



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 2, 2011

Approved

Date

5/13/11

COUNCIL DISTRICT: 10
SNI AREA: N/A

SUBJECT: DOWNER NO. 11. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 8.6 GROSS ACRE COUNTY ISLAND CONSISTING OF 2 PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF BLOSSOM HILL ROAD AND SOUTHCREST WAY.

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, 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 approximately 8.6 gross acre County island designated as Downer No. 11 will be within the incorporated area of the City of San José.

BACKGROUND

The proposed annexation consists of 2 parcels of undeveloped land, 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.

To facilitate this annexation, on December 7, 2010, the City Council approved a General Plan Amendment (File No. GP10-10-01) on the subject site to change the Land Use/Transportation Diagram from Public Park and Open Space to Medium Density Residential (8-16 DU/AC). Further, on February 15, 2011 the City Council approved a Planned Development Rezoning (File No. PDC10-007) to allow for the development of up to 86 single-family detached residences, at an approximate net density of 11.8 DU/AC.

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The site is located to the south of the Martial Cottle Park, a planned future park located on a 287.54 acre property in South San Jose that is bounded by Branham Lane, Snell Avenue, and Chynoweth Avenue with a portion extending to Highway 85. Historically the area for the park was an agricultural farm. The construction of Highway 85 severed the subject site from the aforementioned future park site. This planned park is located to the north of the subject site on the opposite side of Highway 85. The planned park does not include the subject site and was not part of the acreage donated to Santa Clara County and the State of California for Martial Cottle Park.

ANALYSIS

This reorganization is defined as 100 percent consent, since all the property owners of the parcels signed the annexation petition. The site consists of 8.6 gross acres of undeveloped land. There are no registered voters in the affected area of the reorganization.

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

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.

On April 18, 2011, the County Surveyor 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 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 and are accessible to municipal services.

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 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 along three 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.

EVALUATION AND FOLLOW-UP

Not applicable.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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, staff followed Council Policy 6-30; Public Outreach Policy. On October 13, 2010, staff held a community meeting for the General Plan Amendment and Rezoning, associated with the subject annexation at the Earl Frost Elementary School located on Gettysburg Drive. There were approximately 19 community members in attendance. A majority of those at the meeting expressed that they were concerned about new cut through traffic in their neighborhood, that there are already problems getting out of the neighborhood onto Blossom Hill Road. They indicated that the project would make the existing situation worse. In addition, they noted that there is not enough street parking in the area already and the new units would need more parking on site. Further, the increase in density will not fit into the neighborhood, and that the site should be a park.

In addition to the community meeting, a notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

This project was coordinated with the Department of Public Works, Department of Transportation, Fire Department, Police Department, Building Division, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

Not applicable.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

The environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010.

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Mike Enderby, Senior Planner, at the Department of Planning, Building and Code Enforcement at 408-535-7843.

Owner/Applicant:		Attachments:
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