



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** December 11, 2006

Approved

Date

12/12/06

**COUNCIL DISTRICT:** 4  
**SNI AREA:** None

**SUBJECT: ORCHARD NO. 148. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 36.09 GROSS ACRE COUNTY POCKET CONSISTING OF 3 PARCELS ON THE NORTHERLY SIDE OF SEELY AVENUE, WEST OF MONTAGUE EXPRESSWAY.**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Orchard No. 148 which involves the annexation to the City of San Jose of approximately 36.09 gross acres of land located at the northerly side of Seely Avenue, west of Montague Expressway, and the detachment of the same from the appropriate special districts including Central Fire Protection, and Area No. 01 (Library Services) County Service.

## OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Orchard No. 148 shall be annexed into the City of San Jose.

## BACKGROUND

The proposed annexation consists of 3 parcels (Assessor's Parcel Numbers 097-15-029, 097-15-033, 097-15-034) and the detachment of the same from the appropriate special districts including: Central Fire Protection and Area No.01 (Library Services) County Service Districts. Maps showing the affected territory are attached.

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County Island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. The City of San Jose has initiated the annexation of the subject area in conjunction with this program.

HONORABLE MAYOR AND CITY COUNCIL

December 11, 2006

**Subject: Orchard No. 148**

Page 2

The City Council approved a Director-Initiated Rezoning (File No. C06-083) on November 14, 2006 which rezoned the parcels from unincorporated County to IP Industrial Park on approximately 22.6 acres for industrial park uses and OS Open Space on approximately 11 acres for open space purposes. These uses are consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. The subject site is developed primarily with a mixture of agricultural uses and the Coyote Creek Trail, and is surrounded by campus-style industrial units. There are two single family residences on the site with associated agricultural buildings.

The City Council voted unanimously to initiate this annexation as part of Phase 1 of the County Island Annexation program on November 14, 2006. There were no speakers at the public hearing regarding this item.

### **ANALYSIS**

The proposed annexation is being done as part of the first phase of the County island annexation program as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants. The area is surrounded on all sides by the City of San Jose and its annexation is logical for the purposes of providing urban services in an efficient manner. It is inefficient and potentially confusing for the same urban services to be provided by different service providers to residents within the same general area.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each such finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.** The site is located within the City's Urban Service Area.
2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** The County Surveyor has certified the boundaries of the reorganization.
3. **The proposal does not split lines of assessment or ownership.** All affected parcels are being reorganized in their entirety.
4. **The proposal does not create island or areas in which it would be difficult to provide municipal services.** As proposed, the annexation will not create islands. The completion of reorganization proceedings would result in the elimination of a pocket of unincorporated territory.
5. **The proposal is consistent with the City's adopted General Plan.** The proposed annexation is consistent with the City's adopted policy in that existing and future urban development should be located within cities.

6. **The territory is contiguous to existing City limits.** The area proposed to be reorganized is contiguous to the City limits as shown on the attached map.

### **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, Outreach will occur consistent with Council Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. A notice of the public hearing was distributed to the owners and tenants of all properties located within 300 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. All property owners within areas proposed for annexation were mailed a copy of the "Annexation Answer Book".

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Local Agency Formation Commission and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies that urban development should take place within the Urban Service Area.

HONORABLE MAYOR AND CITY COUNCIL  
December 11, 2006  
**Subject: Orchard No. 148**  
Page 4

**COST SUMMARY/IMPLICATIONS**

The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

**BUDGET REFERENCE**

Not applicable.

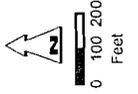
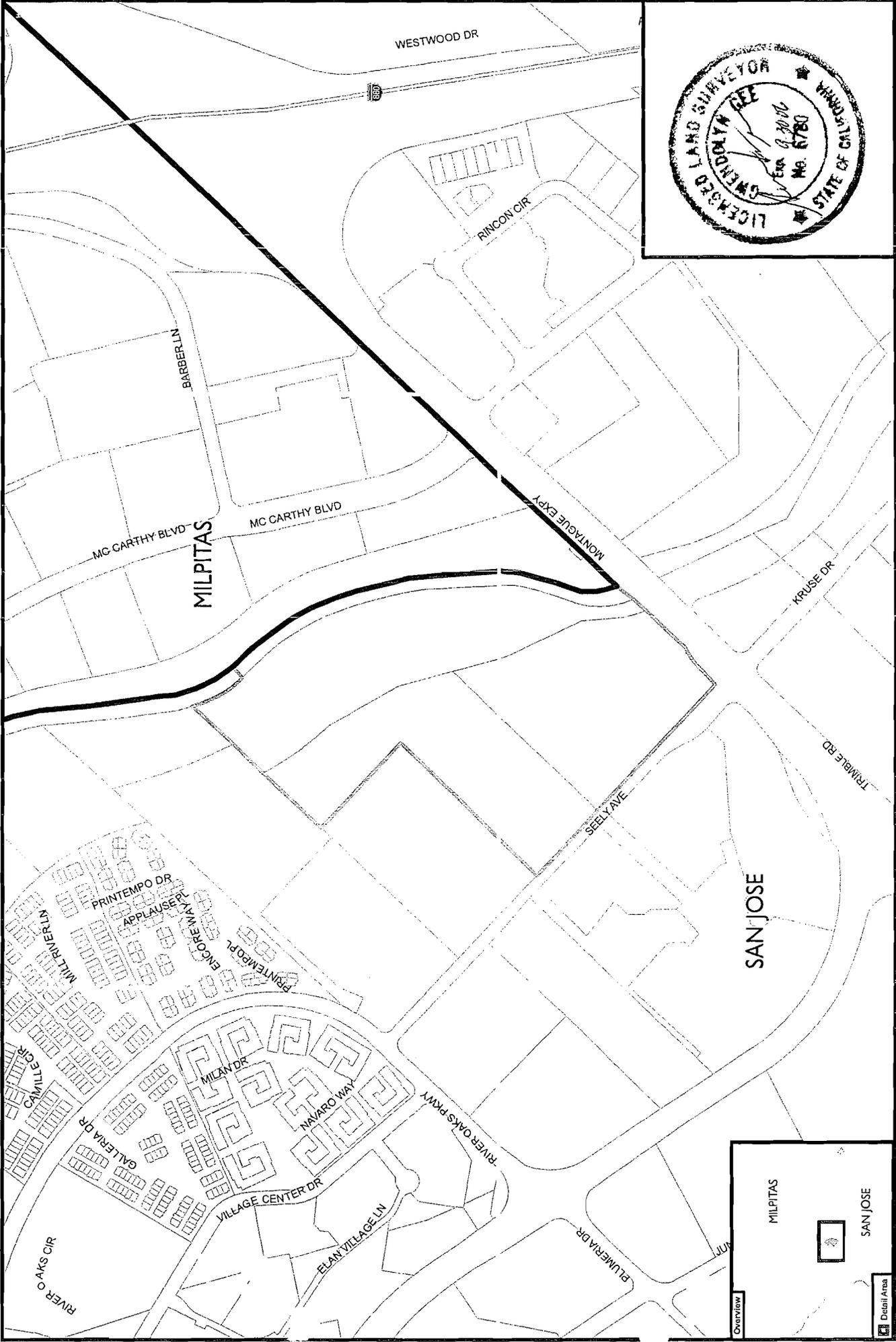
**CEQA**

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.

*for Susan Walton*  
JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Richard Buikema at (408) 535-7800.

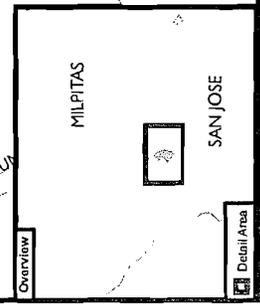
Attachments



- Urban Service Area
- Incorporated Lands
- Area of Annexation
- Unincorporated Lands

6000 Scale Index Map

County of Santa Clara  
 County Surveyor's Office  
 Gwendolyn Gee, PLS, County Surveyor



**EXHIBIT A**  
**San Jose Pocket No. 17**  
**Orchard No. 148**  
**37.9 Acres +/-**  
 09/14/06