



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: September 13, 2006

Approved

Date

COUNCIL DISTRICT: 8
SNI AREA: None

SUBJECT: ANNEXATION EVERGREEN NO. 191

Please place on the Consent Calendar of the October 3, 2006, City Council Agenda.

RECOMMENDATION

It is recommended that the City Council at a public hearing on October 3, 2006 adopt a resolution initiating proceedings, and setting October 17, 2006 at 1:30 p.m. for a Council consideration on the reorganization of territory designated as Evergreen No. 191 which involves the annexation to the City of San Jose of 2.40 gross acres of land located at the east side of Ruby Avenue, approximately 400 feet southerly of Holderman Drive and adjacent to the City of San Jose annexation Evergreen Nos. 166, 169, 170 and 132 and the detachment of the same from Central Fire Protection and Area No. 01 (Library Service) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Evergreen No. 191" shall be annexed into the City of San José.

BACKGROUND

On April 4, 2006, the City Council adopted Zoning Ordinance 27690 which rezoned the subject property from unincorporated County to R-1-RR Rural Residential (File No. C05-066) to allow up to two single-family detached residences.

The proposed annexation consists of two parcels (Assessors's Parcel Numbers 652-14-013 & 014) 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.

The annexation was initiated by the owner (Benson K. Chu) of the parcels fronting Ruby Avenue (Assessor's Parcel Numbers 652-14013; 014).

ANALYSIS

The applicant initiating the annexation consents 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 the public hearing for the rezoning as 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.

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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: San Jose 2020 General Plan EIR, prepared for the San Jose 2020 General Plan, which certified on August 16, 1994, by the City of San Jose Council, Resolution Number 65459.


 JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

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

cc:

EXHIBIT "A"

ANNEXATION TO THE CITY OF SAN JOSE
EVERGREEN No. 191

August 11, 2005

All that real property situated in the County of Santa Clara, State of California, being more particularly described as follows:

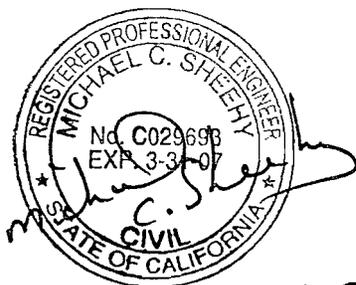
Being all of Parcel 2, and portion of Parcel 1 as shown on that certain Map entitled "Parcel Map", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on September 4, 1980 in Book 470 of Maps at pages 28 and 29.

BEGINNING at the most northerly corner of said Parcel 2, lying on the southerly San Jose City Limits Line, as established by City's Annexation Evergreen No. 166; thence from said Point of Beginning leaving the City Limits Line, along the northeasterly line of said Parcel 2 South 49°37'07" East, 335.54 feet; thence along the southeasterly line of said Parcel 2 and its prolongation South 73°01'38" West, 459.12 feet, to a point on the San Jose City Limits as established by City's Annexation Evergreen No. 170; thence along said Evergreen No. 170, North 49°37'30" West, 206.49 feet; thence leaving said Evergreen No. 170 and along the northwesterly line of said Parcels 1 and 2, North 57° 26' 17" East, 404.41 feet (the last 50 feet of which lies on said City Limits as established by said Annexation Evergreen No. 166), to the Point of Beginning.

Containing 2.40 acres, more or less.

Prepared By:

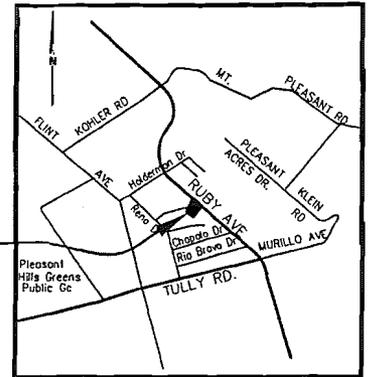
Ruth and Going, Inc.
2216 The Alameda
Santa Clara, CA 95050



08.11.05

LEGEND

-  BOUNDARY LINE OF PROPOSED ANNEXATION
-  EXISTING CITY LIMITS LINE



LOCATION MAP

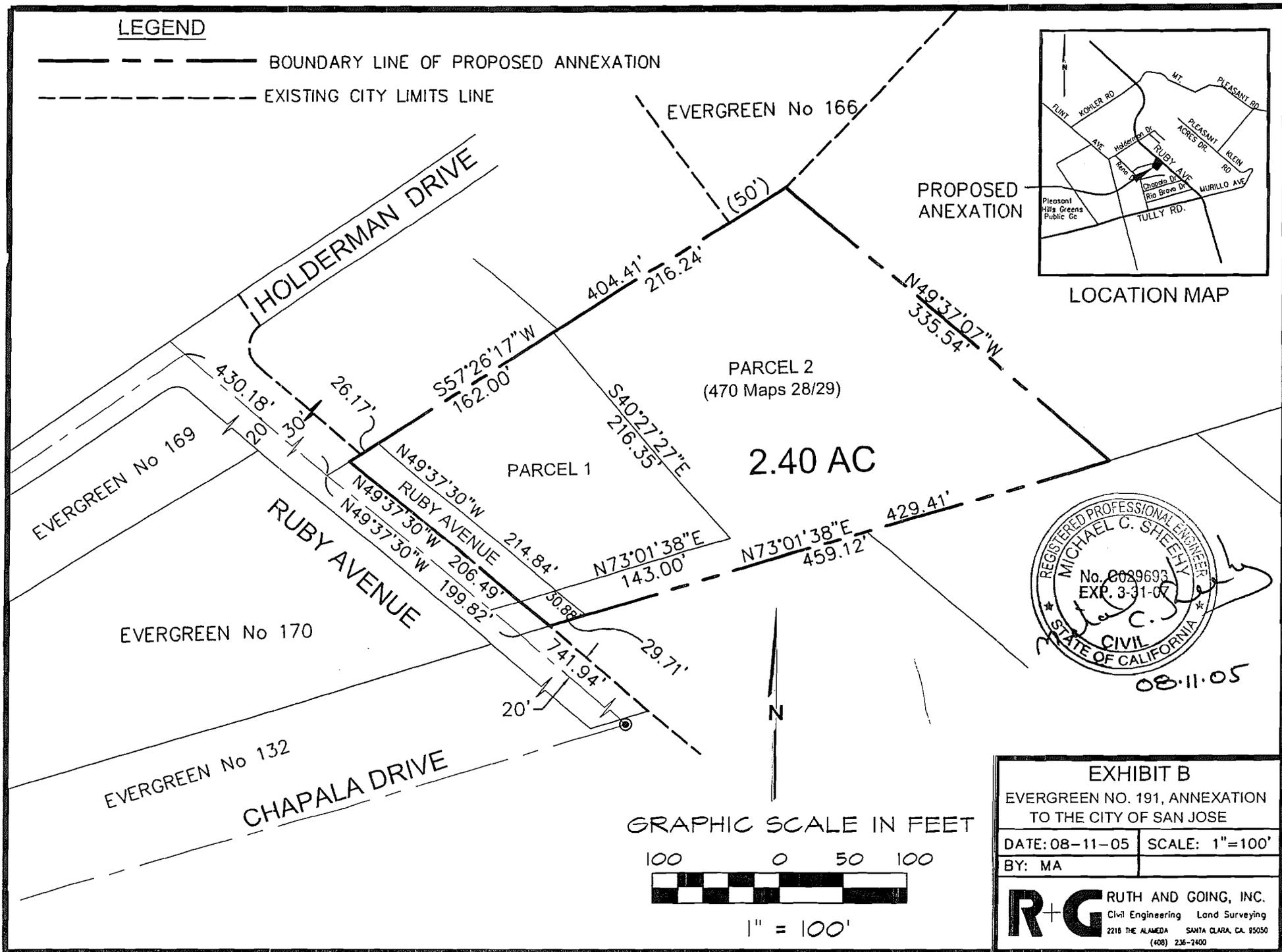


EXHIBIT B

EVERGREEN NO. 191, ANNEXATION TO THE CITY OF SAN JOSE

DATE: 08-11-05 SCALE: 1"=100'

BY: MA

R+G RUTH AND GOING, INC.
 Civil Engineering Land Surveying
 2215 THE ALAMEDA SANTA CLARA, CA 95050
 (408) 236-2400