



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** September 10, 2007

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Approved Deanne Silva Date 9/12/07

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**COUNCIL DISTRICT:** 2  
**SNI AREA:** N/A

**SUBJECT: RIVERSIDE NO. 52. ANNEXATION OF 15 ACRES FROM THE COUNTY INTO THE CITY OF SAN JOSE**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to make an application to the Santa Clara County Local Agency Formation Commission (LAFCO) to allow the reorganization of territory designated as Riverside No. 52, which involves the annexation to the City of San Jose of approximately 15 gross acres of land, located southeast corner of Piercy Road and Tennant Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Service Area.

## OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Riverside No. 52 will be within the incorporated area of the City of San José and eligible to receive City services. Adoption of this resolution would allow LAFCO to conduct public hearings to approve this annexation.

## BACKGROUND

During the June, 2006 General Plan Public Hearings, the City Council approved a General Plan Amendment, (File No. GP05-02-04), to change the General Plan Land Use/Transportation Diagram designation of the property at 715 Piercy Road from Non-urban Hillside to Medium Low Density Residential (8.0 DU/AC), an expansion of the Urban Service Area and change to the Greenline/Urban Growth Boundary (File No. UGB05-001) to include the above-mentioned site. The Urban Service Area (USA) expansion was determined to be appropriate because the site was partially designated for residential use and was within the Urban Growth Boundary (UGB). On December 11, 2002, the USA expansion was approved by LAFCO. LAFCO regulates USA

boundary changes proposed by other public agencies or individuals. The expansion of the USA boundary included the developable portion of the site below the 15% slope line.

In addition, the property owner has filed a Planned Development Pre-Zoning (File No. PDC06-002) to allow up to 41 single family detached residences and public park uses on the site. The Pre-Zoning at 715 Piercy Road was approved by the City Council on May 15, 2007.

The property at 725 Piercy Road was subject to a Director Initiated Prezoning to OS Open Space which was approved by the City Council on June 26, 2007. This property is on a separate parcel, located at the southeast corner of the overall area proposed for annexation. It is located outside of the Urban Growth Boundary and outside of the Urban Service Area.

### ANALYSIS

The reorganization and annexation of the subject parcel requires application to LAFCO because approximately 4.6 acres of the parcel designated as Non-Urban Hillside on the General Plan would remain outside of the City's Urban Service Area (USA). The USA boundary reflects the location of the 15% slope line. The approved Planned Development Pre-Zoning allows 41 single-family homes within the USA (below the 15% slope line) and the remaining portion of the property outside the USA (above the 15 % slope line) is zoned for permanent open space. Similarly, the property at 725 Piercy Road, which is also outside the USA, has been prezoned as Open Space. Therefore, the proposed annexation is consistent with San Jose's General Plan and LAFCO policies for annexation outside the USA.

Because a portion of the site to be annexed is located outside of the USA, the City of San Jose, not the private property owner, must make an application to LAFCO.

### POLICY ALTERNATIVES

Should the City Council choose not to adopt a Resolution to apply to LAFCO to incorporate the property into the City, the property would remain in the County's jurisdiction, and the developer would not be able to proceed with the proposed construction of up to 41 single family residences.

### 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)**

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Although this item does not meet any of the above criteria, Outreach occurred during the General Plan and UGB Expansion and the Rezoning 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 500 feet of the project site and posted on the City website. Community meetings were held regarding the requests. The rezoning was also published in a local newspaper, the Post Record. These staff reports were also posted on the City's website. Staff has been available to respond to questions from the public.

### **COORDINATION**

The preparation of this memorandum was coordinated with the City Attorney's Office.

### **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**

Incorporation of sites into the City of San Jose would mean that public utilities and services would need to be provided by the City. The city would receive additional property tax revenue from the future residential property owners.

### **BUDGET REFERENCE**

Not applicable.

### **CEQA**

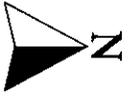
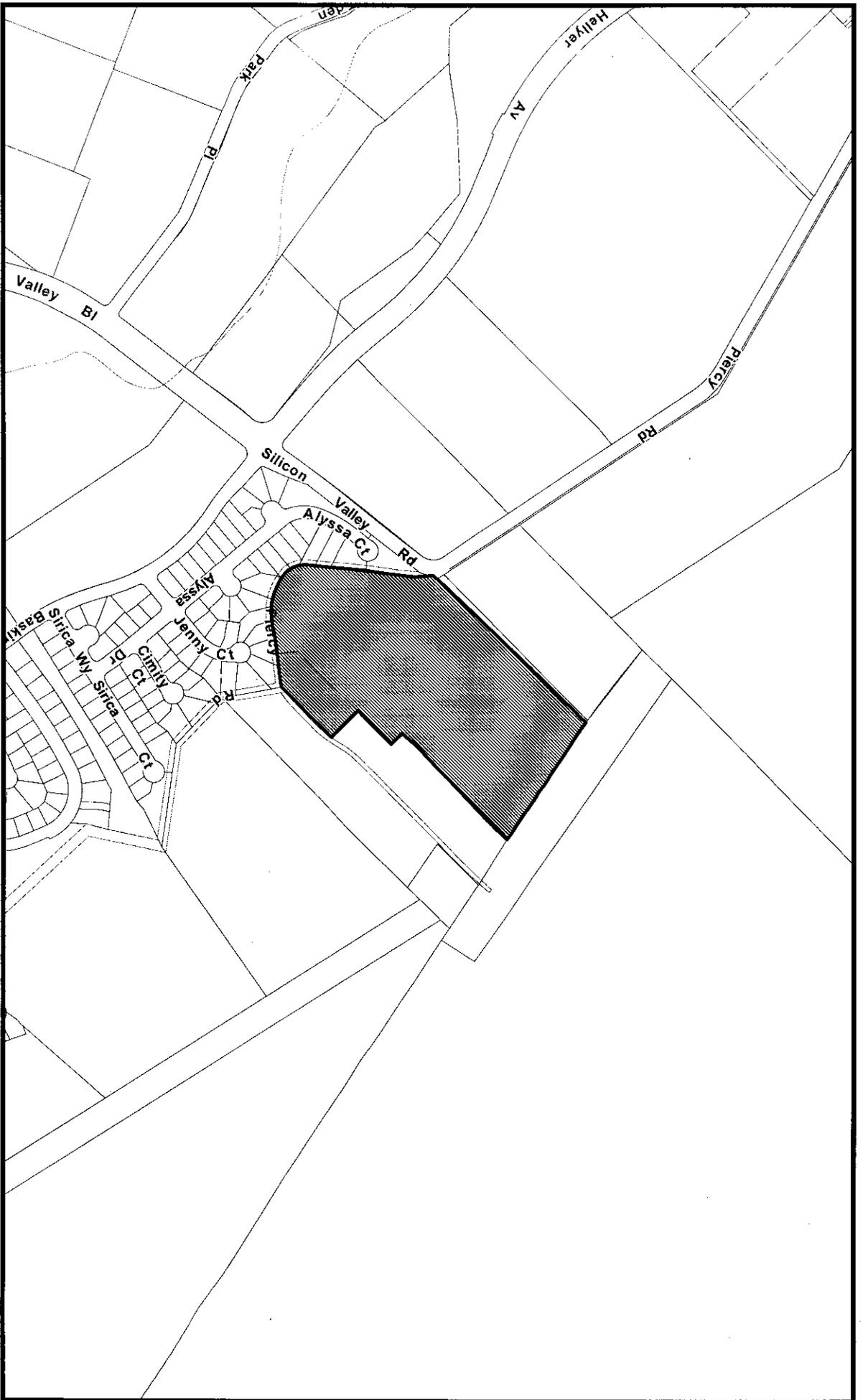
Mitigated Negative Declaration (File No. GP05-02-04 & UGB05-001)



JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Jeannie Hamilton at 408-535-7800.

cc: Amie Ashton, HMH Engineers, 1570 Oakland Road, San Jose, CA 95131



09/10/2007

Scale: 1" = 500'  
Noticing Radius: 500 feet

**File No: Riverside 52**

**District: 2**

**Quad No: 130**