



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: EVERGREEN NO. 187

DATE: March 9, 2005

Approved

Date

3.14.05

COUNCIL DISTRICT: 8

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 187 which involves the annexation to the City of San Jose of 0.52 gross acres of land located on the east side of Ruby Avenue 70 feet northwesterly and opposite Chapala Drive and adjacent to the City of San José annexations Evergreen Nos. 132 and 170 and the detachment of the same from Central Fire Protection and Area No.01 (Library Services) County Services.

BACKGROUND

On November 18, 2003 the City Council adopted Zoning Ordinance No. 27020 which rezoned the subject property from County to R-1-2 Residence Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 652-13-007 and the detachment from Central Fire Protection and Area No.01 (Library Services) County Services.

ANALYSIS

The reorganization is defined as 100 percent consent, since all the property owners of the parcel signed the annexation petition. The site consists of a discreet 0.52 acre developed parcel. The Registrar of Voters has certified that there are no registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with residential uses on land that is within the City's Urban Service Area (USA). This parcel is surrounded by City territory to the west, and County territory to the north, south and east. The proposed reorganization and annexation of the subject site conforms overall to the City's General Plan strategies and policies and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, 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.*
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 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.*

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (C01-032) were mailed to all property owners and tenants within 500 feet of the project site. Notice of the public hearings was also published in the newspaper.

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COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

GP 2020 EIR Resolution 65459


for STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

APN: 652-13-011

UNINCORPORATED AREA

APN: 652-13-010

APN: 652-13-009

N49°37'30"W 117.84'

UNINCORPORATED AREA
APN: 652-13-008

N40°22'30"E 193.08'

PARCEL ONE
DOCUMENT NUMBER
14781144

ASSESSOR'S PARCEL NO.
652-13-007

PORTION LOT NO 14, "N" M97
±0.522 ACRE

N40°22'30"E 193.08'

APN: 652-13-006

UNINCORPORATED AREA



P.O.B.

N49°37'30"W 117.84'

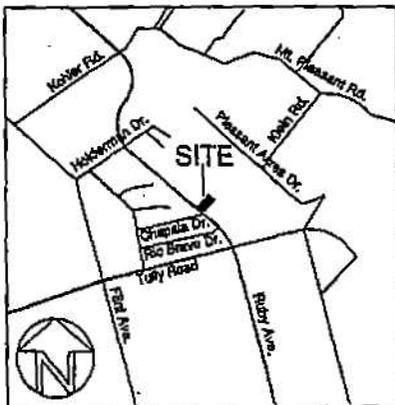
EXISTING CITY LIMITS LINE

ANNEXATION EVERGREEN NO. 170
(RESO. NO. 10219282. 8/08/1989)

RUBY AVENUE

RIGHT-OF-WAY

ANNEXATION EVERGREEN NO. 132
(RESO. NO. 52510. 1/21/1980)



VICINITY MAP

NOTE:

1. MAP REFERENCE: BOOK N, PAGE 97
2. INDICATES AREA TO BE ANNEXED.
3. - - - - - INDICATES CURRENT CITY LIMITS.
4. - - - - - INDICATES PROPERTY LINE.
5. INDICATES CITY MONUMENT.
6. DEED REFERENCE: DOC#14781144, 04-28-1999

EXHIBIT B
PROPOSED ANNEXATION
TO CITY OF SAN JOSE, CALIFORNIA
ENTITLED EVERGREEN 187

DATE: 04-10-2009	SCALE: 1" = 40'
REVISED: 09-12-2003	BY: HAU-CHING LIAO
LHC ARCHITECTURE AND CONSTRUCTION 21000-A BIG BASIN WAY, SARATOGA, CALIFORNIA 95070 TEL: (408) 867-9331 FAX: (408) 867-9331	

HAU-CHING LIAO

L H C ARCHITECTURAL DESIGN & CONSTRUCTION

Architectural Design . Construction

21000-A Big Basin Way, Saratoga, CA 95070 Tel: (408) 867-9331 Fax: (408) 867-9331

EXHIBIT "A"

Annexation to the City of San Jose, State of California

Name of Annexation: EVERGREEN 187

Date: Mar. 17, 2003 Revised: Sep. 12, 2003

All that certain real property situate in the county of Santa Clara, State of California and more particularly described as follow:

Being a Portion of Parcel One as said parcel is described in the deed recorded in the document #14781144 as being a Portion of Lot 14 as said lot is shown on the map filed for record on Marten's Subdivision, Book "N" of Maps at page 97 in the recorder's office of the County of Santa Clara, State of California and described as follows:

Beginning at a point on the northeasterly right-of-way line of Ruby Avenue (65 feet wide), distant thereon North 40°22'30" East, 20.00 feet and South 49°37'30" East 521.85 feet from the city monument, said point being in the current city limit line, as established by city annexation Evergreen No. 170; thence along said city limit line and said northeasterly right-of-way line South 49°37'30" East 117.84 feet; thence leaving said city limit line and said northeasterly right-of-way line and along the boundary of said Parcel One of document #14781144 North 40°22'30" East 193.08 feet; thence North 49°37'30" West 117.84 feet; thence South 40°24' West 193.08 feet to the point of beginning.

Attached hereto is a plat labeled Exhibit "B" and by reference made a part thereof.

The description was prepared from record information only and does not reflect a field survey.

