

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 03-27-02 Item 3.g.
C.C. 04-16-02 Item

File Number
C02-02-019

Application Type
Conforming Prezoning

Council District
8

Planning Area
Evergreen

Assessor's Parcel Number(s)
679-08-002; -003, 679-09-001; -002, -004, -005, -006
679-10-001; -002, -003, -004, -005

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: Southerly Terminus of Dove Hill Road 500 southerly of Yerba Buena Road

Gross Acreage: 39.62 acres

Net Acreage: 39.62 acres

Net Density: 3.3 DU/AC

Existing Zoning: County

Existing Use: Single-family detached residential

Proposed Zoning: A-Agricultural

Proposed Use: Single-family detached residential

GENERAL PLAN

Completed by: JWB

Land Use/Transportation Diagram Designation
Non-Urban Hillside

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JWB

North: Future Church

A(PD)

East: Existing and future single-family residential

A(PD)

South: Future single-family residential

A(PD)

West: US Highway 101

N/A

ENVIRONMENTAL STATUS

Completed by: JWB

Environmental Impact Report (GP 2020 certified 8/16/94)
 Negative Declaration circulated on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: JWB

Annexation Title: Unincorporated

Date: Unincorporated

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions

Date: _____

Approved by: _____
 Action
 Recommendation

APPLICANT

Director of Planning, Building & Code Enforcement
801 N. 1st Street, Room 400
San Jose, CA 95110

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: JWB****Department of Public Works**

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject rezoning was initiated by the Director of Planning, Building and Code Enforcement. This proposal is to rezone 39.28 acres from County to A-Agricultural Zoning District. The overall site area includes 12 parcels, developed with rural-type single family detached houses. Parcels range in size from 0.52 acres to 10.22 acres. The proposed rezoning will allow the eventual incorporation of this County pocket through a concurrent annexation application.

One parcel, owned by the Kukars, has opted out of the annexation and therefore will not be included in this rezoning.

The subject area has steep topography with slopes approaching 30 percent. The uses surrounding the subject area include vacant land to the north which will be developed with a recently approved church (file No. PDC99-04-028). Existing and proposed single-family houses area located to the east and south. Highway 101 is located to the west.

GENERAL PLAN CONFORMANCE

The proposed rezoning is consistent with the San Jose General Plan Land Use/Transportation Diagram designation of Non-Urban Hillside. The Non-Urban Hillside designation allows lower density residential development on parcels of minimum size 20 to 160 acres. The A-Agriculture Zoning District conforms to all General Plan Land Use designations. The existing parcels are currently developed and the proposed zoning will not facilitate any additional development.

ENVIRONMENTAL REVIEW

The environmental impacts of this conforming rezoning were addressed by the Final EIR entitled, "San Jose 2020 General Plan EIR," which was certified on August 16, 1994 by the City Council.

ANALYSIS

The proposed rezoning to the A-Agricultural Zoning District will allow the site to be annexed into the City. The subject properties have recently experienced a disruption in their water supply which is currently provided via wells or springs. The recent development of the Ranches Project, a 550 unit

residential subdivision located directly to the east and south, will improve the proximity of the City water system to the subject unincorporated parcels. This will make the costs associated with the physical connection to the water system more feasible. Only upon annexation will the subject area be eligible to receive City services, including water service.

The subject properties are located within the City's urban service area (USA) and are annexable based on LAFCO policies. The related annexation will substantially reduce the size of an existing county pocket.

The parcel owned by the property owner that does not wish to participate in the annexation is located at the perimeter of the subject site and is adjacent to an unincorporated portion of US Highway 101. Although it would be possible to prezone and annex this remaining parcel without the owner's consent, doing so would substantially increase the processing time for completion of the annexation. As a requirement of Proposition 218, without 100 percent consent, a general election would need to be held among the affected property owners to determine whether or not they will approve or disapprove of the annexation. The next general election is in approximately two years.

The proposed A-Agriculture Zoning District designation will not facilitate any additional subdivision or development of the existing parcels. Based on General Plan Policies for properties with slopes greater than seven (7) percent such as these, any potential subdivision(s) could only be considered with a Planned Development Zoning. The minimum lot sizes, due to the General Plan Non-Urban Hillside designation, would need to be at least 20 acres in size. This is substantially larger than the current parcel sizes in this area.

All existing structures and uses recognized by the County as legal will be considered legal non-conforming by the City. Non-conforming uses are subject to the requirements of Title 20 of the San José Municipal Code, section 20.150.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site.

Notice was sent by certified mail to the Kukars requesting that they confirm that they did or did not wish to participate in the annexation. They confirmed in their reply that they do not wish to participate.

RECOMMENDATION

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

1. The proposed rezoning is in conformance with the San Jose 2020 General Plan Land Use Diagram designation of Non-Urban Hillside.
2. The proposed rezoning will facilitate the annexation of a County pocket.
3. The subject prezoneing will not facilitate development that would negatively alter the existing development pattern of the area.

JWB:ll/207-02

- C: Stanislaus & Eleanore Kuehne, 4200 Dove Hill Road, San José, CA 95121
- Gerald Folmer, 3820 Dove Hill Road, San José, CA 95121
- Lovetta E Pfeffer Smith, 3814 Dove Hill Road, San José, CA 95121
- Rufus L & Ann S Green, 3830 Dove Hill Road, San José, CA 95121
- John & Lucy G Briseno, 3812 Dove Hill Road, San José, CA 95121
- Alex J & Barbara Sabedra, 3813 Dove Hill Road, San José, CA 95121
- David M Mendoza, 3820 Dove Hill Road, San José, CA 95121
- Church of the Crossroads, 1255 Pedro Street, San José, CA 95125
- Gregory N. Mix, Cerro Plata Associates, LLC, 2603 Camino Ramon, Ste. 150, San Ramon, CA 94583
- Gerry De Young, Ruth & Going, Inc, P.O. Box 26460, San José, CA 95159