



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: FEBRUARY 19, 2009

Approved:

Paul Kuntz

Date:

3/5/09

COUNCIL DISTRICT: 5
SNI AREA: Not Applicable

SUBJECT: STORY NO. 61. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSÉ OF AN APPROXIMATELY 3.21 GROSS ACRE COUNTY POCKET CONSISTING OF 4 PARCELS LOCATED ON THE NORTH SIDE OF STORY ROAD, 780 FEET WESTERLY OF MACHADO LANE.

RECOMMENDATION

It is recommended that the City Council adopt a resolution initiating proceedings, and setting April 7, 2009 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Story No. 61, which involves the annexation to the City of San José of 3.21 gross acres of land located at the north side of Story Road, 780 feet westerly of Machado Lane, 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 Story No. 61 will be within the incorporated area of the City of San José.

BACKGROUND

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 José is initiating the annexation of the subject area in conjunction with this program. A Planning Director initiated Rezoning (File No. C06-075) to assign a City of San José zoning district, R-1-RR Single-Family Residence District, to the site in preparation for annexation was adopted by the City Council on December 12, 2006.

At the request of the County of Santa Clara Development Services Office, the subject annexation was deferred from the January 23, 2007 City Council Meeting (Initiation) and the February 27, 2007 City Council Meeting (Ordering) in order to await completion of a County abatement for a grading violation on APN 601-31-005. The property owner did not comply with a public nuisance abatement order; therefore County staff abated the most severe nuisance conditions on the property. The property owner did not pay the cost of the abatement as required. On January 15, 2008, the Santa Clara County Board of Supervisors resolved the nuisance abatement by placing a lien on the property for payment of the abatement cost. This in turn allows for the subject annexation to proceed.

The subject site, located on the north side of Story Road 780 feet westerly of Machado Lane, is developed primarily with single-family detached residences and is surrounded by residential uses and one nursery school. The subject site consists of four properties with parcel sizes ranging from one third of an acre to an acre and a half.

The proposed annexation consists of 4 parcels which upon annexation to the City of San José 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 approved rezoning to R-1-RR 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 has been posted on the City's website, and staff has been available to respond to questions from the public.

Neighbors adjacent to this County pocket and the neighboring pocket (Story No. 60) have expressed concerns over traffic related to religious uses, and the raising of chickens on a nearby property in the county. Neighbors indicate there is also a parcel not in either pending annexation that still receives County services (even though it was annexed in 2000 as Story No. 52). Continued access to Watters Drive, a private road for most of its length, has also been a concern for area residents. Robert Pfeil, an owner in the County pocket subject to City Annexation File No. Story No. 60, as well as a parcel comprising part of the Watters Drive right-of-way along this pocket expressed interest in dedicating this parcel to the City. Staff from the Department of Public Works responded that the City could not currently accept the parcel as it is not currently adjacent or connected to the existing public right-of-way, and because there are no development projects currently associated with adjacent parcels. The City would typically require street improvements before dedication of land for roadway purposes, and typically designs the appropriate right-of-way width in conjunction with proposed redevelopment.

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 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.

HONORABLE MAYOR AND CITY COUNCIL

Date: February 19, 2009

Subject: Story No. 61

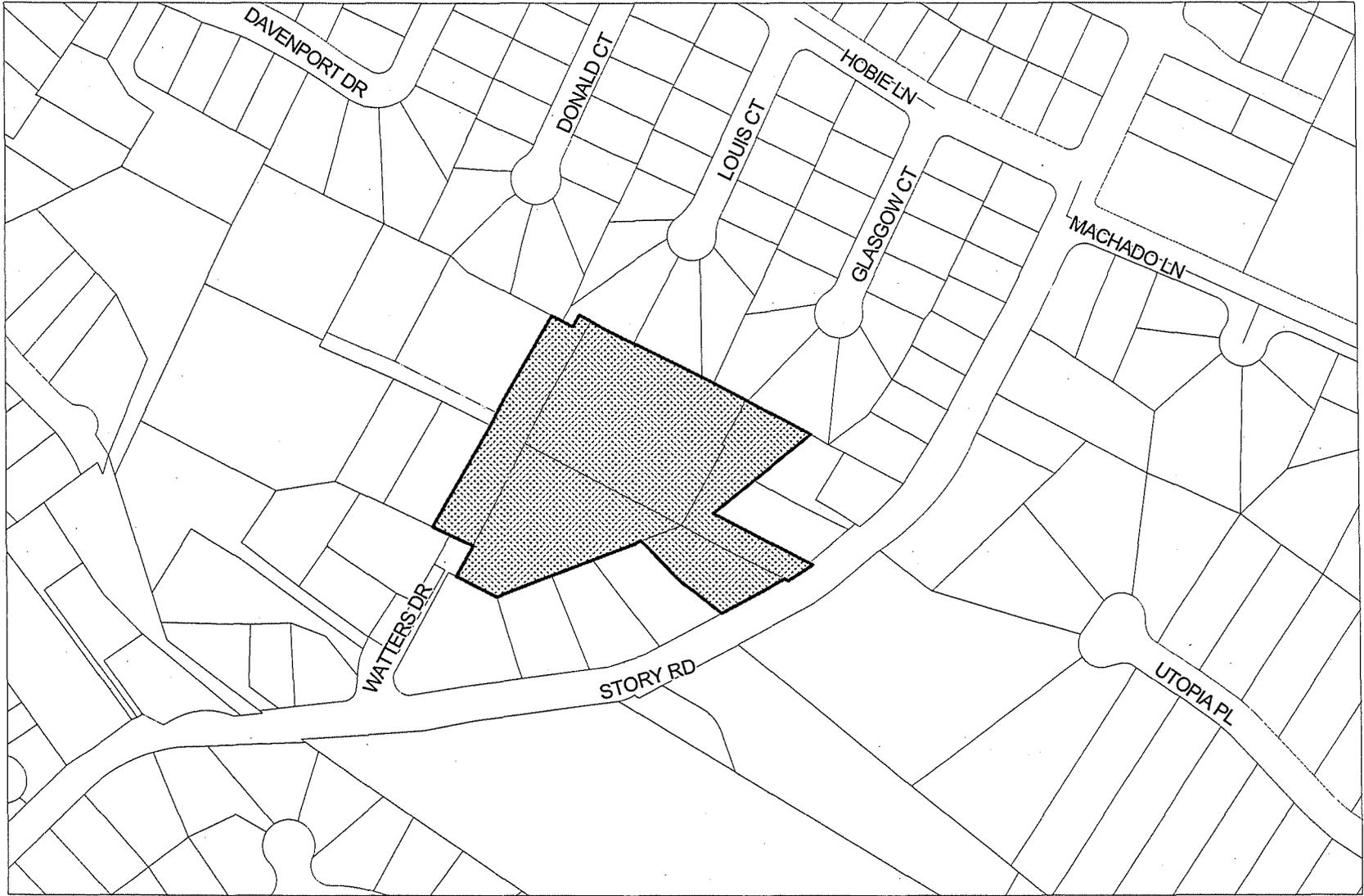
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CEQA

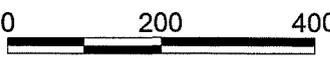
The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

for 
JOSEPH HORWEDEL, 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.




Map Created On:
7/10/2006

Scale 1 in = 250 ft 1:3000
Noticing Radius: 300 ft

feet

File No: C06-075 / Story No. 61
District: 05
Quad No: 069

**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

Story No. 61. Reorganization/Annexation to the City of San José of an approximately 3.21 gross acre County pocket consisting of 4 parcels located on the north side of Story Road, 780 feet westerly of Machado Lane.

Council District 5

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:

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.

Lesley Xavier
 Project Manager

Joseph Horwedel, Director
 Planning, Building and Code Enforcement

2-18-09
 Date


 Deputy