COUNCIL AGENDA: 11-06-07
ITEM: 2.11

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: October 15, 2007

Approved: Deanna Santana

Date: 10/17/07

COUNCIL DISTRICT: 7-5
SNI AREA: Tully-Senter

SUBJECT: MCKINLEY NO. 110. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 3.5 GROSS ACRE COUNTY POCKET CONSISTING OF ONE PARCEL ON THE NORTHWEST SIDE OF SUMMERSIDE DRIVE BETWEEN WARFIELD WAY AND GALVESTON AVENUE

RECOMMENDATION

It is recommended that the City Council at a public hearing on November 6, 2007 at 7:00 p.m. adopt a resolution initiating proceedings, and setting December 4, 2007 at 7:00 p.m. for a public hearing on the reorganization of territory designated as McKinley No. 110 which involves the annexation to the City of San Jose of 3.5 gross acres of land located at on the northwest side of Summerside Drive between Warfield Way and Galveston Avenue, 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 McKinley No. 110 will be within the incorporated area of the City of San José and zoned A Agricultural Zoning.

BACKGROUND

On April 26, 2006, the City Council voted to proceed with a County island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. Phase 1 of this program resulted in the annexation of 21 County islands. The City of San Jose is initiating the annexation of the subject area in conjunction with Phase 2 of this program. The property will be immediately zoned A Agricultural District upon its annexation to the City of San Jose in accordance with Section 20.130.310 of the Zoning Ordinance, as the parcel is zoned by the County of Santa Clara as "A-Exclusive Agricultural Zoning District".

The proposed annexation consists of 1 parcel which upon annexation to the City of San Jose would be detached from the following special districts: Central Fire Protection, and Area No. 01 (Library Services) County Service.

ANALYSIS

The proposed annexation and the automatic prezoning to A Agricultural will allow agricultural uses consistent with the Zoning Code and the existing uses and/or structures on the subject property.

The subject parcel has two General Plan land use/transportation diagram designations: Public Park & Open Space and Medium Low Density Residential. The Public Park & Open Space designation on the western portion of the property is in the riparian corridor of Coyote Creek and contains the preferred alignment for the Coyote Creek trail outlined in the Coyote Creek Trail Master Plan. The subject property currently has multiple buildings, and is used for residential and agricultural purposes.

A Agricultural Zoning District is a conforming zoning district to any General Plan designation. Staff recommends initiating annexation without residential prezoning, because the A Agricultural Zoning District is most appropriate for the existing uses on the property and will allow future Council consideration regarding rezoning the property for redevelopment and the Coyote Creek Trail Master Plan.

The proposed annexation is being done as part of the second phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

EVALUATION AND FOLLOW-UP

City staff provides status updates on the County Island Annexation Program on the website dedicated to the program and in periodic updates to the City Manager's Office.

POLICY ALTERNATIVES

Alternative #1: *Direct staff to initiate prezoning the property with 2 conventional zoning districts or a PD Planned Development zoning for open space uses on the west end of the property and residential uses on the east end of the property before annexation.*
Pros: Allows for greater residential development of the property while maintaining the potential for extension of the Coyote Creek trail along the creek alignment.
Cons: Requires that zoning districts and/or development standards be drafted for the site.
Reason for not recommending: While this alternative provides for greater development potential, it puts an additional cost burden on the City in advance of privately initiated development applications.

Alternative #2: *Direct staff to initiate prezoning the property R-1-8 Single Family Residence District for residential uses on the entire site before annexation.*
Pros: Allows for greater residential development of the property.
Cons: Requires a legal description be drafted for the zoning district and would limit the possibility for the preferred alignment of the Coyote Creek trail.

Reason for not recommending: While this alternative provides for greater development potential, it puts an additional cost burden on the City and could allow residential development that would inhibit the creek alignment for the Coyote Creek trail.

Alternative #3: Drop the annexation and direct staff to put the annexation on hold for a period of time to allow possibility for privately initiated prezoning.
Pros: Allows for greater residential development of the property and avoids the property owner having to wait two years to rezone once the annexation is effective.
Cons: Delays program without any sign that the owner would pursue zoning application.
Reason for not recommending: While this alternative provides for greater development potential, it requires action on the part of the property owner. Staff has informed the owner's representative that staff would be willing to hold off on the annexation until a privately initiated zoning application is completed, but has not received any indication to date that the owner intends to pursue this option.

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, Outreach will occur 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 300 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. Information on the County Pocket Annexation Program is available on the Planning Division's website, including specific information on the areas proposed for annexation and general information on what current county residents can expect upon the annexation of their property to the City of San Jose. An Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase 2 of the program. Staff held a community meeting on August 23, 2007, with the residents and property owners within the islands proposed for annexation as part of Phase 2 of the County Island Annexation Program. This memorandum has been posted on the City's website, and staff has been available to respond to questions from the public.

Representatives of the property owners submitted questions regarding the General Plan designation on the property, zoning for the property, and plans for street improvement. Staff explained the General Plan designations on the property, staff's recommended zoning and the owner's options, and that annexation will not affect street improvement plans (the streets are already within the City's jurisdiction).

COORDINATION

The project was coordinated with the Departments of Transportation, Fire, Police, Parks, Recreation and Neighborhood Services, Environmental Services, Public Works, Library, and the Redevelopment Agency. These departments are participating in a working group to coordinate, discuss and resolve issues associated with the annexation efforts.

FISCAL/POLICY ALIGNMENT

This project is consistent with the City Council's direction to initiate annexation of unincorporated islands of less than 150-acres.

COST SUMMARY/IMPLICATIONS

The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

BUDGET REFERENCE

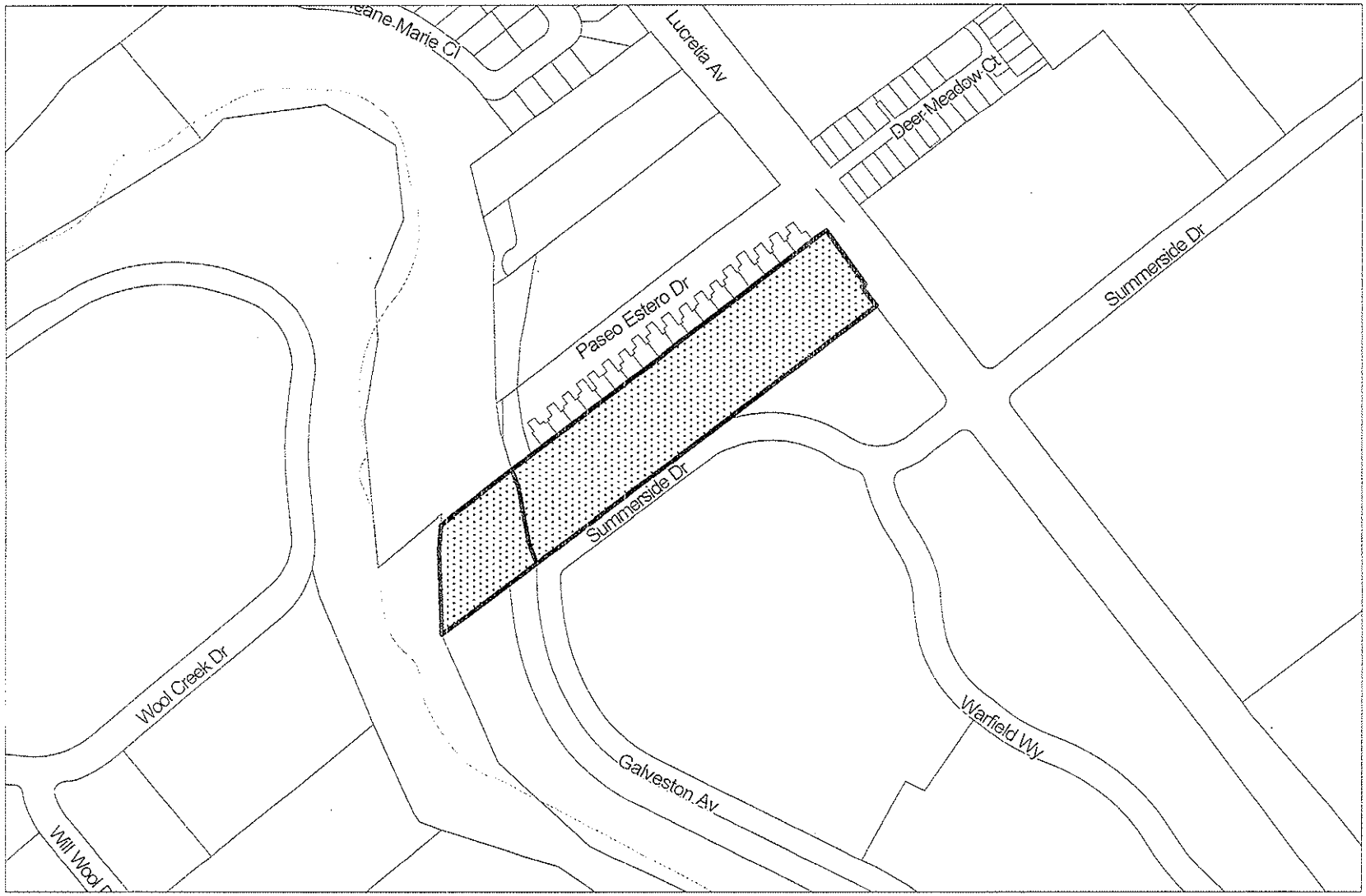
Not applicable.

CEQA

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

FOR Andrew Crabtree
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Richard Buikema, Senior Planner, at the Department of Planning, Building and Code Enforcement at 408-535-7800.



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Map Created On:
10/12/2006

Scale 1 in = 300 ft 1:3600
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feet

File No: C06-109 / MCKINLEY_110
District: 07
Quad No: 084

WDW

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

USE OF A PROGRAM EIR
SAN JOSE 2020 GENERAL PLAN FINAL EIR

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the San Jose 2020 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

PROJECT DESCRIPTION AND LOCATION

McKinley No. 110. Planning Director-initiated reorganization/annexation to the City of San José of an approximately 3.5 gross-acre site referred to as McKinley No. 110, automatically prezoned A Agricultural District upon annexation, located on the northwest side of Summerside Drive between Warfield Way and Galveston Avenue.

Council District 7
County Assessor's Parcel Numbers: 477-20-047

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No. 65459 on August 16, 1994. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2020. The following impacts were reviewed and found to be adequately considered by the EIR:

Traffic and Circulation	Soils and Geology	Noise
Cultural Resources	Hazardous Materials	Land Use
Urban Services	Air Quality	Aesthetics
Energy	Facilities and Services	Water Quality/Resources
Open Space	Schools	Drainage and Flooding
Vegetation and Wildlife		

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

Justin Fried
Project Manager

10/11/07
Date

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Jodi Clark
Deputy