION

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

RECOMMENDATION

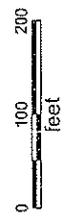
Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed prezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8.0 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 initiation of the County Island Annexation Program.



File No: C06-113, PARKER 26
District: 09
Quad No: 113

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



N
Map Created On:
10/20/2006

WDV



**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

C06-113 / Parker No. 26. Planning Director-initiated rezoning to R-1-8 Single Family Residence District and reorganization/annexation to the City of San José of an approximately 0.53 gross-acre site referred to as Parker No. 26, located on the south side of Woodard Road, 300 feet west of Twilight Drive.

Council District 9
County Assessor's Parcel Number: 421-01-003; -004

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 | | |

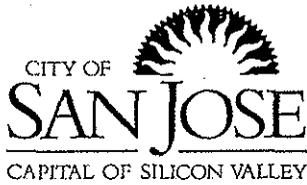
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this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

TO: Justin Fried
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 11/20/06

PLANNING NO.: C06-113
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to R-1-8 Single-Family Residence Zoning District for single family residential purposes of an approximately 0.54 gross acres area consisting of 2 parcels.
LOCATION: South side of Woodard Road, 300 feet west of Twilight Drive
P.W. NUMBER: 3-18154

Public Works received the subject project on 10/23/06 and submits the following comments:

- [NO] Flood Zone
- [NO] Geological Hazard Zone
- [NO] 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

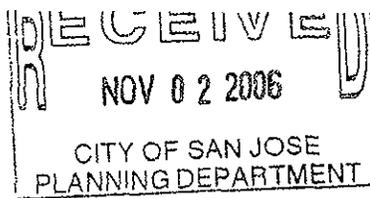
NOTE:

Dedication and improvement of Woodard Road along project frontage is required. The ultimate street right-of-way is 60 feet. The applicant may be required to dedicate up to 10 feet.

Please contact the Project Engineer, Mirabel Aguilar at 535-6822 if you have any questions.

For 
Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

ML:MA:jl



Memorandum

DATE: 10/27/06

TO: Justin Fried
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: C06-113

DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to R-1-8 Single-Family Residence Zoning District for single family residential purposes of an approximately 0.54 gross acres area consisting of 2 parcels.

LOCATION: South side of Woodard Road, 300 feet west of Twilight Drive

ADDRESS: South side of Woodard Road, 300 feet west of Twilight Drive (15680 WOODARD RD)

FOLDER #: 06 031101 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