



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: January 7, 2008

Approved

Date

1/10/08

COUNCIL DISTRICT: 8
SNI AREA: None

SUBJECT: EVERGREEN NO. 200 REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 34.1 GROSS ACRE COUNTY POCKET CONSISTING OF 36 PARCELS LOCATED BETWEEN PLEASANT ACRES DRIVE AND RUBY AVENUE, WEST OF MURILLO AVENUE

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 200 which involves the annexation to the City of San Jose of an approximately 34.1 gross acre County pocket located between Pleasant Acres Drive and Ruby Avenue, West of Murillo Avenue, 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. 200 shall be annexed into the City of San Jose.

BACKGROUND

The City Council voted unanimously to initiate this annexation as part of Phase 2 of the County Island Annexation program on December 18, 2007. There were no speakers at the public hearing regarding this item.

The proposed annexation consists of 36 parcels (Assessor's Parcel Numbers 652-10-001 to -015; 652-11-002 to -005 and -013 to -016; 652-13-003 to -006 and -008 to -016) and the detachment of the same from the appropriate special districts including: Central Fire Protection and Area No.01 (Library Services) County Service Districts. A map showing the affected territory is attached.

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On April 26, 2006, the City Council voted to proceed with a County island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. Phase 1 of this program resulted in the annexation of 21 County islands. The City of San Jose is initiating the annexation of the subject area as part of Phase 2 of this program.

The City Council approved a Director-Initiated Prezoning (File No. C06-127) on December 4, 2007 which prezoned the parcels from unincorporated County to R-1-2 (30 parcels) and R-1-RR (6 parcels) Single Family Residence Zoning Districts to allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. The properties are primarily developed with existing single-family residences.

This area is not currently served by sanitary sewers. Property owners will be eligible to connect to the City sewer system upon annexation, but the costs to extend sewer mains will be high. At least some of the area is currently served by a small, private water company – Klein Homes Water Co. After annexation, the water company would be eligible to connect to San Jose Water Co. or San Jose Municipal Water System, both of which serve neighboring areas. The cost of upgrading the infrastructure to current standards may be substantial.

ANALYSIS

The proposed annexation is being done as part of the second 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 to the south, east, and west 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.

EVALUATION AND FOLLOW-UP

City staff provides status updates on the County Island Annexation Program on the website dedicated to the program and in periodic updates to the City Manager's Office.

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. Information on the County Pocket Annexation Program is available on the Planning Division's website, including specific information 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 2 of the program. Staff held a community meeting on August 23, 2007, with the residents and property owners within the islands proposed for annexation as part of Phase 2 of the County Island Annexation Program. This memorandum has been posted on the City's website, and staff has been available to respond to questions from the public.

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Staff has received phone calls regarding water and sewer service, zoning regulations, rules regarding animals and livestock, and secondary unit policies.

COORDINATION

The project was coordinated with the Departments of Transportation, Fire, Police, Parks, Recreation and Neighborhood Services, Environmental Services, Public Works, Library, and the Redevelopment Agency. These departments are participating in a working group to coordinate, discuss and resolve issues associated with the annexation efforts. This project was also coordinated with the Local Agency Formation Commission and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with the City Council's direction to initiate annexation of unincorporated islands of less than 150-acres.

COST SUMMARY/IMPLICATIONS

The proposed annexation is being done as part of the second 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~~ JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

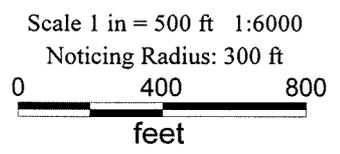
For questions please contact Richard Buikema, Senior Planner, at the Department of Planning, Building and Code Enforcement at 408-535-7800.

Attachments

Location Map



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Map Created On:
7/24/2007



File Number: EVERGREEN 200
District: 8
Quad No: 85



**USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C06-127 / Evergreen No. 200. Planning Director-initiated rezoning to R-1-2 Single Family Residence District on 30 parcels and R-1-RR Single Family Residence District on 7 parcels and reorganization/annexation to the City of San José of an approximately 34.1 gross-acre site referred to as Evergreen No. 200, located between Pleasant Acres Drive and Ruby Avenue, west of Murillo Avenue.

Council District 8

County Assessor's Parcel Numbers: 652-10-001 to -015; 652-11-002 to -005 and -013 to -016; 652-13-003 to -006; -008 to -016

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation
Cultural Resources
Urban Services
Energy
Open Space
Vegetation and Wildlife

Soils and Geology
Hazardous Materials
Air Quality
Facilities and Services
Schools

Noise
Land Use
Aesthetics
Water Quality/Resources
Drainage and Flooding

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Justin Fried
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

11/9/07
Date

Joseph Horwedel
Deputy