

11/14/06 11.1(i)

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. 8/29/06 ~~8/29/06 11.1(f)~~
C.C. 11/14/06

File Number
C06-052

Application Type
Director Initiated Prezoning

Council District
8

Planning Area
Evergreen

Assessor's Parcel Number
676-16-020

STAFF REPORT

PROJECT DESCRIPTION Completed by: Reena V. Mathew

Location: Westside of Kettman Road, approximately 75 feet south of Dashwood Avenue

Gross Acreage: 1.1 Net Acreage: 1.1 Net Density: 1 DU/AC

Existing Zoning: Unincorporated-Santa Clara County Existing Use: single family residence, vacant

Proposed Zoning: R-1-8 Single Family Residence District Proposed Use: no change

GENERAL PLAN

Land Use/Transportation Diagram Designation Project Conformance:
Medium Low Density Residential (8 DU/AC) Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single family residences R-1-8 Single Family Residence District

East: Single family residences R-1-8 Single Family Residence District

West: Single family residences R-1-5 Single Family Residence District

South: Single family residences A (PD) Planned Development District

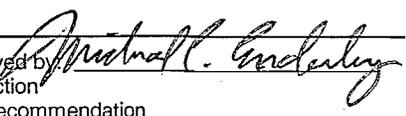
ENVIRONMENTAL STATUS

Reuse of Environmental Impact Report "San Jose 2020 General Plan" Exempt
 Negative Declaration circulated on Environmental Review Incomplete
 Negative Declaration adopted on

FILE HISTORY

Annexation Title: Evergreen 192 Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval Date: 7/24/06 Approved by: 
 Approval with Conditions Action
 Denial Recommendation
 Uphold Director's Decision

OWNER Applicant

Bic Pho City of San Jose
3453 Kettman Road
San Jose, CA 95121

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Reena V. Mathew

Department of Public Works
See attached memorandum

Fire
None

OTHER CORRESPONDENCE

See attached memorandum from Santa Clara County Roads and Airports 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. On August 8, 2006 the City Council approved the proposed phasing for the annexation of these pockets. The subject project is a Planning Director-initiated rezoning to the R-1-8 Single-Family Residence district, which is being done in preparation for the annexation of the 1.1-acre area referred to as Evergreen No. 196 (one of the 58 unincorporated County islands or "pockets" scheduled for annexation).

Rezoning is the process of assigning City of San Jose zoning district designation 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 designation is 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 in accordance with the Medium Low Density General Plan designation.

No changes are proposed to the existing single-family residence on the property. Any legal aspects of the existing condition that would no longer be in conformance after the annexation 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 area of the proposed zoning consists of one parcel, currently zoned A1 by the Santa Clara County Zoning Ordinance. The existing uses of the property consist of one single-family residence and vacant land. The existing uses surrounding the property consist of single-family residences

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 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Zoning District allows single-family residential uses consistent with the General Plan Medium Low Density Residential land use designation.

ANALYSIS

The proposed R-1-8 Zoning District will allow residential 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 Zoning District will also bring the zoning 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.

The proposed rezoning to the R-1-8 Single Family Residence Zoning District will also bring the zoning into conformance with the General Plan.

The proposed site has some potential for subdivision based on the General Plan designation but is subject to the Evergreen Development Policy. Currently the site has traffic allocation for up to 7 units. Due to slope considerations and General Plan hillside development policies, subdivision of the portion of the site between Chamberlain Drive and Kettman Road may require a subsequent Planned Development rezoning.

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

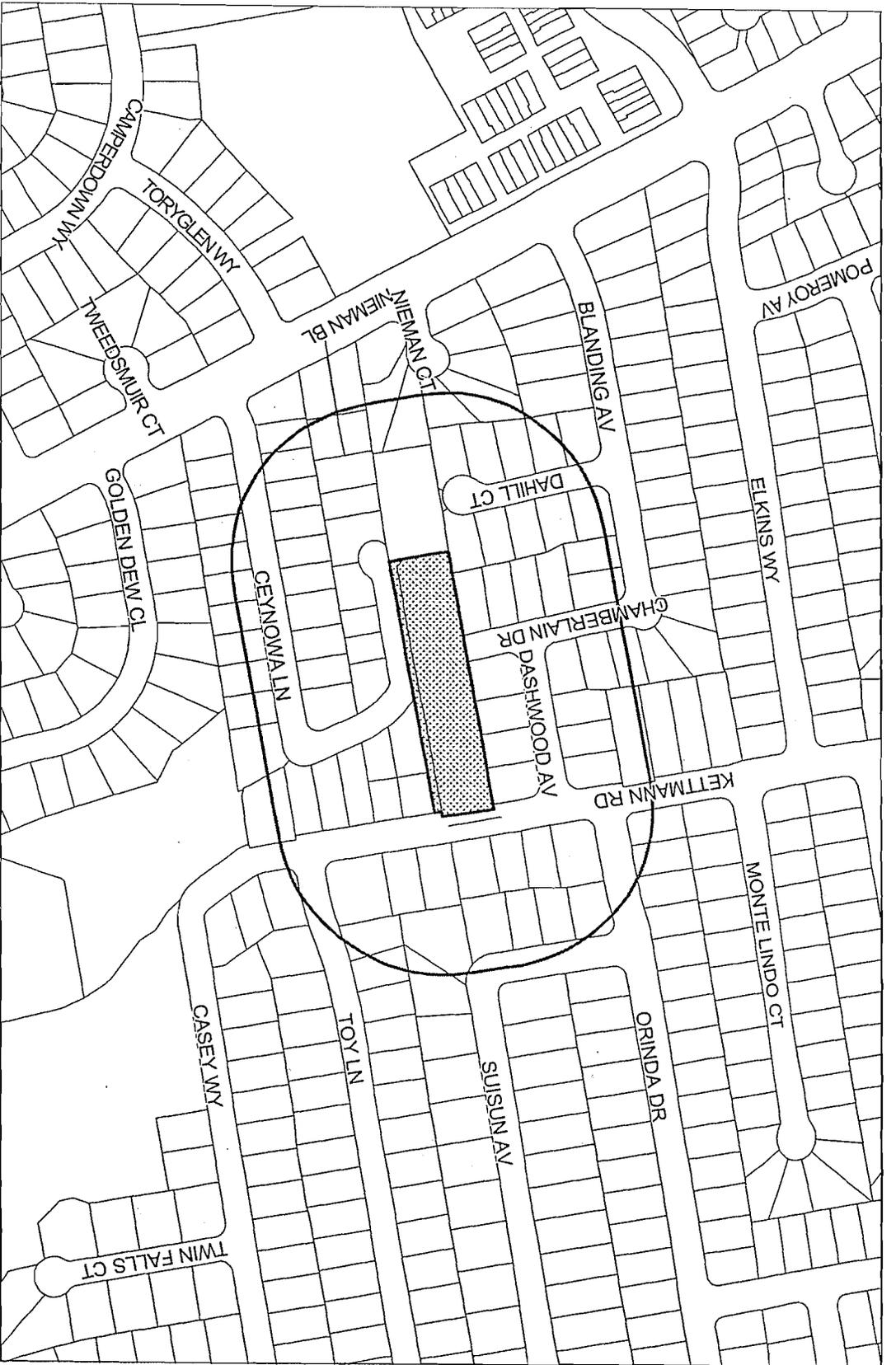
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

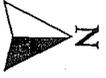
Planning staff recommends approval of the proposed prezoning for the following reasons:

1. The proposed prezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 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.



Scale 1 in = 300 ft 1:3600
Noticing Radius: 300 ft



Map Created On:
5/11/2006

File No: C06-052
District: 08
Quad No: 101

Memorandum

TO: Reena Mathew
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 05/18/06

PLANNING NO.: C06-052
DESCRIPTION: Planning Director Initiated Prezoning from unincorporated county to R-1-8 Single Family Residence Zoning- for single family residential purposes on an 1.1 gross acre site.
LOCATION: Westside of Kettmann Road, 100 feet southerly of Dashwood Avenue
P.W. NUMBER: 3-18075

Public Works received the subject project on 05/10/06 and submits the following comments and requirements.

The project has no Evergreen Traffic Allocation.

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

WLP
ES:WP:jw
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County of Santa Clara

Roads and Airports Department
Land Development and Permits
101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



June 7, 2006

Ms. Reena Mathew
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: Prezoning of approximately 1.1 gross acres from the County into the City
of San Jose
City File No. Evergreen 192
Westside of Kettmann Road

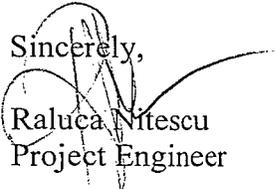
Dear Ms. Mathew,

Your May 4, 2006 letter along with the attachments for the subject application have been reviewed.
We have no comments.

Thank you for the opportunity to review and comment on this project.

If you have any questions, please call me at 573-2464.

Sincerely,


Raluca Nitescu
Project Engineer

Cc: MA, WRL, File