

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** LAFCO URBAN SERVICE AREA  
AMENDMENT

**DATE:** December 10, 2007

Approved

*Paul Krutz*

Date

*12/17/07*

## RECOMMENDATION

It is recommended that the City Council adopt a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to make application to the Santa Clara County Local Agency Formation Commission (LAFCO) to amend the City's Urban Service Area (USA) to include approximately 4.75 acres at the southeast corner of Piercy Road and Tennant Avenue within the USA.

## OUTCOME

If approved, this Resolution would allow the City to make a formal application to LAFCO to amend the City's Urban Service Area boundary to include the subject site in order to align with recent approved USA/Urban Growth Boundary Amendment recently approved by the City Council.

## BACKGROUND

On June 27, 2006 the City Council approved USA boundary modifications through the General Plan amendment process, (File No. GP05-02-04 and UGB05-001). This USA modification needs to obtain the approval of the Santa Clara County Local Agency Formation Commission in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. In order to be placed on the February 6, 2008 LAFCO hearing agenda LAFCO has advised the Planning Division that the City Council must adopt a resolution to initiate the LAFCO USA amendment proceedings, because the CC's resolution approving GP05-02-04 and UGB05-001 did not specifically request that LAFCO initiate these proceedings.

## ANALYSIS

The subject USA expansion is called for as the result of an approved General Plan Amendment. The proposal was thoroughly analyzed and determined to be in conformance with the General Plan USA Policy that states:

The Urban Service Area should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion area; adequate facilities are planned (i.e., in the adopted Capital Improvement Program or similar programs of other public agencies) and will be available when required; or all necessary facilities will be provided by the developer(s). Additionally the Urban Service Area should not be expanded unless it can be determined that adequate resources, including operations and maintenance resources, will be available in the long term to maintain service levels citywide and that services to existing neighborhoods will not be reduced or jeopardized.

The USA amendment is described as follows:

Southeast corner of Piercy Road and Tennant Avenue: During the 2006 Spring Hearing, the City Council approved a General Plan amendment that included the expansion of the USA (GP05-02-04) and Urban Growth Boundaries to include a portion of the subject site. The USA expansion was a part of an amendment to the Land Use/Transportation Diagram from Non-Urban Hillside to Medium Low Density Residential. The intent of the amendment was to allow for the development of 41 single family homes on the portion of the site below the 15% slope line, construction of a new public park, and preservation of the portion of the site above the 15% slope line as permanent open space. The USA expansion was deemed appropriate as all utilities are available adjacent to the project site and would be extended by the applicant.

### **EVALUATION AND FOLLOW-UP**

Not applicable.

### **POLICY ALTERNATIVES**

Not Applicable

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 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)**
- Criteria 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. All of the proposed USA expansions were approved in conjunction with General Plan amendments. The General Plan amendment process includes numerous

opportunities for public input as property owners and tenants within 1000 feet of a proposed amendment are notified of the time and place of community meetings and public hearings. Comments received at the community meetings are summarized in each staff report. Information is also available on proposed General Plan amendments from the Department's web-site. A Public Hearing Notice is also published in the Mercury News as to the time, date, and location of the Planning Commission and City Council Hearings. Because this resolution only clarifies the City Council's previous actions and intent, no additional outreach was conducted.

LAFCO will be conducting a Public Hearing on this item, providing additional opportunity for public participation.

**COORDINATION**

The preparation of this memorandum was coordinated with the City Attorney's Office.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan goals and policies.

**COST SUMMARY/IMPLICATIONS**

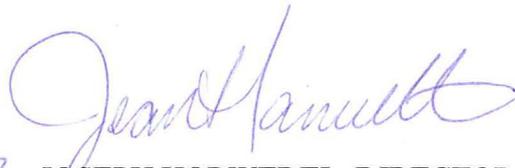
Not applicable.

**BUDGET REFERENCE**

Not applicable.

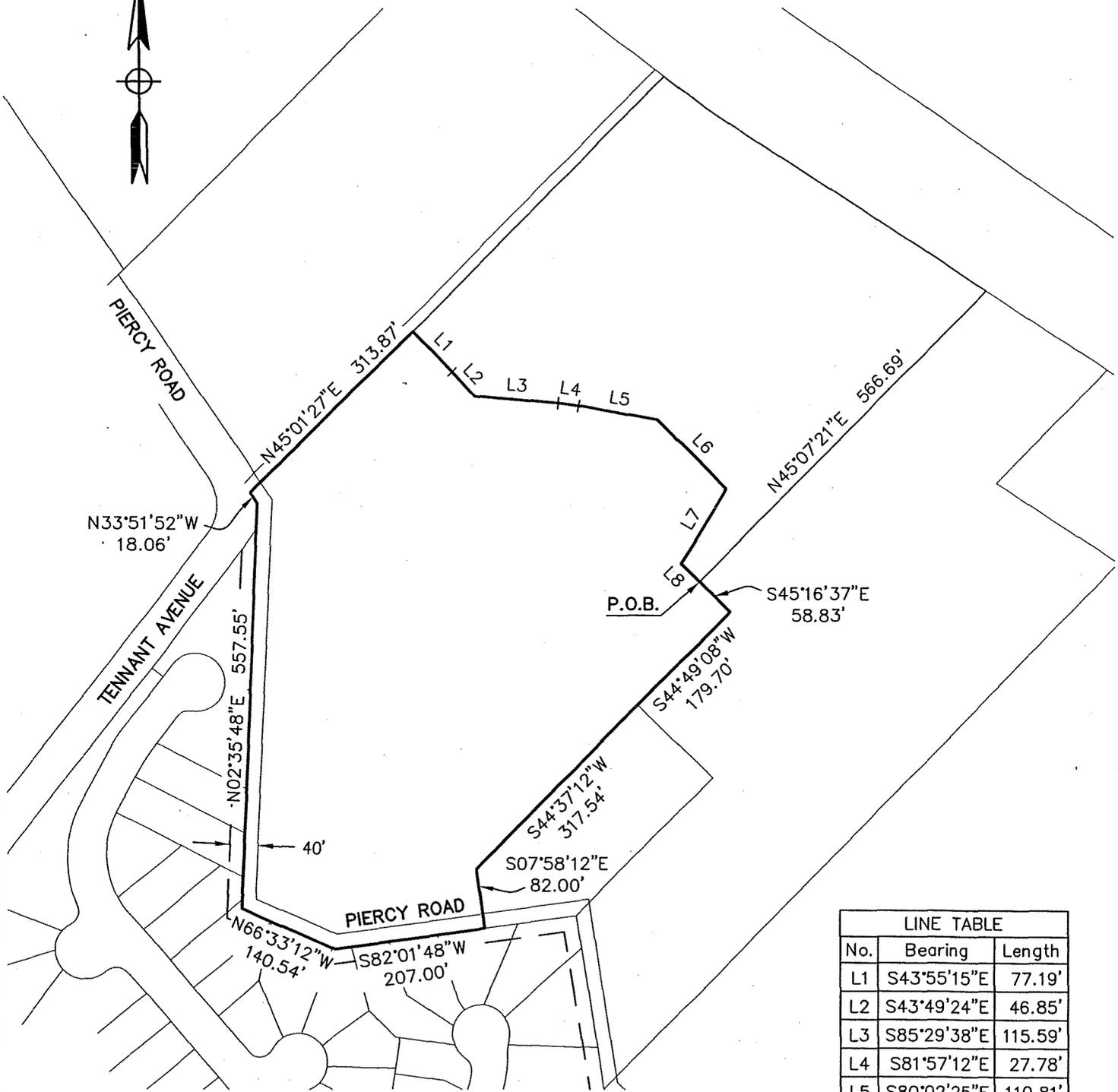
**CEQA**

The proposed Urban Service Area amendment was addressed in the Mitigated Negative Declaration approved for the General Plan Amendment and Urban Growth Boundary Amendment for the site (File No. GP05-02-04 and UGB05-001).

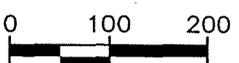
  
For JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Jeannie Hamilton, Department of Planning, Building and Code Enforcement at 535-7850

Attachments



LINE TABLE		
No.	Bearing	Length
L1	S43°55'15"E	77.19'
L2	S43°49'24"E	46.85'
L3	S85°29'38"E	115.59'
L4	S81°57'12"E	27.78'
L5	S80°02'25"E	110.81'
L6	S44°09'57"E	132.87'
L7	S30°53'51"W	120.81'
L8	S45°27'53"E	34.85'



**GRAPHIC SCALE**  
1 INCH = 200 FT.

SHEET 1 OF 1

Date: 12-11-07  
 Scale: 1" = 200'  
 Designed: -  
 Drawn: TG  
 Checked: SD  
 Proj. Engr.: -  
 3385PL07

**HMH**  
**ENGINEERS**  
 San Jose  
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 Gilroy  
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Plat to accompany description:  
 UGB AMENDMENT  
 SANTA CLARA COUNTY  
 CALIFORNIA