COUNCIL AGENDA: 11-14-06
ITEM: 4.19

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** **SEE BELOW**

**DATE:** October 27, 2006

Approved Deanna Santana

Date 10/31/06

**COUNCIL DISTRICT:** 1
**SNI AREA:** None

**SUBJECT: CYPRESS NO. 30. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 3.4-ACRE COUNTY POCKET CONSISTING OF FIFTEEN (15) PARCELS ON BOTH SIDES OF MARIA WAY AND ANTONIO LANE AND THE WEST SIDE OF ESSEX WAY, EXTENDING APPROXIMATELY 180 FEET NORTH OF VALLEY FORGE WAY.**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Cypress No. 30 which involves the annexation to the City of San Jose of approx 3.4 gross acres of land located at on both sides of Maria Way and Antonio Lane and the west side of Essex Way, extending approximately 180 feet north of Valley Forge Way, and the detachment of the same from the appropriate special districts including West Valley Sanitation, Central Fire Protection, Area No. 01 (Library Services) County Service and County Lighting County Service Districts.

## OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Cypress No. 30 shall be annexed into the City of San Jose.

## BACKGROUND

The proposed annexation consists of fifteen parcels (Assessor's Parcel Numbers 305-08-021, -022, -023, -024, -025, -026, -069, -070, -071, -072, -073, -074, -127, -128, -129) and the detachment of the same from the appropriate special districts including: West Valley Sanitation, Central Fire Protection, Area No. 01 (Library Services) County Service and County Lighting County Service Districts. Maps showing the affected territory are attached.

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County Island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. The City of San Jose has initiated the annexation of the subject area in conjunction with this program.

The City Council approved a Director Initiated Prezoning (File No. C06-045) which prezoned the subject 15 parcels from unincorporated County to R-1-8 Single Family Residence to allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. All the properties are developed with existing single-family residences.

The City Council voted unanimously to initiate this annexation as part of phase 1 of the County Island Annexation program on October 3, 2006 at which four speakers spoke in opposition to the initiation of the annexation. The speakers, who were current residents within the unincorporated island, expressed concern with the financial impact of the City's tax on utilities and satisfaction with the services they presently receive in the County. One speaker also expressed a preference for annexation into a smaller community such as Campbell in order to have a greater influence on the decision-making process.

## ANALYSIS

The proposed annexation is being done as part of the first phase of the County island annexation program as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants. The area is surrounded on three sides by the City of San Jose and its annexation is logical for the purposes of providing urban services in an efficient manner. It is inefficient and potentially confusing for the same urban services to be provided by different service providers to residents within the same general area.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each such finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO**. The site is located within the City's Urban Service Area.

2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** The County Surveyor has certified the boundaries of the reorganization.

3. **The proposal does not split lines of assessment or ownership**. All affected parcels are being reorganized in their entirety.

4. **The proposal does not create island or areas in which it would be difficult to provide municipal services**. As proposed, the annexation will not create islands. The completion of reorganization proceedings would result in the elimination of a pocket of unincorporated territory.

5. **The proposal is consistent with the City's adopted General Plan**. The proposed annexation is consistent with the City's adopted policy in that existing and future urban development should be located within cities.

6. **The territory is contiguous to existing City limits**. The area proposed to be reorganized is contiguous to the City limits as shown on the attached map.

## 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, 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. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public. Planning staff had numerous phone conversations with some of the residents of the County pocket in order to fully explain the annexation process and the implications of annexation into the City of San Jose. Area residents also received a copy of the "Annexation Answer Book".

## COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Local Agency Formation Commission and the City Attorney.

## 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

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.

Susan Walton
for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions, please contact Richard Buikema at (408) 535-7800.

Attachments

# EXHIBIT 'A'

The Basis of Bearings for this description is the bearing N 89°59'38" E of the northerly line of Lots 86, 85, 52, 57, and 58 as shown upon the map of "Tract No. 2627, Alvernaz Estate Unit No. 2," filed for record on November 2, 1960 in Book 127 of Maps, at Page 12, Records of Santa Clara County.

This description was prepared from record information only.

Attached hereto and by reference a part hereof is a plat labeled "PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY" depicting the subject property.

The above description of real property was prepared by me in conformance with the requirements of Section 8726 (g,k,l,m) of the Business and Professions Code of the State of California.

8-10-06

Barry E. Ng, PLS 7713

PROFESSIONAL LAND SURVEYOR
BARRY E. NG
Exp. Dec. 31, 2006
No. 7713
STATE OF CALIFORNIA

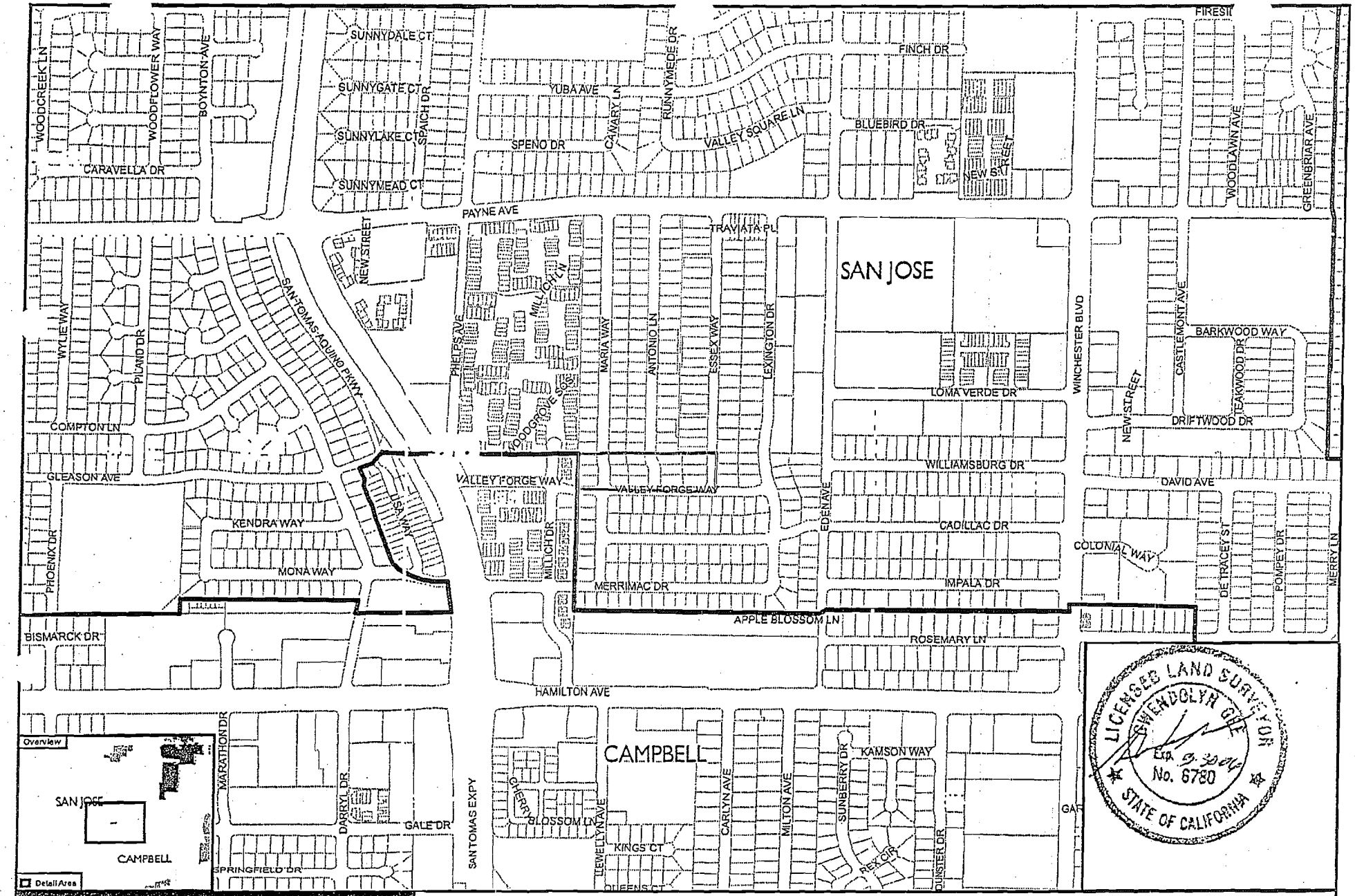


**EXHIBIT A**
**San Jose Pocket No. 1**
**Cypress No. 30**
**3.43 Acres +/-**
**07/12/06**

County of Santa Clara
County Surveyor's Office
Gwendolyn Gee, PLS, County Surveyor

Urban Service Area
Area of Annexation
Incorporated Lands
Unincorporated Lands

6000 Scale Index Map

N
0 200 400
Feet

THE COUNTY OF SANTA CLARA