



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 2, 2007

Approved

Seanne Ashme

Date

5/3/07

COUNCIL DISTRICT: 1
SNI AREA: N/A

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

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Winchester No. 40 which involves the annexation to the City of San Jose of an approximately 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 Jose. This process will reduce an unincorporated county pocket.

BACKGROUND

On April 3, 2007, the City Council adopted Ordinance No. 28010 which rezoned the subject property from County (unincorporated) 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 (Assessor's Parcel Number 303-39-015) and the detachment from 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 reorganization is defined as 100 percent consent, since the property owners(s) of the parcel signed the annexation petition. The site consists of a discreet 0.42 acre developed parcel. The territory is considered uninhabited because there are fewer than eleven (11) registered voters in the affected area of the reorganization.

The proposed annexation would facilitate future development of the site with residential uses on land that is within the City's Urban service Area (USA). The parcel is adjacent to City territory by extending a portion of the public right-of-way (Spar Avenue). The proposed reorganization and annexation of the subject site conform to the City's General Plan and Santa Clara County's 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 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 parcels are being reorganized in their entirety.*
4. The proposal does not create island 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 in that existing and future urban development should 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 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.*

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. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website for the rezoning (File No.C06-114). 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.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Local Agency Formation Commission (LAFCO), Special Districts (mentioned above) 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.

HONORABLE MAYOR AND CITY COUNCIL

May 2, 2007

Subject: Winchester No. 40

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CEQA

CEQA: Final EIR entitled, "San José 2020 General Plan EIR," and certified on August 16, 1994, Resolution No.65459, (C06-114).

 **JOSEPH HORWEDEL, DIRECTOR**
Planning, Building and Code Enforcement

For questions, please contact Susan Walton at (408) 535-7800.

Attachments

Map and legal description

cc. Ali Zahabi, 383 Spar Avenue, San Jose, CA 95117

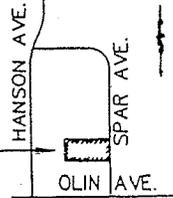
COURSES:

- 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:

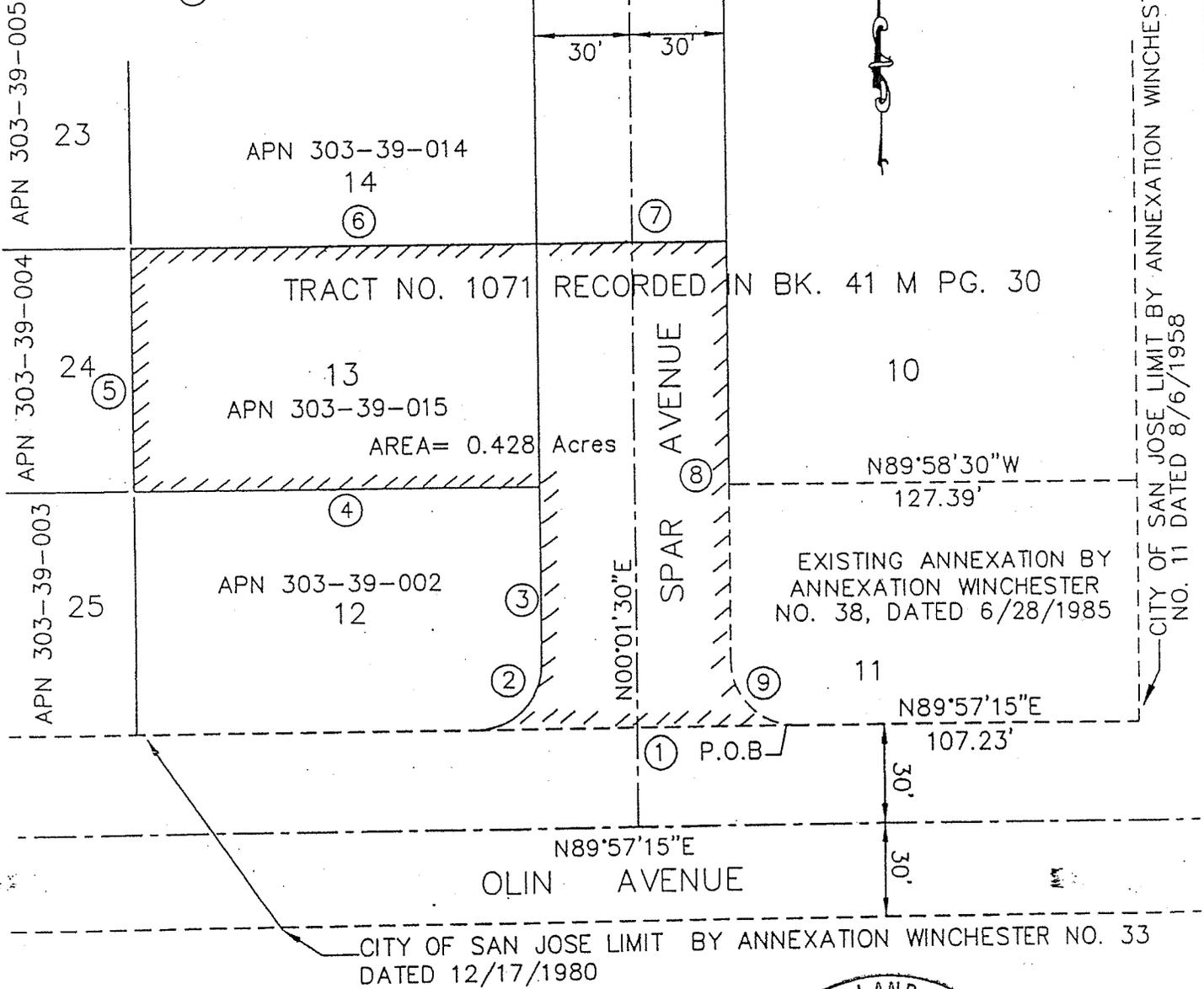
- ② R=20.00' L=31.39' Δ=89°55'45"
 - ⑨ R=20.00' L=31.44' Δ=90°04'15"
- 0.428 Acres

STEVEN CREEK BL



PROPOSED ANNEXATION

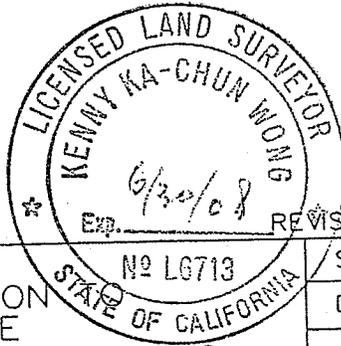
KEY MAP



LEGEND:

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

[Handwritten signature]



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

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
11/07

