



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** October 15, 2007

Approved:

*Debra Pufra*

Date:

*10/17/07*

**COUNCIL DISTRICT:** 8

**SNI AREA:** None

**SUBJECT: HILLVIEW NO. 73. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 8.55 GROSS ACRE COUNTY POCKET CONSISTING OF 4 PARCELS ON BOTH SIDES OF MOUNT PLEASANT ROAD, EAST OF WESTVIEW DRIVE.**

## 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 Hillview No. 73 which involves the annexation to the City of San Jose of 8.55 gross acres of land located on both sides of Mount Pleasant Road, east of Westview Drive, 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 Hillview No. 73 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-1 Residential and Agricultural District".

The proposed annexation consists of 4 parcels 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 rezoning to A Agricultural will allow agricultural uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. The subject site is at the boundary between residential and agricultural uses in the foothills.

A Agricultural Zoning District is a conforming zoning district to any General Plan designation. The R-1-RR Single Family Residence District would also be a conforming zoning district to the Urban Hillside General Plan designation for the site. Staff is recommending initiation without residential rezoning as the A Agricultural Zoning District will allow for residential and agricultural uses deemed to be most compatible with existing on site and neighboring uses and because there are no proposals to redevelop the property at this time.

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: Drop the annexation and direct staff to initiate rezoning the property with R-1-RR Single Family Residence Zoning District, the zoning identified in the Zoning Ordinance as the conforming residential zoning district to the Urban Hillside General Plan designation.*

**Pros:** R-1-RR Zoning would allow for greater residential development of the property.

**Cons:** Current agricultural uses would not be permitted to the same extent in a residential zoning district, and there is limited development potential in this area.

**Reason for not recommending:** While this alternative might provide for greater development potential, continued operation of existing agricultural uses might be constrained due to their legal nonconforming status in the R-1-RR Single Family Residence District.

### 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.

Residents of this County pocket attended the community meeting. They expressed concerns over continuing their agricultural uses after annexation to the City. Staff explained that staff was recommending agricultural zoning for this pocket, which allows a range of agricultural uses. One resident also felt that it was arbitrary and unfair that they were being annexed while the next door neighbors would remain in the County.

### **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.

HONORABLE MAYOR AND CITY COUNCIL

October 15, 2007

**Subject:** Hillview No. 73

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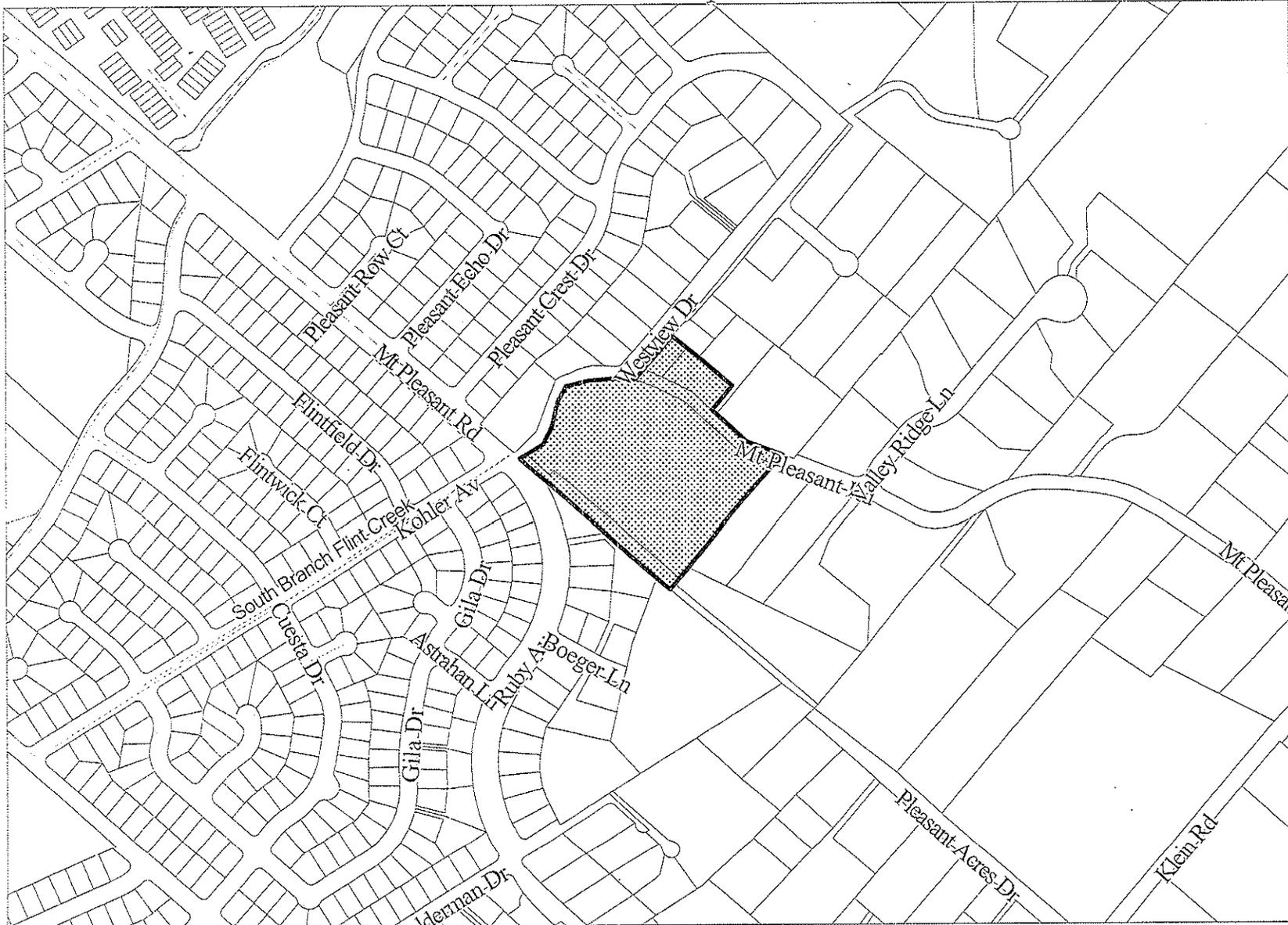
**CEQA**

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.

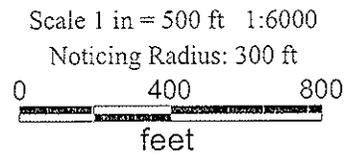
*Andrew Crabtree*  
for JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

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

# Location Map



Map Created On:  
7/24/2007



File Number: HILLVIEW 73  
District: 8  
Quad No: 69



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

Hillview No. 73. Planning Director-initiated reorganization/annexation to the City of San José of an approximately 8.55 gross-acre site referred to as Hillview No. 73, automatically rezoned A Agricultural District upon annexation, located on both sides of Mount Pleasant Road, east of Westview Drive.

Council District 8

County Assessor's Parcel Numbers: 650-01-007 and -008; 654-19-003 and -004

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

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

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

10/11/07
Date

Jodi Usher
Deputy