



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: July 16, 2007

Approved

Date

7/23/07

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: ANNEXATION OF MCKEE NO. 129 (PRIVATELY INITIATED)

RECOMMENDATION

Adoption of a resolution initiating proceedings and setting August 21, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as McKee No. 129 which involves the annexation to the City of San Jose of 0.82 acres more or less of land located at the southeast corner of North Capitol Avenue and Grandview Drive, and generally bounded by City of San Jose Annexations McKee Nos. 9, 44 and 97, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "McKee No. 129" shall be annexed into the City of San José.

BACKGROUND

On May 1, 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.C06-106) to allow single-family detached residential uses.

The proposed annexation consists of one parcel (Assessors's Parcel Number 592-07-062) and the detachment of the same from the appropriate special districts including: Central Fire Protection, 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.

EVALUATION AND FOLLOW-UP

As noted in Background, the Council May 1, 2007 rezoned the subject site to R-1-8 Single Family Residence Zoning District. No specific Council direction was made to staff for follow-up action prior to Council initiation of the subject annexation. Following initiation of the annexation August 7, 2007, the Council would consider the annexation/reorganization August 21, 2007.

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.

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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, (C06-106).


for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7847.

cc:

EXHIBIT A
DESCRIPTION TO ACCOMPANY ANNEXATION OF TERRITORY KNOWN AS
McKee No. 129
TO THE CITY OF SAN JOSE

All that certain Real Property in the County of Santa Clara, State of California, being all of the lands described in the Grant Deed dated January 12, 1998 from Joel W. Traina to Li Lin recorded in Document No. 14011760, Santa Clara County Records, and portions of North Capitol Ave and Grandview Drive more particularly described as follows:

BEGINNING at the terminus of line No. 17 of an Annexation to the City of San Jose entitled as McKee No 97, said point also being the southeastern corner of the lands described in that certain deed, Document No. 14011760, dated January 12, 1998, from Joel W. Traina to Li Lin, Santa Clara County Records, thence along the southwesterly line of said Li lands and said line No. 17 of said Annexation McKee No. 97, N 41°31'00" W, a distance of 124.36'; thence continuing along the same N 50°39'04" E, a distance of 25.00' to the point of curvature of a non-tangent curve, concave to the east, having a radius of 20.00' a central angle of 92°10'04", and a chord of 28.81' bearing N 04°34'02" E; thence northwesterly along said curve, a distance of 32.17' to a point in the easterly line of Grandview Drive; thence N 39°20'56" W, a distance of 60.00' to the westerly side of Grandview Drive; thence leaving said Annexation McKee No. 97 and the city limits of San Jose, along the westerly side of Grandview Drive, N 50°39'04" E, a distance of 90.04' to the point of curvature of a tangent curve, concave to the southeast, having a radius of 230.00' and a central angle of 27°26'20"; thence northeasterly along said curve, a distance of 110.15' to a point of reverse curvature, thence along a curve concave to the north, having a radius of 170.00', a central angle of 11°49'58", and a chord of 35.05' bearing N 72°10'25" E, thence northeasterly along said curve, a distance of 35.11' to a point in the southeasterly corner of an Annexation to the City of San Jose entitled as McKee No 9, thence along said McKee No. 9, S 41°31'00" E, a distance of 31.26' to the center line of Grandview Drive and to the point of curvature of a non-tangent curve, concave to the north, having a radius of 200.00 a central angle of 14°34'03", and a chord of 50.71' bearing S 70°48'05" W; thence southwesterly along said curve, a distance of 50.85' to a point of reverse curvature,; thence southwesterly along an arc concave to the south, having a radius of 200.00' a central angle of 16°23'50", and a chord of 57.04' bearing S 69°53'29" W, thence westerly along said curve, a distance of 57.24'; thence along the southwesterly line of Annexation McKee No. 9, S 41°31'00" E, a distance of 171.42' to the northeasterly corner of said Li lands and the southeasterly corner of Lot 51 of Tract No. 4264 filed for record in Book 222 at Page 52, Santa Clara County Records, thence along the southeasterly line of said Li lands and along the northwesterly line of Tract No. 4121 filed for record in Book 206 at Page 49, S 50°38'30" W, a distance of 175.11' to the POINT OF BEGINNING.

Containing 0.819 acres or 35677 sq ft. of land more or less.

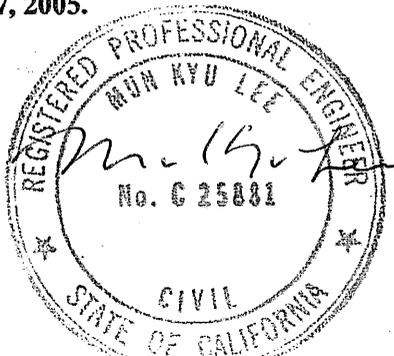
APN NO. 592-07-062 / ADDRESS: 652 NO. CAPITOL AVE

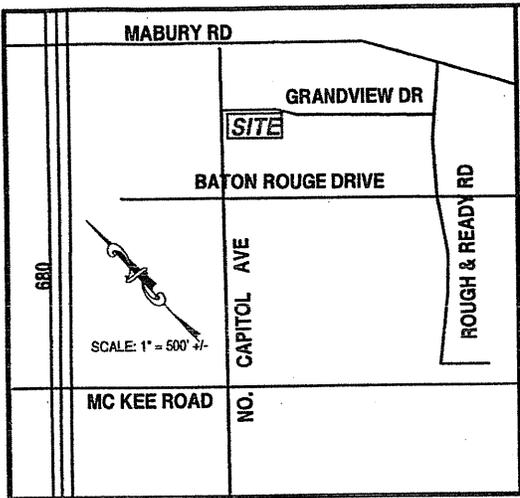
Attached hereto is a plat labeled Exhibit "B" and by this reference made a part thereof.

Description prepared July 17, 2005.

END OF DESCRIPTION

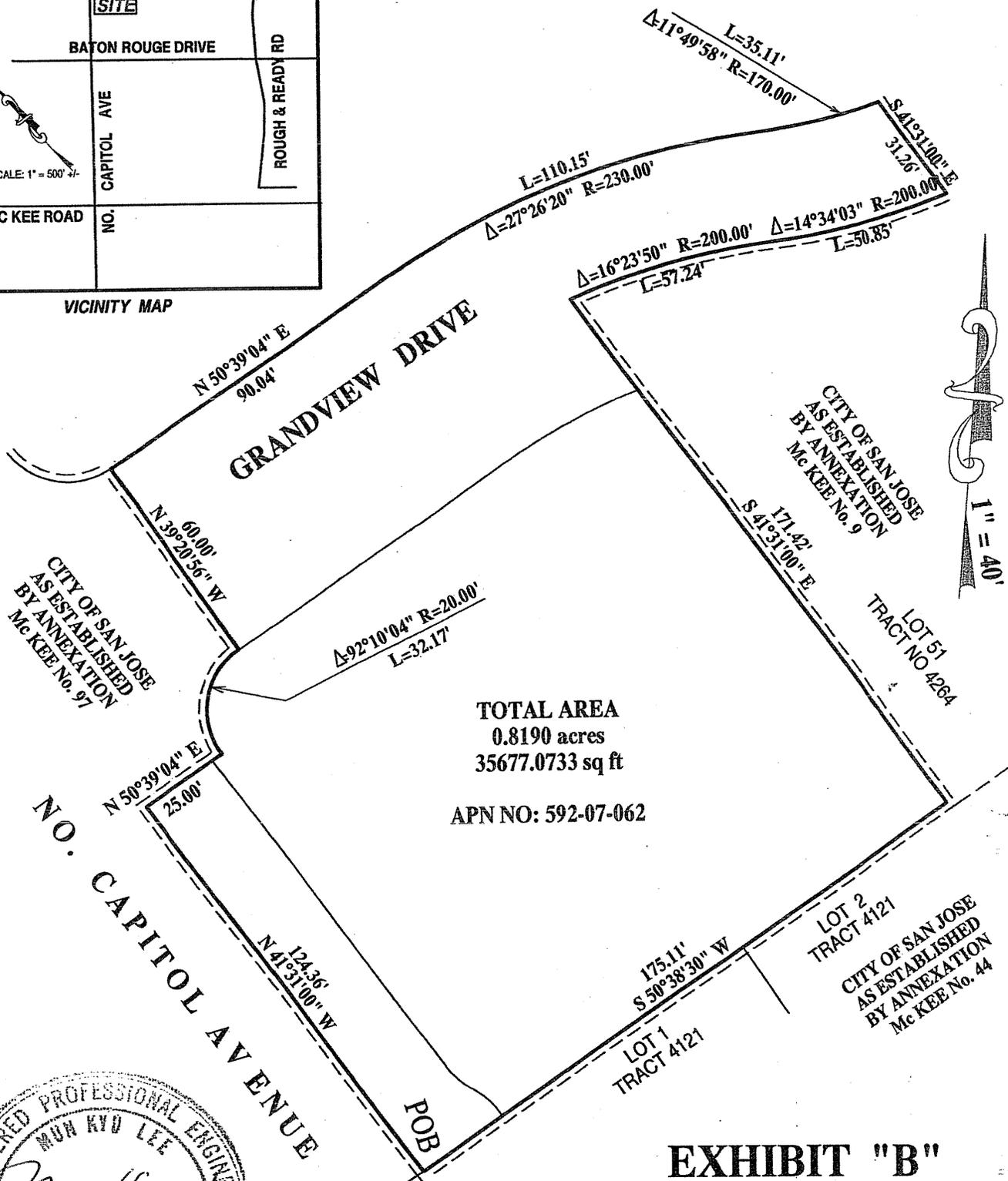
Mun Kyu Lee
R.C.E. No. C-25881
Expires 12-31-05





VICINITY MAP

--- SAN JOSE CITY LIMITS
 — PROPOSED ANNEXATION LIMITS



TOTAL AREA
 0.8190 acres
 35677.0733 sq ft

APN NO: 592-07-062



EXHIBIT "B"
 PROPOSED ANNEXATION
 TO THE CITY OF SAN JOSE
 STATE OF CALIFORNIA
 ENTITLED
 " Mc KEE NO 129"
 DATE: 07-17-05 SCALE: 1" = 40'