



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: January 24, 2007

Approved Deanna Achua Date 1/27/07

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT: ANNEXATION EVERGREEN NO. 199 (PRIVATELY INITIATED)

Please place on the Consent Calendar of the February 13, 2007, City Council Agenda.

RECOMMENDATION

Adoption of a resolution initiating proceedings and setting February 27, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Evergreen No. 199 which involves the annexation to the City of San Jose of 0.39 acres more or less of land located at the east side of Ruby Avenue across from Rio Bravo Drive, and generally bounded by City of San Jose Annexations Evergreen Nos. 186 and 189, 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. 199" shall be annexed into the City of San José.

BACKGROUND

On December 5, 2007, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to R-1-2 Single Family Zoning District (File No.C06-088) to allow single-family detached residential uses.

The proposed annexation consists of one parcel (Assessors's Parcel Numbers 652-13-002) and the detachment of the same from the appropriate special districts including: Central Fire Protection and Area No. 01 (Library Services) County Services. Maps showing the affected territory are attached.

ANALYSIS

The applicants initiating the annexation consent to the annexation. The subject annexation is considered a consenting annexation or a 100% Consent annexation, as all of the landowners in the annexation have agreed to the annexation proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not require a public hearing and appurtenant noticing for a "100% Consent annexation." Therefore, a public hearing and appurtenant noticing is not required for initiation of the subject annexation.

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 and the Cortese-Knox-Hertzberg Local Government Reorganization Act 2000, noticing requirements for 100% Consent Annexation (Initiation) is not required. A notice of rezoning is distributed to the owners and tenants of all properties located within 500 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

A notice of public hearing notice for the proposed annexation (affected area) was:

- 1) published in the local news paper,
- 2) mailed to all property owners and tenants within 500 feet of the exterior boundaries of the affected area.

COORDINATION

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

HONORABLE MAYOR AND CITY COUNCIL

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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

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Final EIR entitled, "San Jose 2020 General Plan EIR" adopted August 16, 1994, Resolution No. 65459, (C06-088).

for Andrew Crabtree
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Planning, Building and Code Enforcement at 408-535-7800.

cc:

"EXHIBIT A"
EVERGREEN NO. 199
AREA TO BE ANNEXED
(Rev. 10-11-06)

All that certain real property being a portion of Lot 14 as shown upon that certain map entitled "Map of Marten's Subdivision of a part of the Pala Rancho", which map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on April 27, 1912 in Book "N" of Maps at Page 97, more particularly described as follows:

Commencing at the point of intersection of the dividing line between Lots 14 and 15 with the centerline of Ruby Avenue, 40.00 feet wide, as said lots are shown upon said map, which point is on the City Limits line of the City of San Jose as shown upon the map of the Annexation to the City of San Jose, Evergreen No. 186;

Thence along the line common to said Lots N.40°24'E., 20.00 feet to a point in the general northeasterly right of way line of said Avenue, being a point on the City Limits line of the City of San Jose as shown upon the map of the Annexation to the City of San Jose, Evergreen No. 186, and the True Point of Beginning;

(1) Thence continuing along said common line and the City Limits line of the City of San Jose as shown upon the map of the Annexation to the City of San Jose, Evergreen No. 189, N.40°24'E., 174.00 feet;

(2) Thence leaving said common line and continuing along said City Limits line N.49°36'W., 99.26 feet;

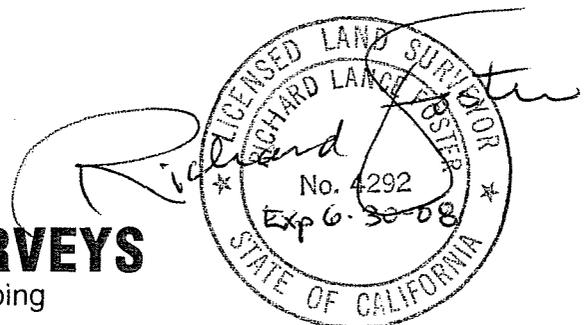
(3) Thence leaving said line S.40°24'W., 174.00 feet to a point in the aforesaid right of way line of Ruby Avenue, being common with the said City Limits line shown upon the Annexation of the City of San Jose, Evergreen No. 186;

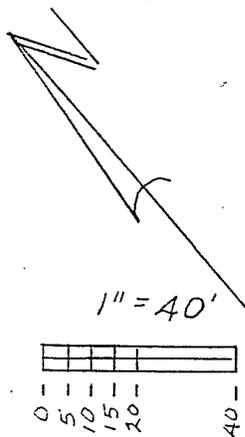
(4) Thence along said right of way line and said City Limits line S.49°36'E., 99.26 feet to the True Point of Beginning.

Comprising a area of 0.396 acres, more or less.

RLF LAND SURVEYS
Surveying and Mapping

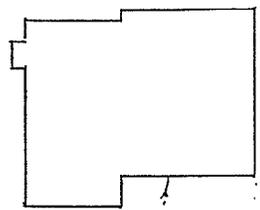
2600 SENTER ROAD, #125 • SAN JOSE, CA 95111 • PHONE & FAX: 408.289.1290



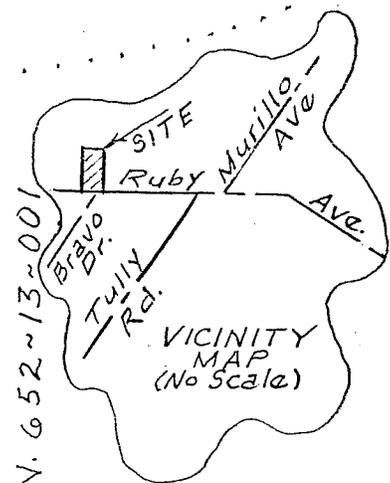


Annexed to City of San Jose
Annexation Evergreen No. 189.

N. 49° 36' W. 99.26' (2)



Single family residence & garage



A.P.N. 652-13-001

A.P.N. 652-13-003

194.00' N. 40° 24' E.
174.00' (3) S. 40° 24' W.

Lot 14
Lot 15

174.00' N. 40° 24' E. (1)
194.00'
N. 40° 24' E.

Annexed to City of San Jose
Annexation Evergreen No. 186

(4)
S. 49° 36' E. 99.26'

RUBY AVE.

Centerline

N. 49° 36' W. 99.26'

Owner: Richard J. Garcia & Sarafina M. Garcia
2480 Ruby Ave, San Jose CA 95148

A.P.N. 652-13-002
Area. 0.396 +/- ac. gross
A portion of Lot 14
Book "N" of Maps Page 97
in the Pala Rancho

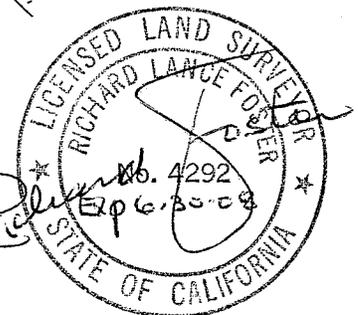


EXHIBIT "B"

Rev. 10-11-06

Date 7-14-06 Drawn R Job No. 2053	RLF Land Surveys SAN JOSE - CA Phone & Fax 408.289.1290	PROPOSED ANNEXATION TO THE CITY OF SAN JOSE EVERGREEN NO. 199
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