

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
P.C.12/06/06

File Number
C06-037

Application Type
Director Initiated Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number 595-26-045, 595-29-046, 595-29-047 & 595-26-055

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Chris Burton

Location: East side of Noble Lane, 200 feet north of Noble Avenue

Gross Acreage: 3.3

Net Acreage: _N/A_ Net Density: _N/A_

Existing Zoning: Unincorporated

Existing Use: Single Family Detached Residential

Proposed Zoning R-1-5

Proposed Use: No change

GENERAL PLAN

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/AC) and Urban Hillside

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Single Family Residence (8 DU/Acre) R-1-8

East: Single Family Residence (8 DU/Acre) R-1-8

West: Single Family Residence (5 DU/Acre) R-1-5

South: Single Family Residence (8 DU/Acre) R-1-8

ENVIRONMENTAL STATUS

Environmental Impact Report "San José 2020 General Plan," and certified on August 16, 1994
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Penitencia No. 74

Date: pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date:

Approved by: _____
 Action
 Recommendation

OWNER/APPLICANT

Katheryn & Steven Chase
Tenkasi & Viji Viswanathan
Jose Medeiros
Paul Mancias

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Chris Burton

Department of Public Works
See attached memorandum.

Fire

OTHER CORRESPONDENCE

See attached memorandum from County of Santa Clara.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a Planning Director-initiated rezoning which is being done in preparation for the annexation of the 3.3 acre area referred to as Penitencia No. 74 (one of the 58 unincorporated County islands or “pockets” scheduled for annexation). 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.

Rezoning is the process of assigning a City of San Jose zoning district to a property in advance of annexation so that the property will have an appropriate zoning district 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-1-5 Single Family Residence Zoning District to reflect the existing single family uses and the zoning of adjacent parcels fronting on Noble Lane. This is not in strict conformance with Section 20.120.100 of the Zoning Ordinance which identifies the R-1-8, and R-1-RR Single Family Residence Zoning Districts respectively as the conforming zoning districts with the Medium Density Residential (8 du/ac) and Urban Hillside General Plan designations. As such, it is not a “conforming” rezoning, and is heard by both the Planning Commission and the City Council.

No changes are proposed to the existing uses on the property. Any legal aspects of the existing condition that would no longer be in conformance after annexation in to 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, consisting of 4 parcels on approximately 3.3 acres, is located on the east side of Noble Lane and is surrounded by single family residences. Three parcels are currently developed with single family residences, and one parcel is undeveloped.

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 San Jose 2020 General Plan Land Use/Transportation Diagram designates one of the parcels and portions of two others as Urban Hillside, with the remainder designated Medium Low Density Residential (8.0 DU/AC). The proposed R-1-5 Single Family Residence Zoning District would allow residential land uses consistent with the General Plan designations on the property and would correspond with the zoning on adjacent properties.

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-1-5 Single Family Residence Zoning District will allow single family residential uses consistent with the existing neighborhood which is typified by 8,000 – 20,000 square foot lots. The portions above the hill slope and designated as Urban Hillside are already developed, while the remainder of the pocket contains primarily open field and road access to the residences.

As this site is within the active Penitencia Creek Landslide, the City of San Jose Special Geologic Hazard Study Area and the State of California Seismic Hazard Zone for Earthquake Induced Landslides, any new development on the site (including environmental clearance, zoning approval, planning, building or grading permits) will require a Regional Geologic study approved by the City Geologist and an issuance of a Certificate of Geologic Hazard Clearance. These requirements are outlined in the Memorandum from Public Works (attached).

Potential development on the site will likely be more constrained by the geologic hazard clearance than the identified zoning district. Staff believes the R-1-5 Residence district provides the best fit given the multiple General Plan designations and neighboring existing residential densities. Geologic hazard clearance will address any safety concerns about new development in this landslide hazard area.

A City of San Jose 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 zoning for the following reasons:

1. The proposed Rezoning will facilitate the development of this site with a use that is consistent with the General Plan and compatible with the surrounding residential uses.
2. The proposed rezoning is compatible and consistent with that of the adjacent properties that front on Noble Lane.