



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 7, 2007

Approved

Ray Wines

Date

2/12/07

COUNCIL DISTRICT: 5
SNI AREA: N/A

SUBJECT: ANNEXATION MCKEE NO. 133 (PRIVATELY INITIATED)

Please place on the Consent Calendar of the February 27, 2007, City Council Agenda.

RECOMMENDATION

Adoption of a resolution initiating proceedings and setting March 13, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as McKee No. 133 which involves the annexation to the City of San Jose of 0.81 acres more or less of land located at the southwest corner of McKee Road and Delia Street, and generally bounded by City of San Jose Annexations McKee Nos. 7, 2, and 49, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "McKee No. 133" shall be annexed into the City of San José.

BACKGROUND

On October 3, 2006, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to R-1-8 Single Family Zoning District (File No. C06-073) to allow single-family detached residential uses.

The proposed annexation consists of one parcel (Assessors's Parcel Number 601-06-047) and the detachment of the same from the appropriate special districts including: County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No. 01 (Library Services) 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 is not required for initiation of the subject annexation.

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, Noticing Requirements for 100% Consent Annexation (Initiation) is not required. A notice of the rezoning is distributed to the owners and tenants of all properties located within 500 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 is also 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:

- 1) published in the local news paper,
- 2) mailed to all property owners and tenants within 500 feet of the exterior boundaries of the affected area.

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

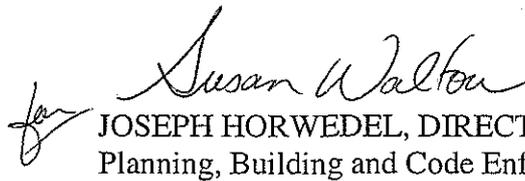
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Final EIR entitled, "San Jose 2020 General Plan EIR" adopted August 16, 1994, Resolution No. 65459, (C06-073).


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Planning, Building and Code Enforcement at 408-535-7800.

cc:

EXHIBIT "A"
ANNEXATION McKEE NO. 133
ANNEXATION TO THE CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

All that certain real property, situated in the Pala Rancho, in the County of Santa Clara, State of California, described as follows:

BEGINNING at the point of intersection of the center line of Kirk Avenue (80 feet wide) and the center line of McKee Road (86 feet wide), said point of beginning being on the City Limits line of the City of San Jose as established by said City's Annexation "McKee No. 49"; and McKee No. 2

Thence, (1) along said center line of Kirk Avenue, also being the City Limits line, S 40°25'E 148.25 feet;

Thence, (2) along the prolongation of the southeasterly City Limits line as established by the Annexation "McKee No. 49", S 49°35'W 40.00 feet to the southerly right of way for Kirk Avenue;

Thence, (3) along the southerly right of way for Kirk Avenue, N 40°25'W 85.25 feet;

Thence, (4) through a curve to the left with a radius of 20.00 feet and a central angle of 90° for an arc length of 31.24 feet, to the southerly right of way for McKee Road;

Thence, (5) along the southerly right of way for McKee Road, S 49°35'W 213.00 feet;

Thence, (6) through a curve to the left with a radius of 20.00 feet and a central angle of 90° for an arc length of 31.24 feet, to the northerly right of way for Delia Street;

Thence, (7) S 49°35'W 50.00 feet to the southerly right of way for Delia Street;

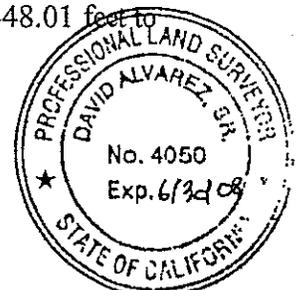
Thence, (8) along the southerly right of way for Delia Street, S 40°25'E 79.56 feet;

Thence, (9) S 49°35'W 105.01 feet to the easterly City Limits line as established by the Annexation "McKee No. 7";

Thence, (10) along said City Limits line, N 40°25'W 142.56 feet to the center line of McKee Road;

Thence, (11) along the center line for McKee Road, said center line also being the City Limits line as established by the Annexation "McKee No. 2", N 49°35'W 448.01 feet to the point of beginning and containing 0.81 acres of land more or less.

END DESCRIPTION



David Alvarez, S.R.

EXHIBIT "B"

AREA OF LOT TO BE ANNEXED = 10369 SQ. FT. (0.24 AC)
 AREA OF STREET TO BE ANNEXED = 24732 SQ. FT. (0.57 AC)
 TOTAL AREA TO BE ANNEXED = 35101 SQ. FT. (0.81 AC)

PROPOSED AREA TO BE ANNEXED TO THE CITY OF SAN JOSE (0.81 ACRES)

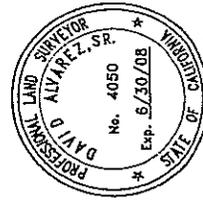
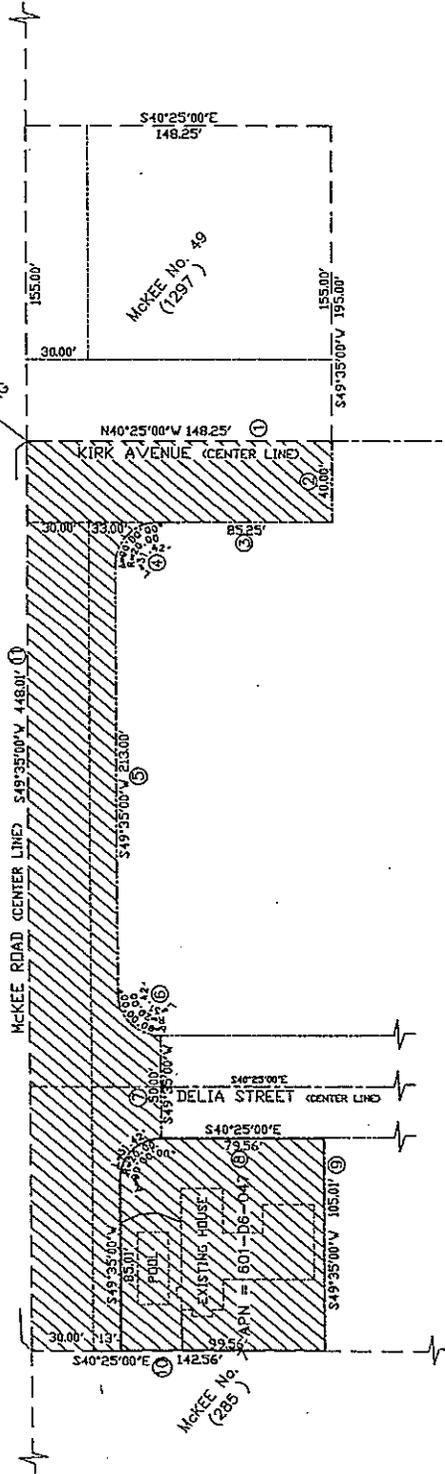
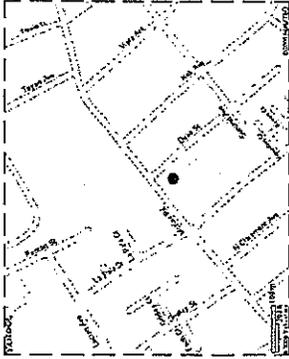
EXISTING CITY LIMIT LINE FOR THE CITY OF SAN JOSE

PROPOSED CITY LIMIT LINE FOR THE CITY OF SAN JOSE

McKEE No. 2 (267)

SCALE 1 INCH = 60 FEET

BAR SCALE ON ORIGINAL IS 4 INCHES LONG



David Alvarez, Sr.

ASSESSOR'S PARCEL NUMBER: 601-08-017	ACREAGE: 0.81	DATE: 11/18/2006	SCALE: 1" = 60'
CITY OF SAN JOSE ANNEXATION NO.133 McKEE PALA RANCHO SANTA CLARA COUNTY		ALVAREZ & ASSOCIATES 82 NORTH CAPITOL AVENUE SAN JOSE, CA 95127 (408) 272-7523	