



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 18, 2007

Approved

Deanna Padua

Date

4/24/07

COUNCIL DISTRICT: 1
SNI AREA: N/A

SUBJECT: ANNEXATION OF WINCHESTER NO. 40 (PRIVATELY INITIATED)

Please place on the Consent Calendar of the May 8, 2007, City Council Agenda.

RECOMMENDATION

Adoption of a resolution initiating proceedings and setting May 22, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Winchester No. 40 which involves the annexation to the City of San Jose of 0.42 acres more or less of land located at the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue, and generally bounded by City of San Jose Annexations Winchester Nos. 11, 33 and 38, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting County Services and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Winchester No. 40" shall be annexed into the City of San José.

BACKGROUND

On April 3, 2007, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to R-1-8 Single Family Zoning District (File No.C06-114) to allow single-family detached residential uses.

The proposed annexation consists of one parcel (Assessors's Parcel Number 303-39-015) and the detachment of the same from the appropriate special districts including: Central Fire Protection, west Valley Sanitation, County Lighting County Services 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 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.

HONORABLE MAYOR AND CITY COUNCIL

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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, (C06-144).


 JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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

cc:

EXHIBIT "A"

**PROPOSED ANNEXATION
"WINCHESTER NO. 40"**

GEOGRAPHIC DESCRIPTION

All that certain real property, situated in portion of Tract No. 1071 recorded in Book 41 of Maps, Page 30 in Section 15, T.7 S., R. 1 W., M. D. B. & M. Santa Clara County, California, described as follows:

Beginning at the most southerly corner of Lot 11 of the above said Tract No. 1071, also being the northerly line of Olin Avenue, 60.00 feet wide; said point of Beginning being in the City Limits of San Jose as established by annexations Winchester No. 33 and Winchester No. 38;

Thence, along said City Limits as established by said Winchester No. 33 (1) N89°57'15"W 100.00 feet;

Thence, leaving said City Limits (2) Along a curve to the left, having a radius of 20.00 feet, an arc length of 31.39 feet, and a delta angle of 89°55'45" to the westerly line of Spar Avenue, 60.00 feet wide;

Thence, (3) along the said westerly line N0°01'30"E 56.63 feet to the southeasterly corner of Lot 13 of the said Tract No. 1071;

Thence, (4) N89°58'30"W 125.00 feet to the southwesterly corner of said Lot 13;

Thence, (5) N0°01'30"E 75.00 feet to the northwesterly corner of said Lot 13;

Thence, (6) S89°58'30"E 125.00 feet to the northeasterly corner of said Lot 13;

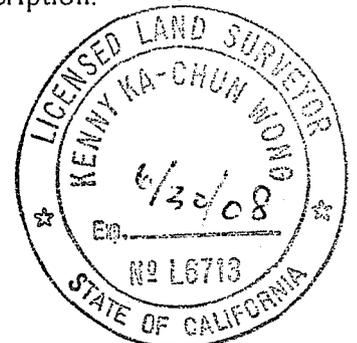
Thence, (7) Continuing the bearing S89°58'30"E 60.00 feet to the easterly line of Spar Avenue;

Thence, (8) Along the said easterly line, a portion of which lies on the said City Limits as established by said annexation Winchester No. 38 S0°01'30"W 131.51 feet;

Thence, (9) Along a curve to the left, having a radius of 20.00 feet, an arc length of 31.44 feet, and a delta angle of 90°04'15" to the **point of beginning** of this description.

Containing 0.428 Acres more or less.

Kenny
1/18/07



COURSES:

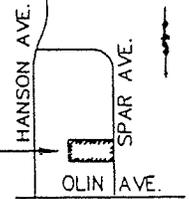
- ① N89°58'15"W 100.00'
- ③ N0°01'30"E 56.63'
- ④ N89°58'30"W 125.00'
- ⑤ N0°01'30"E 75.00'
- ⑥ S89°58'30"E 125.00'
- ⑦ S89°58'30"E 60.00'
- ⑧ S0°01'30"W 131.51'

CURVE DATA:

- ② R=20.00' L=31.39' Δ=89°55'45"
- ⑨ R=20.00' L=31.44' Δ=90°04'15"

0.428 Acres

STEVEN CREEK BL



PROPOSED ANNEXATION

KEY MAP

APN 303-39-005
23

APN 303-39-014
14
⑥

APN 303-39-004
24
⑤

TRACT NO. 1071 RECORDED IN BK. 41 M PG. 30
13
APN 303-39-015
AREA= 0.428 Acres

APN 303-39-003
25

APN 303-39-002
12

SPAR AVENUE
⑧
⑨
① P.O.B.

EXISTING ANNEXATION BY ANNEXATION WINCHESTER NO. 38, DATED 6/28/1985

CITY OF SAN JOSE LIMIT BY ANNEXATION WINCHESTER NO. 11 DATED 8/6/1958

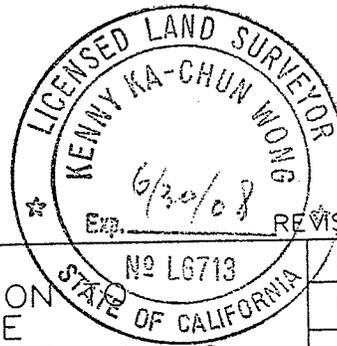
N89°57'15"E
OLIN AVENUE

CITY OF SAN JOSE LIMIT BY ANNEXATION WINCHESTER NO. 33 DATED 12/17/1980

LEGEND:

- PROPOSED ANNEXATION
- P.O.B. POINT OF BEGINNING
- CITY LIMIT - - - - -
- CENTER LINE - - - - -

[Handwritten signature]



REVISED 12/29/06

PREPARED BY:
K W ENGINEERING, INC.
516A VALLEY WAY
MILPITAS, CA 95035

EXHIBIT "B"
PROPOSED ANNEXATION
CITY OF SAN JOSE
ANNEXATION WINCHESTER NO. 40

SCALE: 1"=50'
DATE: 10/13/06
JOB NO. 06766