



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SUNOL NO. 71

DATE: February 28, 2006

Approved

Kay Wmew

Date

2/10/06

COUNCIL DISTRICT: 6

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Sunol No. 71 which involves the annexation to the City of San Jose of 0.15 gross acres of land located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San Jose annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts.

BACKGROUND

On November 15th, 2005, the City Council adopted Zoning Ordinance 27609 which rezoned the subject property from County to CN Commercial Neighborhood Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number(s) 261-42-005 and the detachment from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel signed the annexation petition. The site consists of a discreet 0.15 acres developed parcel(s). The Registrar of Voters has certified that there are no registered voters in the affected area of the reorganization.

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

HONORABLE MAYOR AND CITY COUNCIL

February 28, 2006

Subject: Sunol No. 71

Page 2

Proceedings are being conducted under provisions of the California Government Code Section 56757, 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. *The County Surveyor has certified the boundaries of the reorganization.*
3. The proposal does not split lines of assessment or ownership. *All affected parcel(s) 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.*
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 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 one side 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.*

OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "Sunol No. 71" shall be annexed into the City of San José.

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (C05-092) were mailed to all property owners and tenants within 500 feet of the project site. Notice of the public hearings was also published in the newspaper.

HONORABLE MAYOR AND CITY COUNCIL

February 28, 2006

Subject: Sunol No. 71

Page 3

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

GP2020 EIR (Resolution No. 65459). (C05-092)


for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Michael C. Ybarra, 2977 Springbrook Court, San Jose, CA 95148

SS

EXHIBIT "A"

**LEGAL DESCRIPTION
ANNEXATION TO THE CITY OF SAN JOSE
SUNOL NO. 71
SEPTEMBER 2005**

BEING ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF LOT 24, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF RED LETTER TRACT," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 2, 1889 IN BOOK "D" OF MAPS AT PAGE 97, SAID POINT OF BEGINNING BEING ON THE EASTERN LINE OF ANNEXATION SUNOL NO. 60, FROM WHICH THE NORTHEASTERN CORNER OF LAST SAID ANNEXATION BEARS NORTH 1° 46' WEST (NORTH 1° 51' 30" WEST, ANNEXATION SUNOL NO. 60) 228.10 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING LEAVING THE SAID EASTERN LINE OF ANNEXATION NO. 60 ALONG THE NORTHERN BOUNDARY OF SAID LOT 24

- 1) NORTH 88° 54' 55" EAST 138.52 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 24; THENCE ALONG THE EASTERN BOUNDARY OF SAID LOT 24
- 2) SOUTH 2° 30' 06" EAST 46.18 FEET TO THE SOUTHEASTERN CORNER OF SAID LOT 24; THENCE ALONG THE SOUTHERN BOUNDARY OF SAID LOT 24
- 3) SOUTH 89° 08' 29" WEST 139.12 FEET TO THE SOUTHWESTERN CORNER OF SAID LOT 24 ON THE EASTERN LINE OF ANNEXATION SUNOL NO. 60; THENCE ALONG THE WESTERN BOUNDARY OF SAID LOT 24 ON THE EASTERN LINE OF LAST SAID ANNEXATION
- 4) NORTH 1° 46' 00" WEST 45.62 FEET TO THE POINT OF BEGINNING.

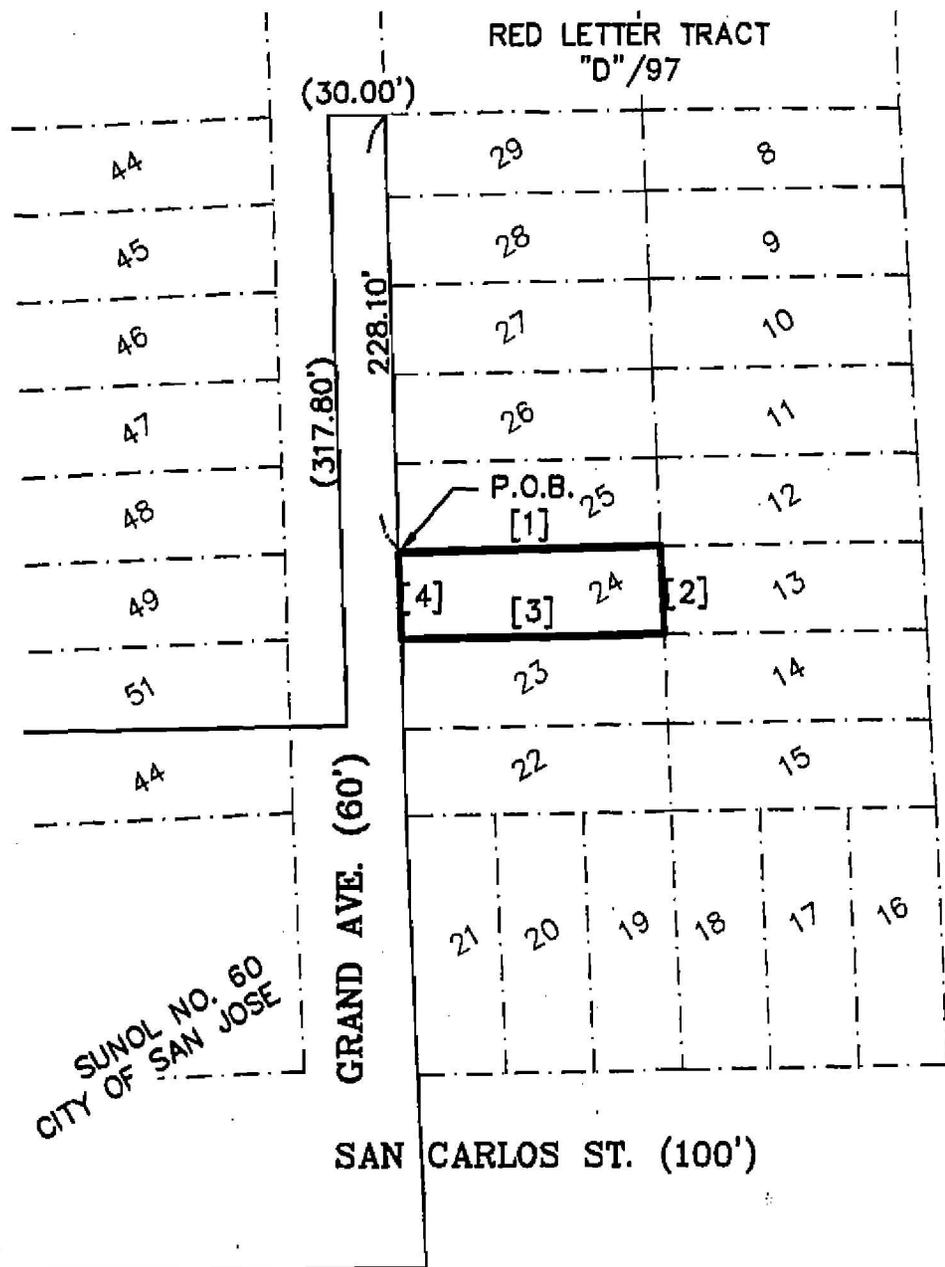
CONTAINING 0.15 ACRES, MORE OR LESS.

THE WESTERN BOUNDARY (NORTH 1° 46' 00" WEST) OF SAID "LOT 24" AS DESCRIBED WITHIN THIS LEGAL DESCRIPTION IS CONTIGUOUS WITH AND ADJACENT TO THE EXISTING CITY OF SAN JOSE BOUNDARY AS ESTABLISHED BY ANNEXATION SUNOL NO. 60 AS ADOPTED BY CITY RESOLUTION ON NOVEMBER 29, 1994.

THIS DESCRIPTION IS BASED ON RECORD INFORMATION. THE BASIS OF BEARINGS IS THAT AS REFERENCED ON THE RECORD OF SURVEY RECORDED IN BOOK 37 OF MAPS, PAGE 16, SANTA CLARA COUNTY RECORDS. THE ATTACHED PLAT MAP IS MADE A PART OF AND SHOWS THE INTENT OF THIS DESCRIPTION.

COMPILED BY DUNBAR AND CRAIG LAND SURVEYS, INC.
FILE NO. 05383.





SUNOL NO. 60
CITY OF SAN JOSE

RED LETTER TRACT
"D" / 97

(30.00')

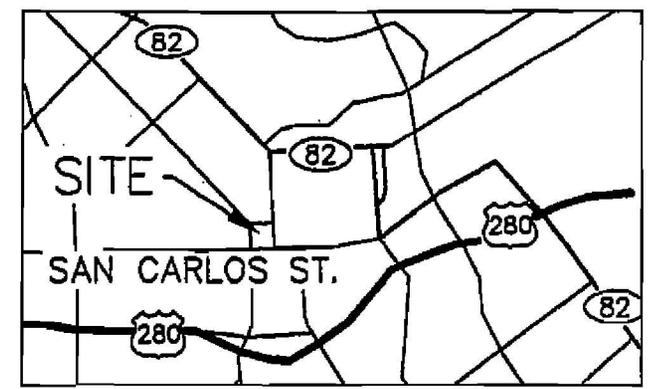
228.10'

(317.80')

GRAND AVE. (60')

SAN CARLOS ST. (100')

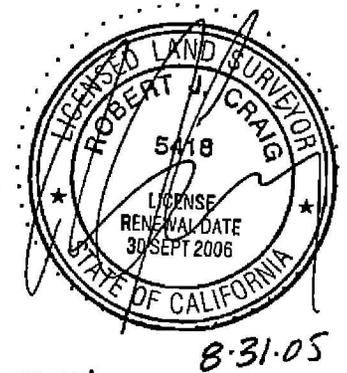
———— ANNEXATION BOUNDARY
———— EXISTING CITY LIMIT LINE



LOCATION MAP
NOT TO SCALE

NOTE:
FOR LEGAL DESCRIPTION SEE EXHIBIT 'A'

LOT 24, RED LETTER TRACT
APN 261-42-005
MICHAEL C. YBARRA
DEED DOC# 18283640



- [1] N88°54'55"E 138.52'
- [2] S02°30'06"E 46.18'
- [3] S89°08'29"W 139.12'
- [4] N01°46'00"W 45.62'

EXHIBIT "B"

**PROPOSED ANNEXATION
TO: THE CITY OF SAN JOSE
ENTITLED: ANNEXATION
SUNOL No. 71**

DATE: _____ SCALE: 1"=100'