



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 13, 2010

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: C10-010. DIRECTOR-INITIATED PREZONING FROM UNINCORPORATED COUNTY OF SANTA CLARA TO THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT AS TO APPROXIMATELY 94.5 ACRES AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT AS TO APPROXIMATELY 8.5 ACRES FOR A COUNTY POCKET OF APPROXIMATELY 103 GROSS ACRES GENERALLY BOUNDED BY CENTRAL PARK DRIVE TO THE NORTH, STATE HIGHWAY 17 TO THE WEST, CAMDEN AVENUE TO THE SOUTH, AND UNION AVENUE TO THE EAST.

RECOMMENDATION

The Planning Commission voted 5-0-1-1, Cahan recused and Kamkar absent, to recommend that the City Council adopt an ordinance Prezoning a 103-acre County pocket generally bounded by Central Park Drive to the north, State Highway 17 to the west, Camden Avenue to the south, and Union Avenue to the east, as recommended by staff.

OUTCOME

The City Council's approval of the Prezoning for the subject County Pocket would provide City zoning districts for this 103-acre area if the City chooses to annex this County island (commonly referred to as Cambrian No. 36) into the City.

BACKGROUND

On August 25, 2010, the Planning Commission held a public hearing to consider the proposed Prezoning for the 103 gross acre County island. This Planning Director-initiated Prezoning is proposed in conjunction with the annexation of the Cambrian No. 36 County Island, part of San

Jose's County Island Annexation Program. A detailed staff report to the Planning Commission contains the analysis for the subject Rezoning. A separate memorandum to the City Council discusses the proposed annexation of the subject area.

ANALYSIS

Four residents of the County pocket requested that the Planning Commission's consideration of the Rezoning be deferred because:

- There had not been sufficient or proper notice given for the Planning Commission Hearing or the Community Meeting conducted by the City on August 18, 2010. Specifically, the 20-day advance notice (mailed on August 5, 2010) for the August 25, 2010 Planning Commission hearing and the 12 day advance notice (mailed on August 5, 2010) for the August 18, 2010 community meeting, was less than the Public Outreach Policy indicates should be provided for Significant Community Interest Proposals (21 day advance notice for Public Hearings and 2-weeks for community meetings).
- The advance noticing did not achieve the general schedule established in the Public Outreach Plan for Island Annexations identified in a September 11, 2006 memorandum to the City Council. This memorandum indicates an approximate 2 month target for the mailing of public notices for City Council and Planning Commission hearings.
- There was insufficient time between the August 18 Community Meeting and the Planning Commission hearing on August 25, 2010. They cited the Public Outreach Policy that calls for there to be at least one community meeting no less than 45-days following the filing of the application nor less than 30-days prior to the Public Hearing. (The August 18, 2010 community meeting was the second of two meetings held for the proposed annexation. The first community meeting was held on May 19, 2010.)
- There are issues that remain unresolved; therefore, Planning Commission should not proceed with the Zoning process. The speakers expressed their opposition to the proposed annexation.

Attached to this memorandum is correspondence from the community regarding the deferral and other issues.

Planning staff responded to the above concerns by explaining that the noticing for the hearing had been performed in accordance with Municipal Code requirements and the Public Outreach Policy. Staff explained that there had been two community meetings conducted, for which only one is called for in the Public Outreach Policy and that there had been opportunities for residents and property owners to express their concerns or ask questions.

The Planning Commission voted 4-1-1-1 (Kline opposed, Cahan recused, Kamkar absent) to not defer the item. Commissioner Kline supported deferral as he did not see the urgency in proceeding given how long this and other pockets have existed.

Six individuals spoke during the public hearing on the proposed Rezoning. A representative of the property owner of the service station site on 1370 Camden Avenue reiterated the concerns expressed in the letter attached to the Staff Report. He indicated that the CG – Commercial General District was more appropriate as it better reflected the General Commercial General Plan designation and the character of existing uses in the area. He was also concerned that the CN – Commercial Neighborhood district would require that a Conditional Use Permit be obtained for any modifications to the service station, involving extra paperwork and time.

A concern was raised by a resident of the area questioning the appropriateness of the CN-Commercial Neighborhood Zoning in light of the heavy traffic on Camden which does not create a “neighborhood friendly environment.” Concerns were also expressed regarding an apparent lack of discussion at the community meetings regarding the difference between the various commercial zoning designations. Another resident questioned the appropriateness of proceeding with a Rezoning in advance of the annexation and that the neighborhood felt “railroaded.”

Upon closure of the public hearing, staff responded that the Rezoning was discussed at both of the community meetings and that the proposed zoning districts were included as an attachment to the agenda for the August 18 meeting. Staff reiterated that the proposed R-1-5 zoning district was in response to questions received at the May community meeting regarding the ability to subdivide property in the R-1-8 zoning district that had been originally proposed and presented by staff.

The Assistant Planning Director elaborated on the analysis in the staff report and provided a detailed description of the various commercial zoning districts and indicated that the Conditional Use Permit process was a process that balanced business interests with those of the surrounding area. She elaborated on why the CN Neighborhood Commercial designation was determined by staff to be the most appropriate district for the area.

Commissioner Kline made a motion to recommend approval of the proposed Rezoning as recommended by staff. Commissioner Platten supported the motion but indicated that annexations have a “political and personal dimension” and that staff had not adequately explained the zoning issues appropriately. He said that the annexation is the real issue and he “warned” staff that it is a political issue and that staff needed to take “extra steps” to explain issues beyond what is contained in the Staff Report. He concurred with staff’s recommendation as to the zoning districts proposed for the area. He encouraged the residents to express their concerns at the upcoming hearings on the proposed annexation. The motion passed unanimously 5-0-1-1, Cahan recused and Kamkar absent.

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)**

Staff held community meetings on May 19, and August 18 with residents, property owners, to discuss the annexation process, service changes and proposed zoning districts, as discussed in the staff report to the Planning Commission.

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 500 feet of the project site. The 500 foot notice exceeds the 300 foot notice that has been typically provided for the County Island Annexation Process.

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 be annexed in 2010 as a part of Phase 3 of the program. Staff has discussed the proposal with members of the public.

COORDINATION

This Rezoning was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney. Staff from the relevant Departments meet 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 Rezoning is consistent with applicable General Plan policies and is consistent with the City Council's direction to initiate annexation of unincorporated islands of less than 150 acres.

HONORABLE MAYOR AND CITY COUNCIL

September 13, 2010

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CEQA

Resolution No. 65459, Reuse of San Jose 2020 General Plan Environmental Impact Report.

/s/

JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Richard Buikema, Senior Planner, at 408-535-7835

Attachments:

- Staff report to the Planning Commission
- Correspondence submitted to the Planning Commission