



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 20, 2008

COUNCIL DISTRICT: #1
SNI AREA: N/A

SUBJECT: C08-019 DIRECTOR INITIATED PREZONING FROM COUNTY OF SANTA CLARA TO R-1-8 SINGLE-FAMILY RESIDENCE ZONING AS TO APPROXIMATELY 82.4 GROSS ACRES, R-2 TWO-FAMILY RESIDENCE ZONING AS TO APPROXIMATELY 1.4 GROSS ACRES, AND CO COMMERCIAL OFFICE ZONING AS TO APPROXIMATELY 0.8 GROSS ACRES (ALL AS MORE SPECIFICALLY SET FORTH IN THE STAFF REPORT) ON AN APPROXIMATELY 85 GROSS ACRE COUNTY ISLAND.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt an ordinance prezoning the subject site as recommended by staff.

OUTCOME

Should the City Council approve the Prezoning as recommended by the Planning Commission, the approximately 85 gross acre site will be zoned as described above upon annexation of the County island (Winchester No. 42) into the City.

BACKGROUND

On August 6, 2008, the Planning Commission held a public hearing to consider the prezoning of the approximately 85 gross acre County island. The Director of Planning, Building, and Code Enforcement recommended approval of the proposed project. Planning staff gave a brief presentation of staff's recommendation and discussed the process for the private prezonings in the annexation areas that will be going to hearing, along with the city-initiated prezonings, in advance of the annexations.

No members of the public spoke at the hearing. Commissioners asked staff to explain why the majority of this area was recommended for R-1-8 Single-Family Residence Zoning as opposed to R-1-5 or broken into smaller areas with different single-family zoning districts in light of the

discussion regarding rezonings at the previous hearing. Staff explained that the primary difference in this area is that there are far fewer lots with the potential to subdivide under the development standards of the R-1-8 Zoning District, and that this area has a uniform General Plan Land Use/Transportation diagram designation of Medium Low Density Residential (8 du/acre).

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.

A privately-initiated rezoning application (File PDC08-008) has been submitted for one parcel in the subject territory and is expected to also be heard at the September 9 City Council hearing. If this project is approved by Council, the staff recommendation will be amended to exclude the property from the Director-initiated rezoning.

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 23, 2008 with residents, property owners, and business owners in these areas. The July 23rd meeting focused on presenting the staff recommended zoning districts. Residents asked questions regarding the new development standards, changes in services, legal nonconforming regulations, and code enforcement policies. No one spoke in opposition to the proposed zoning districts.

HONORABLE MAYOR AND CITY COUNCIL

August 20, 2008

Subject: C08-019

Page 3

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 timing of the proposed annexation. Several owners are interested in additions and remodels, and are waiting to develop under the City development standards, as the side setbacks are currently 8 ft in the County and will be reduced to 5 ft in the proposed R-1-8 Single-Family Zoning District.

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.


cc: JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

cc: