



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: BURBANK NO. 37

DATE: February 25, 2004

Approved

Date

COUNCIL DISTRICT: 6
SNI AREA: Burbank/D^{Monte}

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Burbank No. 37 which involves the annexation to the City of San Jose of 0.11 gross acres of land located at the east side of North Bascom Avenue approximately 160 feet southerly of Forest Avenue and adjacent to the City of San Jose annexation Burbank No. 34, and the detachment of the same from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No.01 (Library Services) County Services.

BACKGROUND

On September 2, 2003 the City Council adopted Zoning Ordinance 26955 which rezoned the subject property from County to CP Pedestrian Commercial Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 274-18-010 and the detachment from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No.01 (Library Services) County Services.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner of the parcel signed the annexation petition. The site consists of a discreet 0.11 acre developed parcel. The Registrar of Voters has certified that there is one canceled voter in the affected area of the reorganization.

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The proposed annexation would facilitate the development and intensification of the site with commercial uses on land that is within the City's Urban Service Area (USA). This parcel is surrounded by 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.

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. *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.*

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (C03-051) 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.

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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).

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Nguyet Nakamoto, 172 North Bascom Avenue, San Jose, CA 95128.
Lee Duong, 1323 Sandomar Drive, Mt. View, CA 94043.