



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** November 13, 2006

Approved:

Date:

**COUNCIL DISTRICT:** 8  
**SNI AREA:** N/A

**SUBJECT: EVERGREEN NO. 196. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 1.13 GROSS ACRE COUNTY POCKET LOCATED ON THE WEST SIDE OF KETTMANN ROAD, APPROXIMATELY 75 FEET SOUTHERLY OF DASHWOOD AVENUE**

## RECOMMENDATION

It is recommended that the City Council at a public hearing on December 5, 2006 at 7:00 p.m. adopt a resolution initiating proceedings, and setting January 23, 2007 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Evergreen No. 196 which involves the annexation to the City of San Jose of an approximately 1.13 gross acre County Pocket located on the west side of Kettmann Road, approximately 75 feet southerly of Dashwood 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 Evergreen No. 196 will be within the incorporated area of the City of San José and eligible to receive City services. Implementation of the annexation would result in the detachment of properties within the annexation area from the special districts that include Central Fire Protection, and Area No. 01 (Library Services) County Service.

## BACKGROUND

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County island annexation program which involves the annexation of all unincorporated County pockets less than 150-acres in size. On August 8, 2006 the City Council approved the proposed phasing for the annexation of the County pockets. The City of San Jose is initiating the annexation of the subject area as a part of Phase 1 of this program.

A pending Planning Director initiated Rezoning (File No. C06-052) is being processed to approve a City of San Jose zoning district for the site in preparation for annexation. 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 pending rezoning to R 1-8 Single Family Residence District will allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. 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.

### 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. An Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase I of the program. Staff has also been available to respond to questions from the public. An Annexation Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase I of the County Island Annexation Program.

### 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. The zoning and annexation of this unincorporated pocket furthers the Urban Service Area policies of the General Plan which encourage the County and LAFCO to join in cooperative efforts to seek the annexation of urbanized County pockets within the City's 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**

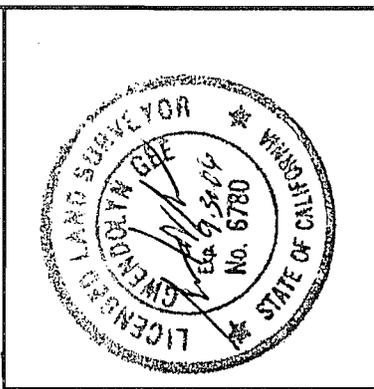
Not applicable.

**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.

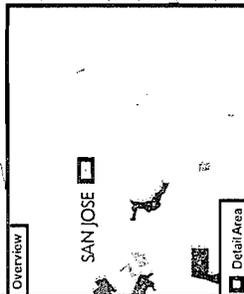
  
JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

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



- Urban Service Area
  - Incorporated Lands
  - Area of Annexation
  - Unincorporated Lands
- 6000 Scale Index Map

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



**EXHIBIT A**  
 San Jose Pocket No. 13  
 Evergreen No. 196  
 1.13 Acres +/-  
 07/20/06

EXHIBIT "A"  
ANNEXATION TO THE CITY OF SAN JOSE  
EVERGREEN No. ~~159~~ 196

REAL PROPERTY in the County of Santa Clara, State of California, being all of the parcel of land described in the deed to Kettman Development, LLC, recorded November 14, 2002, in Document No. 16613515 of Official Records, Santa Clara County Records, more particularly described as follows:

BEGINNING at a point on the northerly City Limits Line of the City of San Jose as established by City's Annexation Evergreen No. 159, also being the westerly line of Kettman Road, at the northerly terminus of the course shown as "South 10° 30' East, 10.00 feet" in said Annexation Evergreen No. 159;

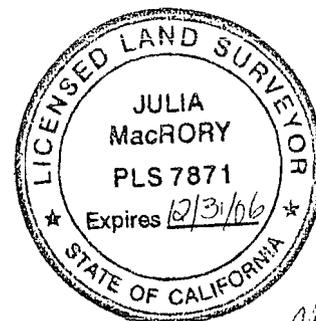
Thence along the southerly and easterly lines of said City Limits Line, the following two courses:

1. Thence South 79°28'00" West, 494.70 feet;
2. Thence North 10°30'00" West, 99.92 feet, to the southerly City Limits Line of the City of San Jose as established by City's Annexation Evergreen No. 81-A;

Thence along said southerly City Limits Line, North 79°28'00" East, 494.70 feet, to the westerly City Limits Line of the City of San Jose as established by City's Annexation Evergreen No. 81-A;

Thence along said westerly City Limits Line and along the westerly City Limits Line of the City of San Jose as established by City's Annexation Evergreen No. 105, South 10°30'00" East, 99.92 feet, to the POINT OF BEGINNING.

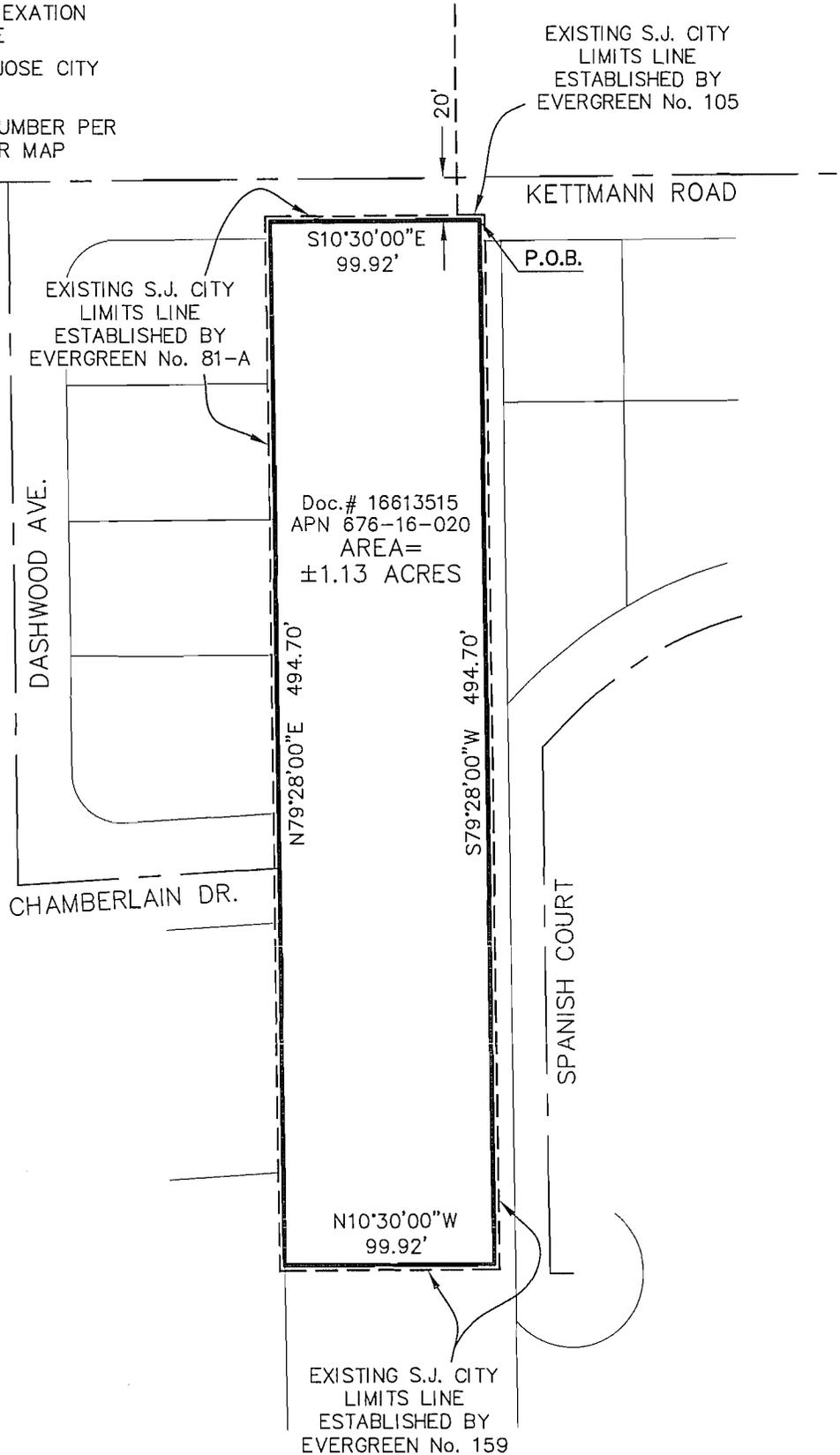
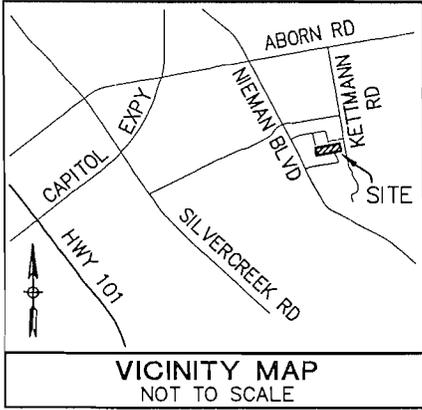
Containing 1.13 acres, more or less.



*Julia MacRory*

**LEGEND**

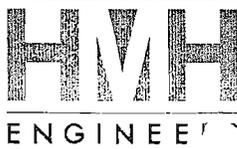
-  PROPOSED ANNEXATION BOUNDARY LINE
-  EXISTING SAN JOSE CITY LIMITS LINE
- APN ASSESSOR PARCEL NUMBER PER 2004-2005 ASSESSOR MAP



**GRAPHIC SCALE**  
1 INCH = 80 FT.

SHEET 1 OF 1

Date:	08-24-06
Scale:	1" = 80'
Designed:	-
Drawn:	TG
Checked:	JM
Proj. Engr.:	-
Dwg Name:	3521PL01



San Jose  
(408) 487-2200  
  
Gilroy  
(408) 846-0707

www.hmh-engineers.com

Plat to accompany description:  
PROPOSED ANNEXATION TO THE CITY OF SAN JOSE  
EVERGREEN No. 192196

SAN JOSE

CALIFORNIA

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