

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** July 25, 2011

Approved

Date

7/26/11

**COUNCIL DISTRICT:** 10  
**SNI AREA:** N/A

**SUBJECT: DOWNER NO. 11. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 21.51 GROSS ACRE COUNTY ISLAND CONSISTING OF 3 PARCELS AND A PORTION OF HIGHWAY 85, GENERALLY LOCATED AT THE NORTHWEST CORNER OF BLOSSOM HILL ROAD AND SOUTHCREST WAY.**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution re-initiating proceedings and setting August 23, 2011 at 1:30 p.m. for a public hearing to (1) rescind Resolution No. 75807 that ordered the annexation to the City of San José of territory, designated as Downer No. 11, consisting of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way and (2) order the reorganization of territory designated as Downer No. 11, which involves the annexation to the City of San José of approximately 21.51 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 21.51 gross acre area of unincorporated Santa Clara County designated as Downer No. 11 will be within the incorporated area of the City of San José.

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## **BACKGROUND**

The proposed annexation was originally initiated by the City Council on May 3, 2011 and subsequently ordered on May 17, 2011. After the annexation was ordered by the City Council, all required information was sent to the Santa Clara County Local Agency Formation Commission (LAFCO) for certification. LAFCO requested additional parcels to be included in the annexation boundary in order to create a more logical boundary consistent with LAFCO's Road Annexation Policies. According to LAFCO, the original proposal did not meet their policies because it included only an oddly shaped middle portion of Highway 85 which would have created an illogical boundary from a service standpoint. LAFCO determined that all of Highway 85 needed to be included in order to create a logical boundary and to meet LAFCO's Road Annexation Policies. As such, the previous resolution ordering the annexation must be rescinded and the annexation must be re-initiated and ordered so that the additional properties can be included.

The proposed annexation now consists of three parcels of undeveloped land and a portion of Highway 85 totaling 21.51 acres, 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. In addition, parcel number 464-22-030, is under a Williamson Act Contract. The City of San Jose will succeed to the contract pursuant to Section 51243 of the California Government Code. The property owner has already submitted a petition to the City of San Jose to cancel the contract.

To facilitate this annexation, on December 7, 2010, the City Council approved a General Plan Amendment (File No. GP10-10-01) on the 8.4 acre portion of the subject annexation area 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. The remaining area of this territory, containing approximately 13.11 acres, will be zoned A - Agricultural District upon its annexation to the City of San Jose in accordance with Section 20.120.310 of the Zoning Ordinance, as the parcels were previously zoned by the County of Santa Clara as "A-Exclusive Agricultural Zoning District".

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.

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### **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 applications associated with the subject annexation at the Earl Frost Elementary School located on Gettysburg Drive. There were approximately 19 community members in attendance. Most of the comments related to the proposed Rezoning application in terms of parking and traffic. These have been addressed in the Council's approval of the Rezoning.

In addition to the community meeting, notices of the public hearings associated with the proposed development and annexation of the site were 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. All staff report associated with the applications including this annexation has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed development. 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, Environmental Services Department and the City Attorney.

### **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

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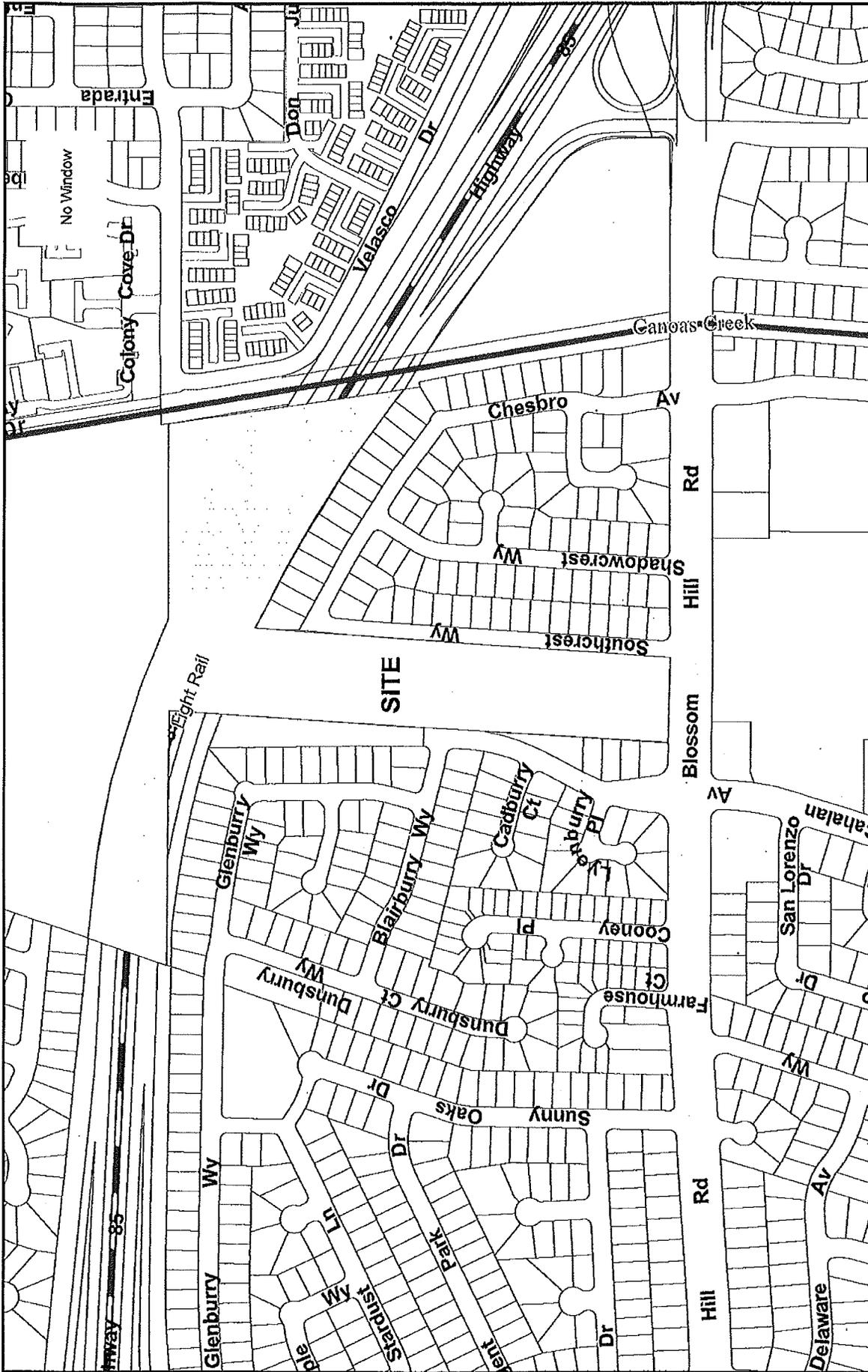
Planned Development Prezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010.

/s/

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Lesley Xavier, Project Manager, at 408-535-7852.

Owner/Applicant:		Attachments:
<u>Owner:</u> Walter Lester 5285 Snell Avenue San Jose, CA 95136	<u>Applicant:</u> Summerhill Homes 777 California Avenue Palo Alto, CA 94304	Site Location Map



**File No: Downer No. 11**  
**District: 10**

**LOCATION**



Prepared by the Department of Planning,  
 Building and Code Enforcement  
 07/19/2011