



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: February 7, 2007

Approved

Ray Wines

Date

2/12/07

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT: EVERGREEN NO. 199

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 199 which involves the annexation to the City of San Jose of 0.39 gross acres of land located at the east side of Ruby Avenue, across from Rio Bravo Drive, and adjacent to the 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. This process will reduce an unincorporated urban county pocket.

BACKGROUND

On December 5, 2006, the City Council adopted Zoning Ordinance 27931 which rezoned the subject property from County (unincorporated) to R-1-2 Single Family Residence Zoning District (File No. C06-088) to allow an existing single-family detached residence on the site. No changes are proposed to the existing residential building on the property.

The proposed annexation consists of one parcel of land (Assessor's Parcel Number 652-13-002) and the detachment from Central Fire Protection and Area No.01 (Library Services) County Service.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel signed the annexation petition. The site consists of a discreet 0.39 acre developed parcel. The territory is considered uninhabited because there are fewer than eleven (11) registered voters in the affected area of the reorganization.

The proposed annexation would facilitate future development of the site with residential uses on land that is within the City's Urban Service Area (USA). The parcel is adjacent to City territory on two sides. The proposed reorganization and annexation of the subject site conform to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

Proceedings are being conducted under provisions of the California Government Code Section 56757, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each 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 parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the reduction 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 within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development 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 along two sides as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

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. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website for the rezoning (File No. C06-088). 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.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Santa Clara County (Planning Department), Local Agency Formation Commission (LAFCO), Special Districts (mentioned above) and the City Attorney.

FISCAL/POLICY ALIGNMENT

The proposal is consistent with the City's adopted General Plan. The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as Local Agency Formation Commission (LAFCO) and the County of Santa Clara policy in that existing and future urban development be located within cities.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

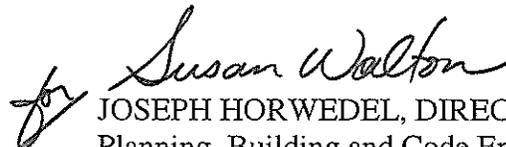
February 7, 2007

Subject: Evergreen No. 199

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CEQA

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


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7800.

cc: Richard and Sarafina Gracia, 2480 Ruby Avenue, San Jose, CA 95148

"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;

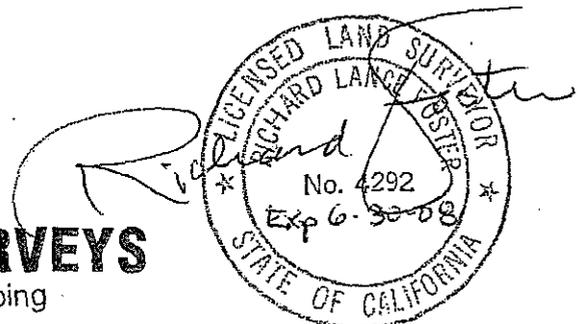
(3) Thence leaving said line S.40°24'W., 174.00 feet to a point in the aforesaid right of way line of Ruby Avenue, being common with the said City Limits line shown upon the Annexation of the City of San Jose, Evergreen No. 186;

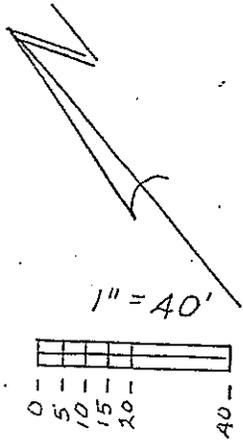
(4) Thence along said right of way line and said City Limits line S.49°36'E., 99.26 feet to the True Point of Beginning.

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





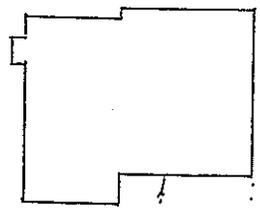
Annexed to City
Annexation

of San Jose
Evergreen No. 189.

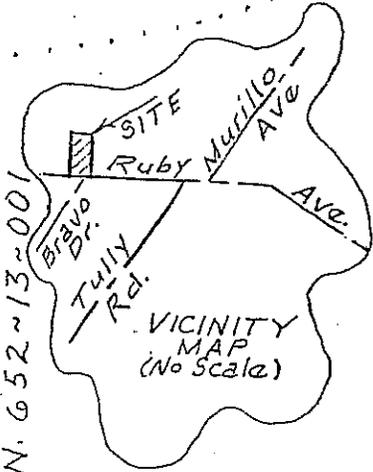
N. 49° 36' W. 99.26' (2)

Lot 14
Lot 15

194.00'
174.00' (3)



Single family
residence &
garage



A.P.N. 652-13-001

A.P.N. 652-13-003

N. 40° 24' E.
S. 40° 24' W.

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

Annexed to City
of San Jose
Annexation
Evergreen No. 186

(A)
S. 49° 36' E. 99.26'

RUBY AVE.

Centerline

N. 49° 36' W. 99.26'

T.P.O.B.
P.O.B.

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

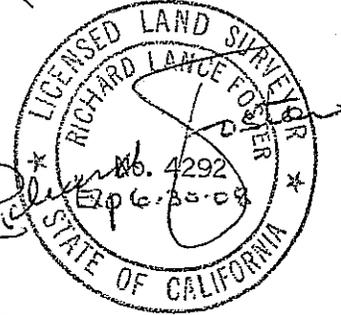


EXHIBIT "B"

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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