

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: November 13, 2007

Approved

Date

11/14/07

COUNCIL DISTRICT: 7
SNI AREA: Tully-Senter

SUBJECT: MCKINLEY NO. 110. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 3.5 GROSS ACRE COUNTY ISLAND 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 adopt a resolution ordering the reorganization of territory designated as McKinley No. 110 which involves the annexation to the City of San Jose of an approximately 3.5 gross acre County island consisting of 1 parcel 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 Districts.

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

The City Council voted unanimously to initiate this annexation as part of Phase 2 of the County Island Annexation program on November 6, 2007. There were no speakers at the public hearing regarding this item.

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. A map showing the affected territory is attached.

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 as part of 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".

ANALYSIS

The proposed annexation and the automatic rezoning 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 rezoning, 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.

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.

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 rezoning the property to allow greater near-term development potential.

Pros: Would allow for greater residential development of the property, and with additional survey work could still maintain 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. After two years time, the owner will be able to apply to rezone to allow for redevelopment of the site.

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 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.

BUDGET REFERENCE

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

November 13, 2007

Subject: McKinley No. 110

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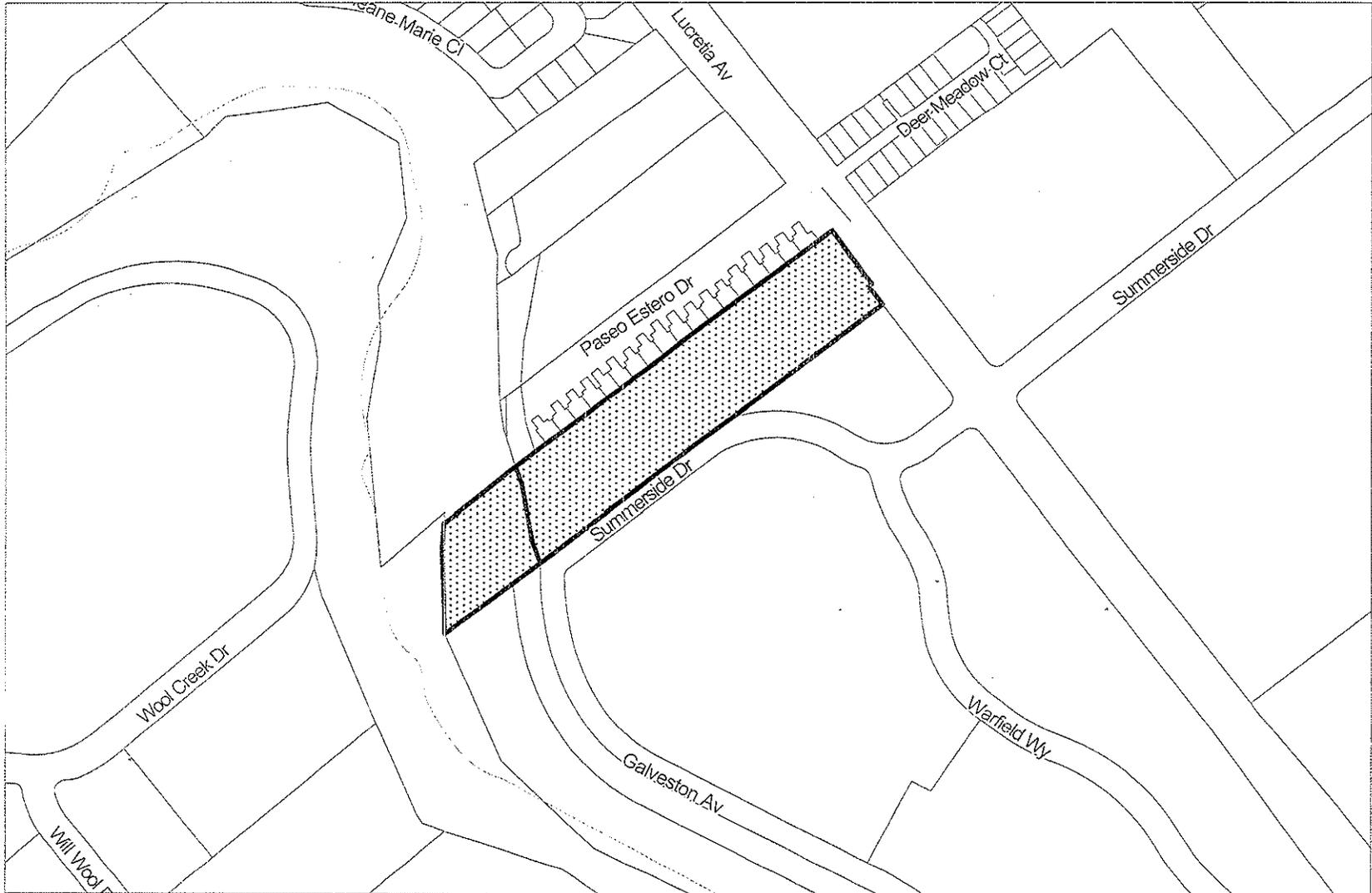
CEQA

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.

for Andrew C. Stra
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.

Attachments



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Map Created On:
10/12/2006

Scale 1 in = 300 ft 1:3600
Noticing Radius: 300 ft



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



**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 rezoned 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:

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|-------------------------|-------------------------|-------------------------|
| 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

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

10/11/07

Date

Joseph Horwedel

Deputy