



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: ANNEXATION STORY NO. 57

DATE: July 26, 2006

Approved

Deanna Santana

Date

7/31/06

COUNCIL DISTRICT: 5
SNI AREA: None

RECOMMENDATION

It is recommended that the City Council at a public hearing on August 15, 2006 at 7:00 p.m. adopt a resolution initiating proceedings, and setting September 19, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Story No. 57 which involves the annexation to the City of San Jose of 3.18 gross acres of land located at the south side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation District 2-3.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Story No. 57" shall be annexed into the City of San José.

BACKGROUND

The proposed annexation consists of three parcels (Assessors's Parcel Numbers 601-15-038, 601-15-039 & 601-15-040) and the detachment of the same from the appropriate special districts including: Central Fire Protection, Area No. 01 (Library Services) County Services and County Sanitation District 2-3. Maps showing the affected territory are attached.

The annexation was initiated by the owners (San Jose The Lord's Baptist Church) of the two larger parcels fronting Fleming Avenue (Assessor's Parcel Numbers 601-15-038 and 601-15-039). The third parcel, adjacent to the initiating parcel, located south of Fleming Road and approximately 1,150 feet southeast of Alum Rock Avenue, was included in the annexation since it would become a residual County property, surrounded on all sides by San Jose territory, if annexation of the larger parcel is ordered. The Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000 provides that an annexation proposal shall not create islands of one jurisdiction surrounded by

another jurisdiction. It was, therefore, necessary to incorporate this remaining county parcel in the Story No. 57 annexation in order to not create an island of County property surrounded by properties under the City's jurisdiction.

ANALYSIS

The applicant initiating the annexation consent to the annexation. The owners of the third, adjacent smaller parcel (Inderjit and Kathy Parmar), included in the annexation so as not to create or leave a County pocket, were mailed a "consent" letter at the time of pre-zoning (File No. PDC05-061) requesting their consent to the annexation. To date, a consent letter has not been received for this County parcel. The subject annexation cannot be considered a consenting annexation or a 100% Consent annexation, as not all of the landowners in the annexation have agreed to the annexation proposal. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a public hearing and appurtenant noticing for a "Non-100% Consent annexation." Therefore, a public hearing and appurtenant noticing is 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 Non-100% Consent Annexation (Initiation). 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. 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,
- 3) mailed to all registered voters within 300 feet of the exterior boundaries of the affected area, and all affected agencies,
- 4) posted on the City's Official Bulletin Board
- 5) posted on the LAFCO website (santaclara.lafco.ca.gov)

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: Mitigated Negative Declaration, adopted on December 5, 2006.



JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Suparna Saha, Project Manager at 408-535-7800.

“EXHIBIT A”

DESCRIPTION

Annexation to the City of San Jose
Story No. 57

All that certain real property situate in the County of Santa Clara, State of California, described as follows:

BEGINNING at the Northerly corner of Tract No. 7248, a map of which was filed for record in Book 507 of Maps at pages 45 and 46, Santa Clara County Records; said point lying on the City Limits Line of the City of San Jose as established by said City's annexations Story No. 32 and Story No. 47; thence from said POINT OF BEGINNING along the Northwesterly line of said Tract No. 7248 and said City Limits Line as established by above said annexation Story No. 32 S26°20'16"W 544.12 feet, more or less to the most Westerly corner of said Tract No. 7248; thence leaving said Northwesterly line and said City Limits Line of annexation Story No. 32 along the Southwesterly line of that certain parcel of land conveyed to San Jose The Lord's Baptist Church, a Religious Corporation, recorded February 27, 2004 in Document No. 17637040, Santa Clara County Records and its Northwesterly prolongation N63°39'30"W 229.26 feet to the most Westerly corner of that certain parcel of land conveyed to San Jose The Lord's Baptist Church, a Religious Corporation, by deed recorded February 2, 2005 in Document No. 18216169, Santa Clara County Records; thence leaving said prolongation along the Northwesterly line of last said parcel and its Northeasterly prolongation N26°20'00"E 604.09 feet, more or less, to a point in the Northeasterly line of Fleming Avenue (60' wide); thence leaving said prolongation along said Northeasterly line of Fleming Avenue S63°40'00"E 229.31 feet to the point of intersection with above said City Limits Line of the City of San Jose as established by said City's annexation Story No. 47; thence leaving said Northeasterly line of Fleming Avenue along last said City Limits Line S26°20'16"W 60.00 feet to the POINT OF BEGINNING.

Containing 3.18 acres, more or less.

Prepared by the firm of
MACKAY & SOMPS
Pleasanton, California



