

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** January 22, 2008

Approved

*Paul Korth*

Date

*1/25/08*

**COUNCIL DISTRICT:** 6

**SNI AREA:** BURBANK/DEL MONTE

**SUBJECT: ANNEXATION OF BURBANK NO. 39 (PRIVATELY INITIATED)**

Please place on the Consent Calendar of the February 12, 2008, City Council Agenda.

## RECOMMENDATION

Adoption of a resolution initiating proceedings and setting February 26, 2008 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Burbank No. 39 which involves the annexation to the City of San Jose of 0.11 acres more or less of land located at the east side of North Bascom Avenue approximately 225 feet north of Olive Avenue, and generally bounded by City of San Jose Annexations Burbank Nos. 34 and 37, and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service, Burbank Sanitary and County Lighting County Services.

## OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Burbank No. 39" shall be annexed into the City of San José.

## BACKGROUND

On August 14, 2007, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to CP Commercial Pedestrian Zoning District (File No.C07-036) to allow commercial uses.

The proposed annexation consists of one parcel (Assessor's Parcel Number 274-18-076) and the detachment of the same from the appropriate special districts including: Central Fire Protection, Area No. 01 (Library Services) County Services, Burbank Sanitary and County Lighting County Services. Maps showing the affected territory are attached.

## ANALYSIS

The applicants initiating the annexation consent to the annexation. The subject annexation is considered a consenting annexation or a 100% Consent annexation, as all of the landowners in the annexation have agreed to the annexation proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not require a public hearing and appurtenant noticing for a "100% Consent annexation." Therefore, a public hearing and appurtenant noticing are not required for initiation of the subject annexation.

## EVALUATION AND FOLLOW-UP

As noted in the Background section above, on August 14, 2007, the City Council rezoned the subject site to CP Commercial Pedestrian Zoning District. No specific Council direction was made to staff for follow-up action prior to Council initiation of the subject annexation. Following initiation of the annexation proceedings on February 12, 2008, the Council would consider the annexation/reorganization on February 26, 2008.

## 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, staff followed Council Policy 6-30: Public Outreach Policy and the Cortese-Knox-Hertzberg Local Government Reorganization Act 2000, although mailed noticing for 100% Consent Annexation (Initiation) is not required. A notice of the rezoning was distributed to the owners and tenants of all properties located within 500 feet of the project site and was posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is posted on the City's website. Staff has been available to respond to questions from the public

A notice of public hearing notice for the proposed annexation (affected area) was published in the local news paper.

HONORABLE MAYOR AND CITY COUNCIL

January 22, 2008

**Subject:** BURBANK NO: 39

Page 3

### **COORDINATION**

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

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies that urban development should take place within the Urban Service Area.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

### **CEQA**

CEQA: Final EIR entitled, "San Jose 2020 General Plan EIR" adopted August 16, 1994, Resolution No. 65459, (C07-036).

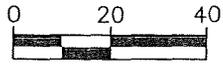
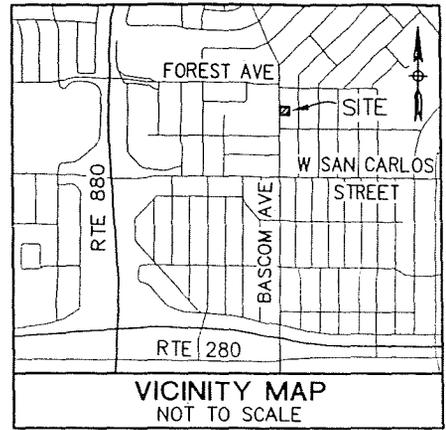
  
for JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7847.

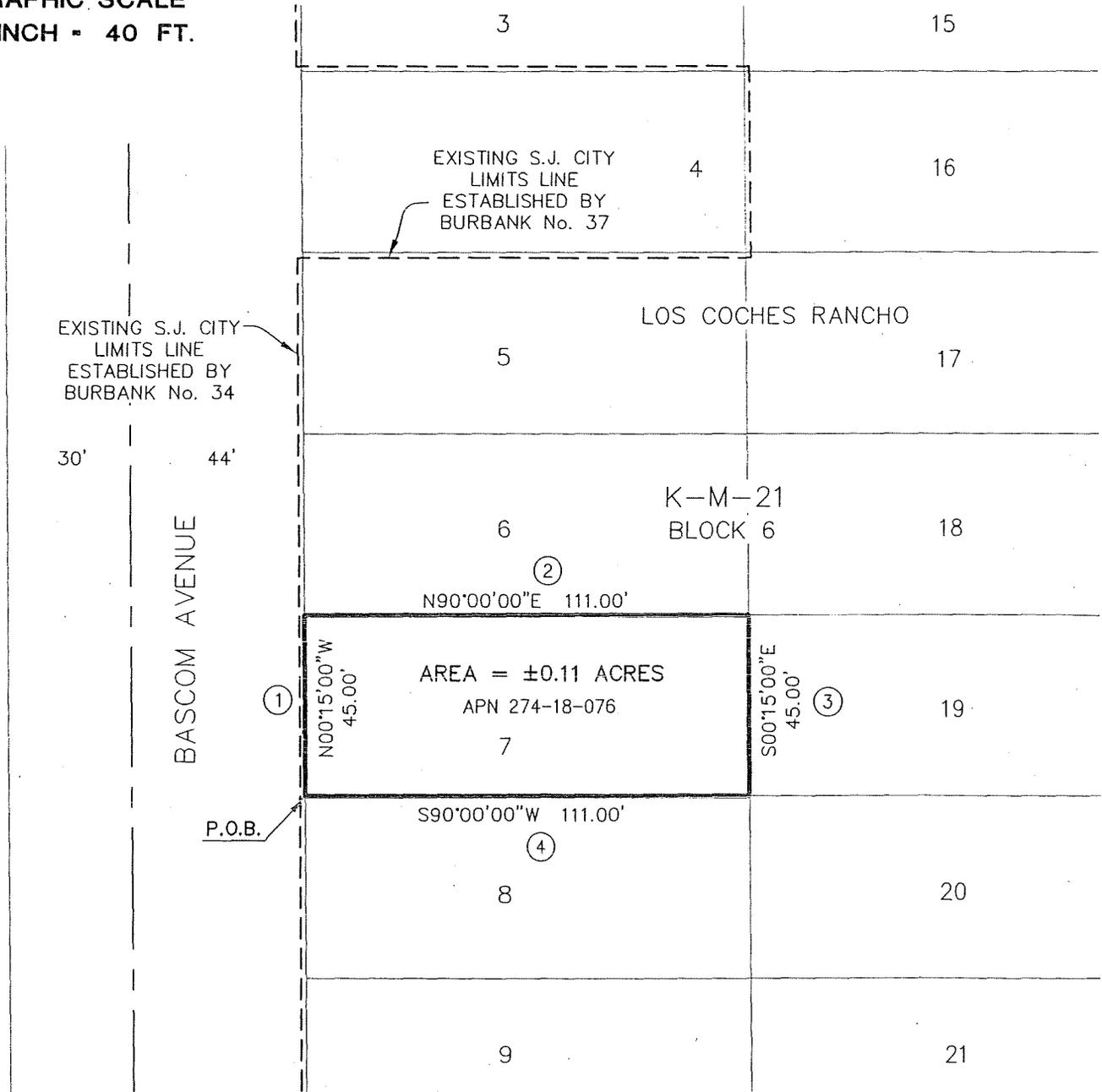
cc: Rick Dunham, Rhonda Richards & Mike Park, 1884 The Alameda, San Jose, CA 95126

**LEGEND**

- PROPOSED ANNEXATION BOUNDARY LINE
- - - - - EXISTING SAN JOSE CITY LIMITS LINE
- APN ASSESSOR PARCEL NUMBER PER 2005-2006 ASSESSOR MAP

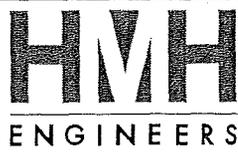


**GRAPHIC SCALE**  
1 INCH = 40 FT.



SHEET 1 OF 1

Date: 12-07-07  
 Scale: 1" = 40'  
 Designed: —  
 Drawn: TG  
 Checked: SD  
 Proj. Engr.: —  
 3667PL01



San Jose  
(408) 487-2200  
 Gilroy  
(408) 846-0707  
 www.hmh-engineers.com

EXHIBIT "B"  
 PROPOSED ANNEXATION TO THE CITY OF SAN JOSE  
 BURRANK NO. 39

SAN JOSE

CALIFORNIA

EXHIBIT "A"  
ANNEXATION TO THE CITY OF SAN JOSE  
BURBANK No. 39

REAL PROPERTY in the County of Santa Clara, State of California, being a portion of Lot 7, in Block 6, as shown on that Map entitled, "Map of Interurban Park Tract", filed for record in Book K of Maps, page 21, Santa Clara County Records, lying within the Los Coches Rancho, described as follows:

BEGINNING at the intersection of the southerly line of said Lot 7 and the easterly City Limits Line of the City of San Jose as established by City's Annexation Burbank No. 34, also being the easterly line of Bascom Avenue (44 foot half-width);

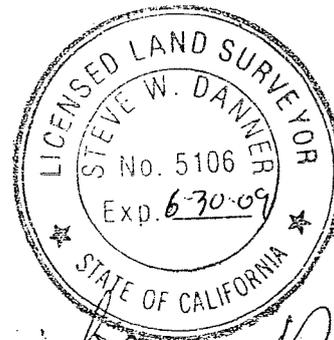
Thence along said easterly City Limits Line,

1. North 00°15'00" West, 45.00 feet, to the northerly line of said Lot 7;

Thence along the northerly, easterly and southerly lines of said Lot 7, the following three courses:

2. Thence North 90°00'00" East, 111.00 feet;
3. Thence South 00°15'00" East, 45.00 feet;
4. Thence South 90°00'00" West, 111.00 feet, to the POINT OF BEGINNING.

Containing 0.11 acres, more or less.



*Steve W. Danner*  
12-7-07