

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~~

12-05-06

11.1 (c)

File Number

C 06-076

Application Type

Director Initiated Prezoning

Council District

5

Planning Area

Alum Rock

Assessor's Parcel Number

612-36-003, -018, -019

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: Southeast side of Story Lane 870 feet northeasterly of Clayton Road

Gross Acreage: 4.23

Net Acreage: n/a

Net Density: n/a

Existing Zoning: Unincorporated

Existing Use: Single-family detached residences

Proposed Zoning R-1-2 Single Family Residence District

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
Very Low Density Residential (2DU/AC)

Project Conformance:

Yes No

See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single-family residence

A(PD) Planned Development Zoning District

East: Single-family residence, South Babb Creek

R-1-1 Single Family Residence District, R-1-2 Single Family Residence District

West: Single-family residence

A(PD) Planned Development Zoning District

South: Single-family residence, vacant land

R-1-5 Single Family Residence District

ENVIRONMENTAL STATUS

Environmental Impact Report - Use of 2020 General Plan EIR

Exempt

Negative Declaration circulated on

Environmental Review Incomplete

Negative Declaration adopted on

FILE HISTORY

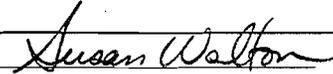
Annexation Title: STORY 63 (County Island Annexation)

Date: Pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval

Date: October 5, 2006

Approved by: 

Approval with Conditions

Action

Denial

Recommendation

Uphold Director's Decision

OWNERS

APPLICANT

Various

City of San Jose

PUBLIC AGENCY COMMENTS RECEIVEDCompleted 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 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 4.23-acre area referred to as Story 63 (one of the 58 unincorporated County islands or "pockets" scheduled for annexation).

Rezoning is the process of assigning a City of San Jose zoning district to 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 Residence District in conformance with the Very Low Density Residential (2 DU/Acre) 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 southeast side of Story Lane, 870 feet northeasterly of Clayton Road, is developed with single-family detached residences and is surrounded by single-family detached residences, vacant land to the southwest of the site, and South Babb Creek to the southeast. The subject site consists of three properties.

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 Dwelling Units / AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. This designation is appropriate based upon geological considerations. It generally applies to areas near creeks, which are susceptible to ground failure from liquefaction, where higher densities are not considered appropriate. The subject site borders South Babb Creek, and this density is based on the need to limit development due to the potential for land sliding and soil creep. The proposed R-1-2 Residence Zoning District would allow the existing land uses to remain and would guide future development in a manner consistent with the General Plan density.

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 R-1-2 Residence Zoning District will allow residential uses compatible with the existing neighborhood and the existing uses on the subject property. As discussed above, the proposed rezoning will also bring the zoning into conformance with the General Plan.

Rezoning 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.

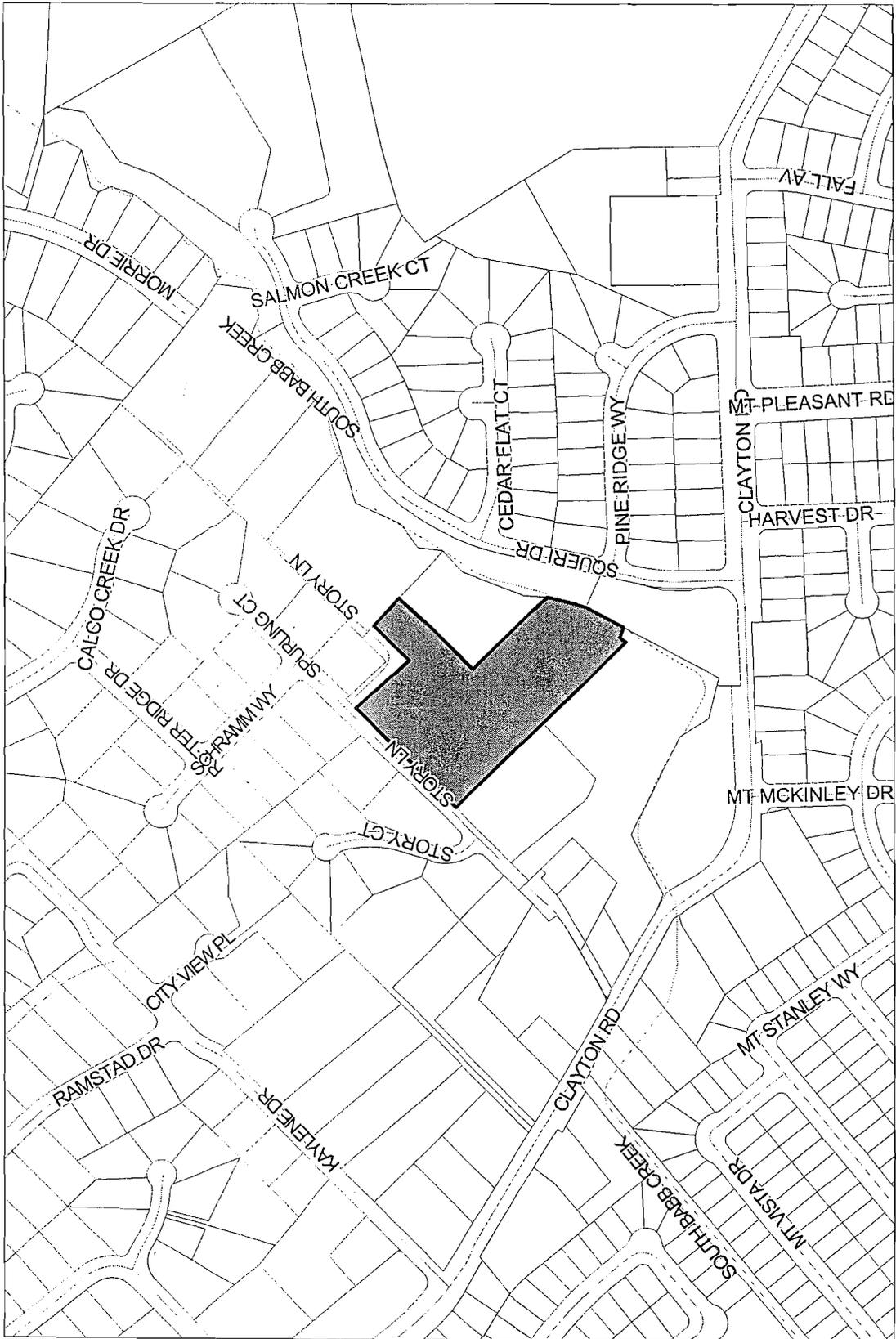
COORDINATION

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

RECOMMENDATION

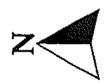
Planning staff recommends approval of the proposed rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Very Low Density Residential (2 DU/Acre).
2. The proposed rezoning 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.



File No: C06-076 / Story No. 63
District: 05
Quad No: 069

Scale 1 in = 400 ft 1:4800
Noticing Radius: 300 ft



Map Created On:
7/11/2006



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

C06-076. Conforming Conventional Rezoning for a project located on the southeast side of Story Lane 870 feet northeasterly of Clayton Road on a 4.23-gross-acre site with a San Jose 2020 General Plan Land Use/Transportation Diagram Designation of Very Low Density Residential (2 DU/AC) from unincorporated County to R-1-2 Residence District (2DU/Acre).

Council District 5

County Assessor's Parcel Numbers 612-36-003, -018, -019

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 | | |

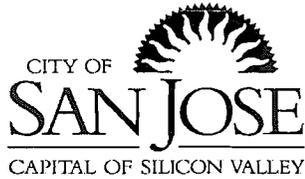
The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this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

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

8/23/06
Date

Deputy



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.: C06-076 and STORY 63
DESCRIPTION: Planning Director Initiated Rezoning from unincorporated county to R-1-2 Single Family Residence District on an approximately 4.23 gross acre area consisting of 3 parcels
LOCATION: Southeast side of Story Ln 870 ft northeasterly of Clayton Rd
P.W. NUMBER: 3-18110

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

[A] Flood Zone
[YES] Geological Hazard Zone
[YES] State Landslide Zone
[YES] 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 Lane will be required prior to the 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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