



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** November 26, 2007

Approved:

*Deanne A. K.*

Date:

*11/28/07*

**COUNCIL DISTRICT:** 8  
**SNI AREA:** Not Applicable

**SUBJECT: EVERGREEN NO. 200 REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 34.1 GROSS ACRE COUNTY POCKET CONSISTING OF 36 PARCELS LOCATED BETWEEN PLEASANT ACRES DRIVE AND RUBY AVENUE, WEST OF MURILLO AVENUE**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution initiating proceedings, and setting January 29, 2008 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Evergreen No. 200 which involves the annexation to the City of San Jose of 34.1 gross acres of land located between Pleasant Acres Drive and Ruby Avenue, West of Murillo 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 34.1 acre County island designated Evergreen No. 200 will be within the incorporated area of the City of San José.

## 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. There is a pending Planning Director initiated Rezoning (File No. C06-127) being processed to assign a City of San Jose zoning district to the site in preparation for annexation.

The proposed annexation consists of 36 parcels primarily developed with single family houses 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-1-2 (30 parcels) and R-1-RR (6 parcels) Single Family Residence Zoning Districts 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 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.

This area is not currently served by sanitary sewers. Property owners will be eligible to connect to the City sewer system upon annexation, but the costs to extend sewer mains will be high. At least some of the area is currently served by a small, private water company – Klein Homes Water Co. After annexation, the water company would be eligible to connect to San Jose Water Co. or San Jose Municipal Water System, both of which serve neighboring areas. The cost of upgrading the infrastructure to current standards may be substantial.

### 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

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. 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.

Staff has received phone calls regarding water and sewer service, zoning regulations, rules regarding animals and livestock, and secondary unit policies.

### **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. This project was also coordinated with the Local Agency Formation Commission and the City Attorney.

### **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.

### **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.

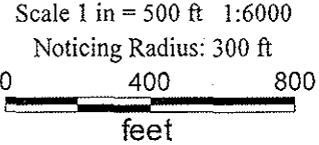
  
For JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

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: EVERGREEN 200  
District: 8  
Quad No: 85