



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: July 21, 2008

COUNCIL DISTRICT: #6
SNI AREA: Burbank/Del Monte

SUBJECT: C08-025. DIRECTOR INITIATED PREZONING FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT AS TO APPROXIMATELY 11.0 GROSS ACRES, R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT AS TO APPROXIMATELY 0.2 GROSS ACRES, R-M MULTIPLE FAMILY RESIDENCE ZONING DISTRICT AS TO APPROXIMATELY 0.8 GROSS ACRES, CP COMMERCIAL PEDESTRIAN ZONING DISTRICT AS TO APPROXIMATELY 1.0 GROSS ACRES, AND CO COMMERCIAL OFFICE ZONING DISTRICT AS TO APPROXIMATELY 2.3 GROSS ACRES (ALL AS MORE SPECIFICALLY SET FORTH IN THE STAFF REPORT) FOR AN APPROXIMATELY 16 GROSS ACRE COUNTY ISLAND.

RECOMMENDATION

The Planning Commission voted 6-0-1, Commissioner Platten absent, to recommend that the City Council adopt an ordinance rezoning the subject site as recommended by staff.

OUTCOME

Should the City Council approve the Rezoning as recommended by the Planning Commission, the approximately 16 gross acre site will be zoned as described above upon annexation of the County island (Burbank No. 41) into the City.

BACKGROUND

On July 16, 2008, the Planning Commission held a public hearing to consider the rezoning of the approximately 16 gross acre County island. The Director of Planning, Building, and Code Enforcement recommended approval of the proposed project. Planning Staff gave a brief presentation describing the County Island Annexation Process and staff's recommendation.

No residents or property owners from within this particular county island spoke at the public hearing in support or opposition to the proposed rezoning. One member of the public spoke at the hearing to reiterate (he also spoke regarding the other two rezoning items, C08-020 and

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C08-021) that this rezoning and annexation would not be happening if State law did not currently waive the protest proceedings for these areas, or if they were larger in size. He expressed frustration that the residents have had no say in the matter, from the time of the Settlement Agreement to annex these areas, to the beginning of the rezoning and annexation proceedings.

ANALYSIS

This project would facilitate the annexation of the area as part of the County Island Annexation Program. See original staff report for additional discussion.

EVALUATION AND FOLLOW-UP

City staff provides status updates on the County Island Annexation Program on the website dedicated to the program and in periodic updates to the City Manager's Office.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. Staff held community meetings on March 19, March 25, April 2, April 3rd and July 8, 2008 with residents, property owners, and business owners in these areas. The July 8th meeting focused on presenting the staff recommended zoning districts. A resident spoke in opposition to the proposed R-1-8 Residence Zoning district, indicating that she was having difficulty selling her existing home because of the existence of an adjacent office use and stated that the property would have more value as an office development. Staff reiterated that the proposed zoning district reflects the existing Medium Density Residential (8 DU/AC) General Plan land use designation that is intended to preserve the existing neighborhood and prevent the further incursion of office uses into the area.

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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 Division's 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 José. An Answer Book has been distributed to all residents and property owners within the areas scheduled to be annexed in 2008 as a part of Phase 3 of the program. Staff has also been available to discuss the proposal with members of the public.

Staff has received several inquiries regarding the proposed rezoning. There have been multiple calls regarding the possibility for additional office uses along Ciro and Di Salvo Avenues, as well as written inquiries in the attached letters. Staff does not support rezoning these areas for office uses without a review of the General Plan Land Use/Transportation Diagram for this area through a General Plan amendment process, as office conversion threatens the character of the remaining residential area. Staff also clarified the zoning district recommendation for the owner of the gas station at 2321 Stevens Creek Boulevard, explaining that vehicle uses would be considered legal nonconforming uses in the CP Commercial Pedestrian Zoning District. Those uses could also potentially be permitted with a Conditional Use Permit in the CP Commercial Pedestrian zoning district, should the uses be proposed to be expanded or modified.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney. Staff from the relevant Departments meets on a regular basis regarding issues related to the County Island Annexation program. The City provides regular updates to the County of Santa Clara on the status of the program.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

CEQA

Resolution No. 65459.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Richard Buikema, Senior Planner, at 408-535-7800

cc: