



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: EVERGREEN NO. 190

DATE: November 21, 2005

Approved

Date

11/30/05

COUNCIL DISTRICT: 8

RECOMMENDATION

Staff recommends that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 190 which involves the annexation to the City of San Jose of 4.10 gross acres of land located at the east side of Yerba Buena Road, approximately 1,870 feet east of Verona Road, adjacent to the City of San Jose annexations Evergreen Nos. 151 and 152 and the detachment of the same from Central Fire Protection, County Services Area No.01 (Library Services).

BACKGROUND

On June 1, 1999, the City Council adopted Zoning Ordinance 63179 which rezoned the subject property from County to the A(PD) Planned Development Zoning District.

The proposed annexation consists of one parcel of land identified as Assessor's Parcel Numbers 660-33-020 and the detachment from Central Fire Protection, County Services Area No.01 (Library Services).

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel signed the annexation petition. The site consists of a discreet 4.10 acre undeveloped parcel. The Registrar of Voters has certified that there is no registered voter in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with campus industrial uses on land that is within the City's Urban Service Area (USA). This parcel is adjacent to City territory to the south and west, and County territory to the northeast and east. The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each 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 parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the reduction 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 within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development 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 along two sides as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "Evergreen No. 190" shall be annexed into the City of San José.

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (PDC98-035) were mailed to all property owners and tenants within 500 feet of the project site, and were also published in the newspaper.

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COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

EIR; Resolution No.63179 (File No.PDC98-035)


 STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Myron Crawford, 10050 Bandley Drive, Cupertino, CA 95014

ss

EXHIBIT "A"

ANNEXATION TO THE CITY OF SAN JOSE
EVERGREEN 190

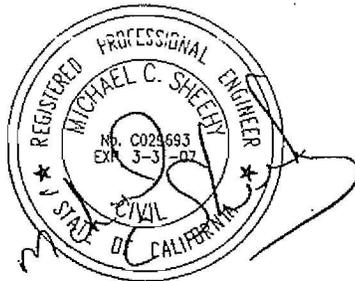
OCTOBER 10, 2005

BEGINNING at a point on the northerly City Limits, as said City Limits was established by the City of San Jose Annexation Evergreen No. 151, said point being the southeast corner of the City Limits as said City Limits was established by the City of San Jose Annexation Evergreen No. 152, said point being the southeast corner of Parcel 1, as said Parcel 1 is shown on the Record of Survey recorded in Book 151 of Maps, at Page 35, Santa Clara County Records:

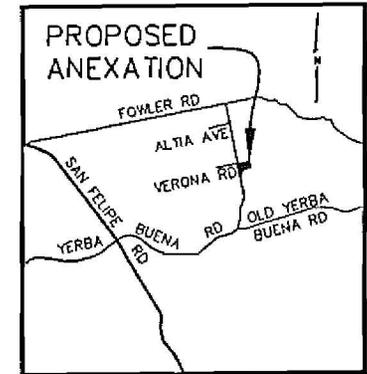
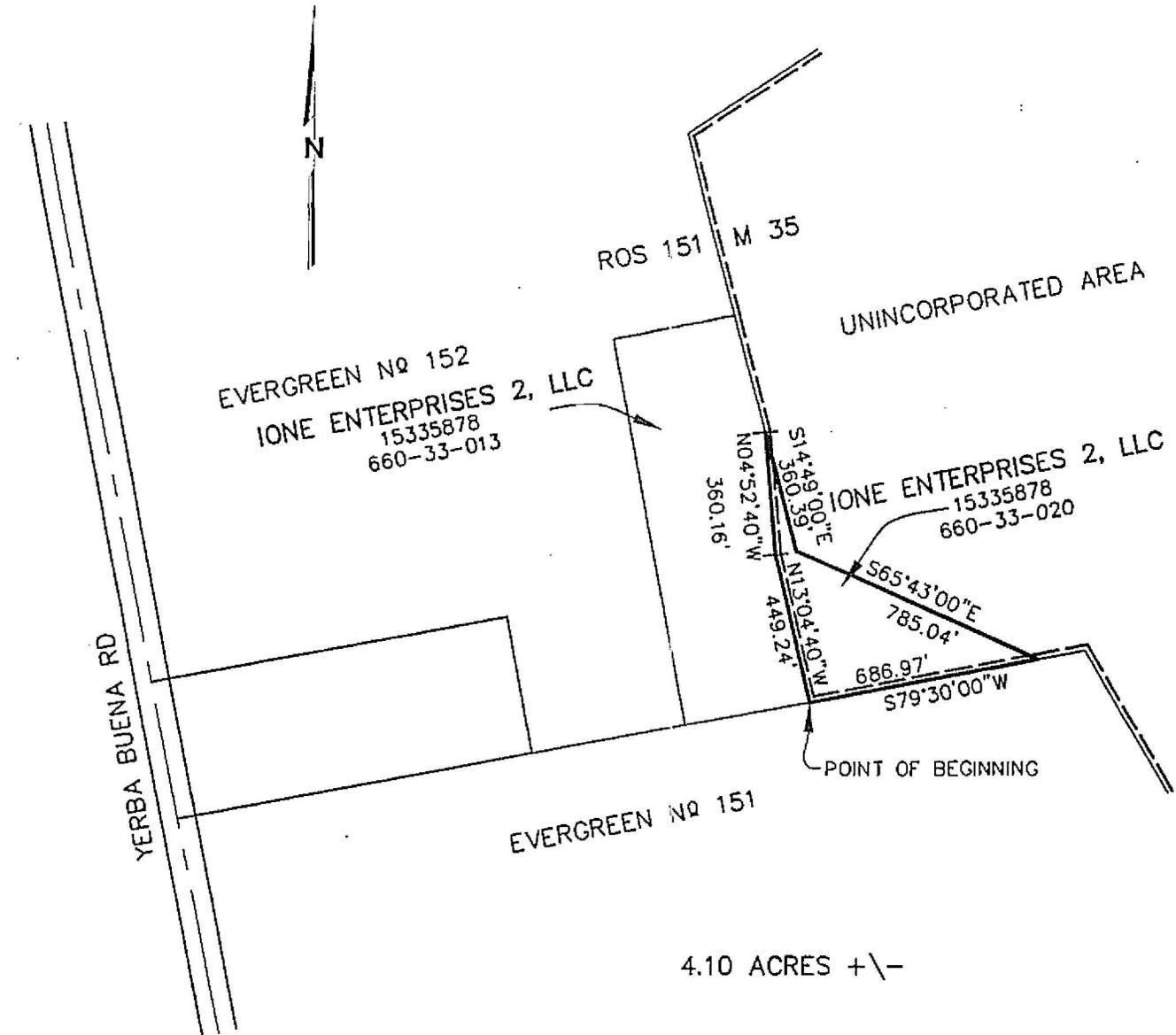
Thence from said Point of Beginning northwesterly along the easterly line of said Parcel 1 and Annexation Evergreen No. 152 North $13^{\circ} 04' 40''$ West 449.24 feet; North $04^{\circ} 52' 40''$ West 360.16 feet to an angle point in said easterly line of said Parcel 1 and Annexation Evergreen No.152; Thence leaving said easterly line South $14^{\circ} 49' 00''$ East 360.39 feet; Thence South $65^{\circ} 43' 00''$ East 785.04 feet to a point on the said northerly line of Annexation Evergreen No. 151 and a point on the southerly line of said Record of Survey; Thence westerly along the northerly line of Annexation Evergreen No.151 and the southerly line of said Record of Survey South $79^{\circ} 30' 00''$ West 686.97 feet to the Point of Beginning and containing 4.10 acres of land more or less.

Prepared By:

Ruth and Going, Inc.
2216 The Alameda
Santa Clara, CA 95050



10.10.05



LOCATION MAP



10-10-05

4.10 ACRES +/-

LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- EXISTING CITY LIMITS LINE

EXHIBIT B
 PROPOSED ANNEXATION
 TO THE CITY OF SAN JOSE
 EVERGREEN 190

DATE: 10-10-05	SCALE: 1"=500'
BY: DAW/AF	

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