



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

**SUBJECT: DEFERRED ANNEXATION
AGREEMENTS**

DATE: May 24, 2004

Approved

Date

Council District: 5, 6, 8, 10
SNI: None

RECOMMENDATION

Planning staff recommends that the City Council approve a Deferred Annexation Agreement for Assessor’s Parcel Numbers 484-16-026; 612-21-065; 612-21-047; 612-22-002; 599-18-109; 612-06-015; 599-37-046; 601-21-007; 612-08-088; -089; 090; 612-18-019; 599-30-034; -035; -036; 599-35-021; 725-07-005; -014; 725-10-007; 288-26-029; 274-19-044; 261-40-079; 654-19-004; 654-19-015; 654-13-035; 696-10-069; -072, and forward it to Santa Clara County Development Services staff for recordation.

BACKGROUND

Under the Santa Clara County/City of San Jose/ Redevelopment Agency of the City of San Jose Agreement for the Allocation of Tax Increment Funds (City/County Agreement), Santa Clara County has agreed to certain conditions for the development of unincorporated property within the City of San Jose’s Sphere of Influence. Between the years of 1997 and 2001 the County approved development permits on 20 sites that are located within the City of San Jose’s Sphere of Influence. One of the conditions of approval imposed by the County for each of those permits was that the applicant enter into a Deferred Annexation Agreement (DAA) with the City of San Jose so that the affected, developed parcel would be annexed to the City at the appropriate time. This memorandum incorporates the information for all of the 20 affected sites. However, each site will have its own deferred annexation agreement.

ANALYSIS

All of the subject parcels were not required to annex due to their distance from the City boundary. However, according to the City/County Agreement in those situations where unincorporated development within the City’s Sphere of Influence is approved by the County,

the approval shall be conditioned upon the property owner entering into an agreement with the County and City to annex to the City of San Jose when property becomes legally eligible for such annexation.

All of the owners of the subject properties have subsequently agreed, as a condition of development, to enter into a Deferred Annexation Agreement to provide for the future annexation of the property to the City at such time as it is feasible and appropriate to implement the policies of the *San Jose 2020 General Plan*.

The following is an analysis of each of the 20 Deferred Annexation Agreements organized by Council District and then by parcel number.

Council District 2

APN: 725-07-005; -014; 725-10-007: In November of 1996 the County granted approval of a Use Permit and Architectural and Site Approval to allow a computer testing facility for a site located approximately 750 east of Monterey Highway and 7,800 feet southerly of Bailey Avenue. The subject site is approximately 12.2 acres. It has a Santa Clara County zoning designation of A-20 and a *San Jose 2020 General Plan* land use designation of Public Park and Open Space. The applicant, LoBue Children's Trust, received approval for a Use Permit and Architectural and Site Approval on the subject parcel. The project, however does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is the Negative Declaration adopted on March 9, 1995 by the Santa Clara County Board of Supervisors.

Council District 5

APN: 484-16-026: In August of 2001, the County granted approval of a single building site house addition for a site located at 119 Pala Avenue, east of North Capitol Avenue. The subject site is approximately 0.17 acres. It has a Santa Clara County zoning designation of R1 and a City of San Jose General Plan land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Miguel and Angela Medina and Audelia Villegas, received approval for a single building site house addition on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-21-065: In August of 2001, the County granted approval of a single building site house addition for a site located at 29 Porter Lane, south of Alum Rock Avenue. The subject site is approximately 0.19 acres. It has a Santa Clara County zoning designation of R1 and a City of San Jose General Plan land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Robyn Holland and Rogerio S. Matos, received approval for a single building site house addition on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-21-047: In August of 2001, the County granted approval of a single building site house addition for a site located at 5392 Alum Rock Avenue, west of Porter Lane. The subject site is approximately 0.20 acres. It has a Santa Clara County zoning designation of R1-6 and a City of San Jose General Plan land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Maria Elena Avila and Janet Fuentes, received approval for a single building site house addition on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-22-002: In September of 2000, the County granted approval of a single building site for a more than 500 square foot addition to an existing residence located at 4177 Hidden Valley Lane, east of Porter Lane. The subject site is approximately 0.30 acres. It has a Santa Clara County zoning designation of R1-6 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Michael Bambico and Mary Marshall, received approval for a single building site house addition on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 599-18-109: In March of 2000, the County granted approval of a single building site for a new single-family residence for a site located at 4035 Holly Drive, west of Tallent Avenue. The subject site is approximately 0.17 acres. It has a Santa Clara County zoning designation of R1-6 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Nick Pham and Joyih Sri, received approval for a single building site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-06-015: In January of 2000, the County granted approval of a three-lot subdivision for a site located at 10315 Crothers Road, east of Mount Hamilton Road. The subject site is approximately 5.8 acres. It has a Santa Clara County zoning designation of RR-1 ac. and a *San Jose 2020 General Plan* land use designation of Non-Urban Hillside (1 dwelling unit per 20 acres or larger). The applicants, Corrine Valenti and Alan Hui/Radim Ryzl/Savathry Ryzl/Geoffrey Hutto/Debra Huttio, received approval for a three-lot subdivision. The project, however, does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is the Negative Declaration adopted on April 2, 1996 by the Santa Clara County Board of Supervisors.

APN: 599-37-046: In May of 2000, the County granted approval of a single building site for a new single-family residence for a site located at 505 Gordon Avenue, north of Greenside Drive. The subject site is approximately 0.75 acres. It has a Santa Clara County zoning designation of R1-20 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Greg and Kate Blackwell and Trustees of the Blackwell Family, received approval for a single building site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated

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above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

UUAPN: 601-21-007: In January of 2000, the County granted approval of a single building site for a new single-family residence for a site located at 196 Millar Avenue, north of Easthills Drive. The subject site is approximately 0.13 acres. It has a Santa Clara County zoning designation of R1 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Richard and Cindy Guzman, received approval for a single building site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-08-088; -089; 090: In January of 2000, the County granted approval of a three-lot subdivision for a site located at 15830 Rica Vista Way, east of Miguelito Road. The subject site is approximately 3.7 acres. It has a Santa Clara County zoning designation of RR-1ac and a *San Jose 2020 General Plan* land use designation of Non-Urban Hillside (1 dwelling unit per 20 acres). The applicants, James and Sharon Kitchel, received approval for a three-lot subdivision. The project, however, does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 612-18-019: In January of 2000, the County granted approval of a single building site for a more than 500 square foot addition to an existing residence for a site located at 10863 Ridgeview Avenue, south of Alum Rock Avenue. The subject site is approximately 0.5 acres. It has a Santa Clara County zoning designation of R1-6 and a *San Jose 2020 General Plan* land use designation of Urban Hillside (1 dwelling unit per 5 acres). The applicants, Richard and Cindy Guzman, received approval for a single building site for a more than 500 square foot addition to an existing residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 599-30-034; -035; -036: In January of 2000, the County granted approval of a single building site for a major remodel and addition to an existing residence for a site located at 11250 Chula Vista Drive, west of Yona Vista. The subject site is approximately 1.05 acres. It has a Santa Clara County zoning designation of R1-10 and a *San Jose 2020 General Plan* land use designation of Urban Hillside (1 dwelling unit per 5 acres). The applicant, Gerald Di Salvo, received approval for a single building site for a major remodel and addition to an existing residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 599-35-021: In April of 1996, the County granted approval of a single building site for a new single-family residence for a site located at 5343 Greenside, east of Gordon Avenue. The subject site is approximately 0.92 acres. It has a Santa Clara County zoning designation of R1-20 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Gary and Barbara Vandeweghe, received approval for a single building

site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

Council District 6

APN: 288-26-029: In August of 2001 the County granted approval of a single building site for a new single-family residence for a site located at 1743 Willowhurst Avenue, between Hurst and Meridian Avenues. The subject site is approximately 0.16 acres. It has a Santa Clara County zoning designation of R1-10 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicants, Robert Sykes Sr., Robert Sykes Jr., Jack Overstreet, and Gina Barbarita, received approval for a single building site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 274-19-044: In January of 2000, the County granted approval of a single building site for a new single-family residence for a site located at 157 Wabash Avenue, between Forest and Olive Avenues. The subject site is approximately 0.12 acres. It has a Santa Clara County zoning designation of R1-n2 and a *San Jose 2020 General Plan* land use designation of Medium Low Density Residential (8 DU/AC). The applicant, Price Development Group, Inc., received approval for a single building site new single-family residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 261-40-079: In January of 2000, the County granted approval of an Architectural and Site Approval Permit to allow a professional office building for a site located at 889 West San Carlos Street, between Sunol Street and Lincoln Avenue. The subject site is approximately 0.11 acres. It has a Santa Clara County zoning designation of CG and a City of San Jose General Plan land use designation of General Commercial. The applicants, Richard and Joan Brackett, received approval for an Architectural and Site Approval Permit on the subject parcel. The project conforms to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

Council District 8

APN: 654-19-004: In August of 2001, the County granted approval of a single building site for a more than 500 square foot addition to an existing residence for a site located at 3605 Westview Drive, east of Mount Pleasant Road. The subject site is approximately 0.21 acres. It has a Santa Clara County zoning designation of A1-1A and a *San Jose 2020 General Plan* land use designation of Urban Hillside (1 dwelling unit per 5 acres). The applicants, Hans and Roberts Preuss, received approval for a single building site for a more than 500 square foot addition to an existing residence on the subject parcel. The project conforms to the *San Jose 2020 General Plan*

land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 654-19-015: In September of 2000, the County granted approval of a single building site for a new single-family residence for a site located at 2110 Mangin Way, south of Westview Drive. The subject site is approximately 1-acre. It has a Santa Clara County zoning designation of RR and a City of San Jose General Plan land use designation of Non-Urban Hillside (1 dwelling unit per 20 acres). The applicants, LoBue Children's Trust, received approval for a Use Permit and Architectural and Site Approval on the subject parcel. The project however does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is that it is exempt.

APN: 654-13-033; -034; -035; -036: In August of 1996, the County granted approval of a three-lot subdivision for a site located at 3840 Higuera Road, south of Mount Pleasant Road. The subject site is approximately 5.6 acres. It has a Santa Clara County zoning designation of RR-1a and a City of San Jose General Plan land use designation of Non-Urban Hillside (1 dwelling unit per 20 acres or larger). The applicants, Joseph and Graziela Batista and Victor and Grace Pires, received approval for a three-lot subdivision. The project, however, does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is the Negative Declaration adopted on August 5, 1996 by the Santa Clara County Board of Supervisors.

Council District 10

APN: 696-10-069; -072: In January of 2000, the County granted approval of a six-lot subdivision for a site located off of the north side of Rosalind Lane, north of Graystone Lane. The subject site is approximately 20 acres. It has a Santa Clara County zoning designation of R1-1s-d and R1-5s-d, and a City of San Jose General Plan land use designation of Non-Urban Hillside (1 dwelling unit per 20 acres or larger). The applicant, Silvercrest Development Corporation, received approval for a six-lot subdivision. The project, however, does not conform to the *San Jose 2020 General Plan* land use designation stated above. The Director of Planning has determined that the appropriate CEQA clearance for this proposed action is the Negative Declaration adopted on January 28, 1992 by the Santa Clara County Board of Supervisors.

Conclusion

All of the subject parcels discussed above were not required to annex due to their distance from the City boundary. However, according to the City/County Agreement in those situations where unincorporated development within the City's Sphere of Influence is approved by the County, the approval shall be conditioned upon the property owner entering into an agreement with the County and City to annex to the City of San Jose when property becomes legally eligible for such annexation.

Each owner has subsequently agreed, as a condition of development, to enter into a Deferred Annexation Agreement to provide for the future annexation of the property to the City at such

time as it is feasible and appropriate to implement the policies of the *San Jose 2020 General Plan*. This Council action would approve the Deferred Annexation Agreement for each subject parcels listed above.

PUBLIC OUTREACH

The Santa Clara County Board of Supervisors held a public hearing for each of the above properties and recommended approval of each Deferred Annexation Agreement.

COORDINATION

The preparation of this memorandum and the deferred annexation agreement were coordinated with the City Attorney's Office and the Santa Clara County Office of Development Services.

CEQA

See section under each parcel number.

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

Attachments:
Location Maps