



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: January 3, 2007

Approved

Date

1/8/07

COUNCIL DISTRICT: 8
SNI AREA: None

SUBJECT: EVERGREEN NO. 198. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSÉ ON AN APPROXIMATELY 1.57 GROSS ACRE COUNTY POCKET CONSISTING OF 1 PARCEL ON THE EAST SIDE OF SAN FELIPE ROAD 560 FEET NORTHERLY OF SCENIC MEADOW LANE

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 198 which involves the annexation to the City of San Jose of 1.57 gross acres of land located at the east side of San Felipe Road 560 feet northerly of Scenic Meadow Lane, 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 Evergreen No. 198 shall be annexed into the City of San Jose.

BACKGROUND

The City Council voted unanimously to initiate this annexation as part of Phase 1 of the County Island Annexation program on December 5, 2006. There were no speakers at the public hearing regarding this item.

The proposed annexation consists of 1 parcel (Assessor's Parcel Numbers 660-07-003) and the detachment of the same from the appropriate special districts including: Central Fire Protection and Area No.01 (Library Services) County Service. Maps showing the affected territory are attached.

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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.

The property will be immediately zoned A Agricultural District upon its annexation to the City of San Jose in accordance with Section 20.130.310 of the Zoning Ordinance, as the parcel is zoned by the County of Santa Clara as "A-1 Residential and Agricultural Zoning District".

The existing uses of the property consist of one single-family residence and vacant land. The existing uses surrounding the property consist of single-family residences to the north, south, and west, and boat and recreational vehicle storage for the Villages Planned Development Community to the east.

ANALYSIS

Staff recommends that the City Council adopt a resolution ordering the annexation of Evergreen No. 198. Staff is in the process of reviewing a preliminary plan for a PD Planned Development zoning submitted by the owner, and may revise the staff recommendation to postpone or withdraw the ordering of the annexation of this property if there is adequate certainty that a feasible privately-initiated rezoning and annexation is shortly forthcoming.

There are two General Plan land use designations on the property – Medium Low Density Residential (8 DU/AC) on a majority of the parcel and Public Park and Open Space along the riparian corridor of Thompson Creek on the western portion of the property. When reviewing this site for prezoning, staff found two options to be in conformance with the General Plan.

Option One

The first option would require two zoning districts, establishing OS Open Space zoning for the western portion of the parcel and providing a buffer of 100 feet from the riparian corridor following city policy for riparian corridor protection. This approach would require a biotic resources report to establish the boundaries of the riparian corridor on the property.

Option Two

The second option would be to take advantage of Section 20.120.310 of the Zoning Ordinance, which immediately zones territory A Agricultural District upon annexation if the parcel is currently zoned agricultural in the County. The A Agricultural Zoning district is in conformance with all General Plan land use designations. Staff recommends proceeding with this option as it is more expeditious. Staff wants to highlight that whatever prezoning is approved cannot be changed for two years after the annexation unless a substantial change is found to have occurred (Section 56375(e) of the State Government Code).

The property owner opposes the A - Agricultural zoning district for the site (which would occur upon annexation into the City), in favor of a residential zoning, and has submitted plans for a preliminary review of a PD Planned Development zoning. This option was not previously evaluated by staff as it is associated with a specific development proposal. Staff has requested the owner apply for a preliminary review of the development proposal to allow staff to analyze it before deciding whether to halt the current annexation process, as it would substantially delay the annexation with no guarantee that the planned development zoning would ultimately be approved. Staff will provide an update to the City Council after completing its preliminary review of the PD zoning, prior to Council action on ordering the annexation.

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 has been posted on the City's website, and 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". Staff has met with the owner and corresponded with his representative about their options regarding the rezoning and annexation of this property.

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.

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.

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BUDGET REFERENCE

Not applicable.

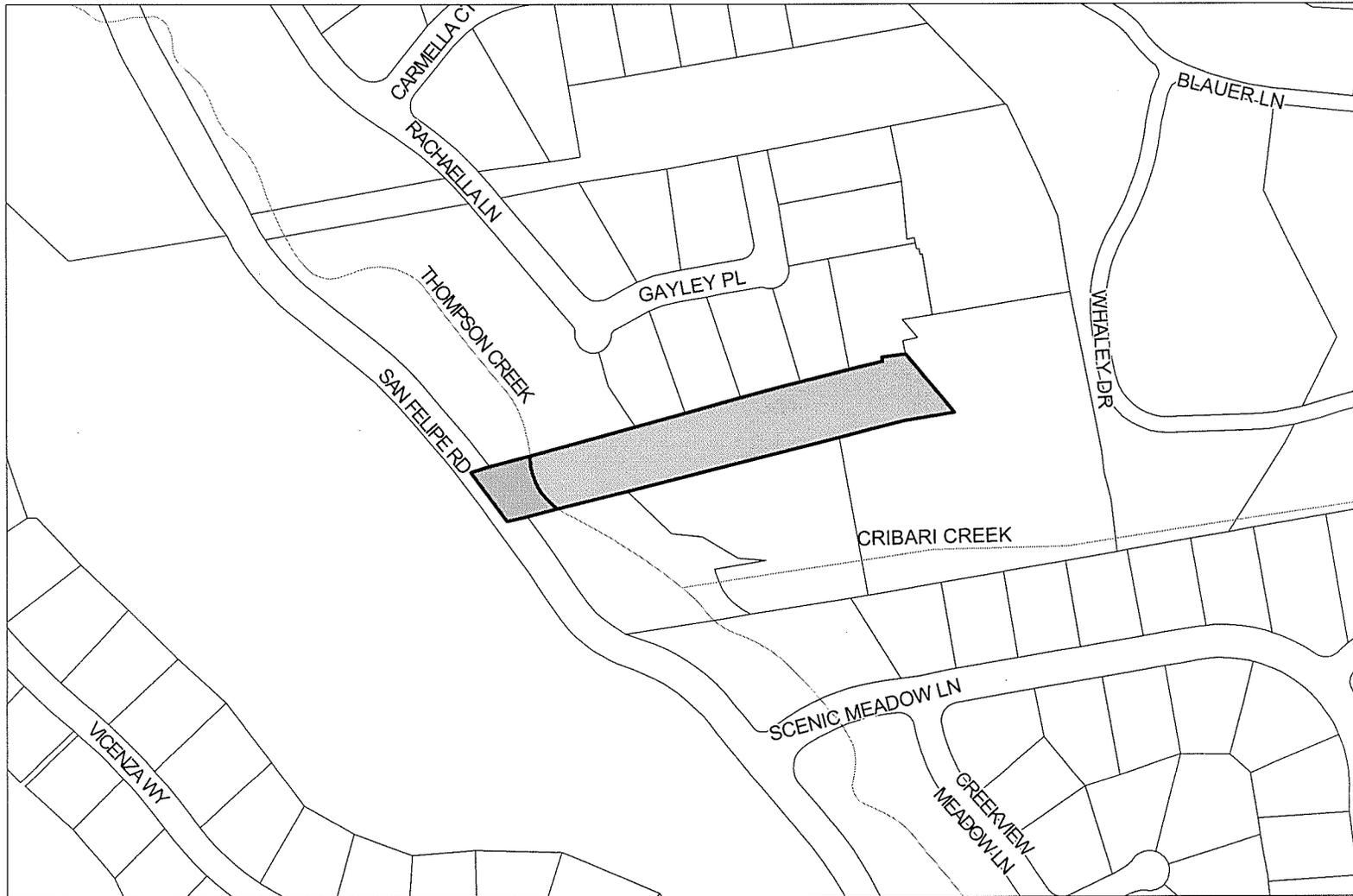
CEQA

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 JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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

Attachments




Map Created On:
7/17/2006

Scale 1 in = 250 ft 1:3000
Noticing Radius: 300 ft

feet

File No: C06-080 / EVERGREEN 198
District: 08
Quad No: 116