



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: September 13, 2006

Approved

Date

9/15/06

COUNCIL DISTRICT: 6
SNI AREA: None

SUBJECT: ANNEXATION SUNOL NO. 72

RECOMMENDATION

It is recommended that the City Council at a public hearing on October 3, 2006 at 7:00 p.m. adopt a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Sunol No. 72 which involves the annexation to the City of San Jose of 0.88 gross acres of land located at the south side of Paula Street, approximately 160 feet easterly of Meridian Way, and the detachment of the same from the appropriate special districts including Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated "Sunol No. 72" shall be annexed into the City of San José.

BACKGROUND

On August 29, 2006, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to A(PD) Planned Development Zoning District (File No. PDC05-106) to allow up to 15 single-family attached units and R-1-8 Single-Family Residence Zoning District (File No. C06-036) to allow one single-family residence.

The proposed annexation consists of two parcels (Assessors's Parcel Numbers 264-07-037 & 264-07-057) and the detachment of the same from the appropriate special districts including: Sunol Sanitary,

County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Services. Maps showing the affected territory are attached.

The annexation was initiated by the owners (Enfantino Trust & Rockwell Homes, Inc.) of the larger parcel fronting Paula Street (Assessor's Parcel Number 264-07-037). The second parcel, adjacent to the initiating parcel, located west at the bend of Meridian Way and Paula Street, 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 Sunol No. 72 annexation in order to not create an island of County property surrounded by properties under the City's jurisdiction.

ANALYSIS

The applicants initiating the annexation consent to the annexation. The owners of the second, adjacent smaller parcel (Andy Nguyen & Tran Tina Nga), 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. PDC05-106 & C06-036) 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

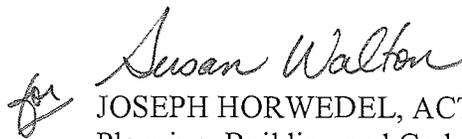
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration, adopted on August 7, 2006.


JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

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

cc:

April 12, 2006
File No. 0536

EXHIBIT "A"

**PROPOSED ANNEXATION TO THE CITY OF SAN JOSE
SUNOL NO. 72**

GEOGRAPHIC DESCRIPTION

Being all that real property situate in Section 19 of Township 7 South, Range 1 East, Mount Diablo Base and Meridian, in the County of Santa Clara, State of California described as follows:

Being a portion of Lots 1 and 3 in Block 4, as said lots and block are shown on that certain map entitled "Map of the Sansevain Villa, San Jose, Santa Clara County, Cal.," filed for record in Book "A" of Maps at Page 11 on June 19, 1876, Santa Clara County Records, more particularly described as follows:

Beginning for reference at the southeasterly corner of the above-referenced Lot 3, said point also being the northeasterly corner of city limit line established by Annexation Sunol No. 21 by Ordinance No. 8542;

Thence, proceeding along said city limit line and the southerly line of said Lot 3, (1) S89°59'20"W, 50.00 feet to the True Point of Beginning of this description;

Thence, proceeding westerly from said True Point of Beginning, along said city limit line and said southerly line of Lot 3, (2) S89°59'20"W, 150.00 feet to the intersection with the last said city limit line and the existing city limit line established by Annexation Sunol No. 66 by Resolution No. 71748;

Thence, northerly along said city limit line, (3) N0°00'40"W, 100.00 feet;

Thence, westerly along said city limit line, (4) N89°59'30"W, 136.02 feet to the intersection with the existing city limit line established by Annexation Sunol No. 49, corrected February 19, 1985 and revised April 4, 1985, said city limit line also being the southerly right of way line of Paula Street;

Thence, easterly along said city limit line and right of way line, (5) along a non-tangent curve to the right, with a radial bearing of S57°45'29"E, having a radius of 232.00 feet, a central angle of 42°25'46", an arc length of 171.80 feet;

Thence, continuing along said city limit line and right of way line of Paula Street, (6) N84°35'50"E, 1.11 feet;

Thence, continuing along said city limit line and right of way line of Paula Street, (7)
N89°59'20"E, 150.00 feet

Thence leaving said city limit line and right of way line, southerly along a line parallel with the
easterly line of said Lots 1 and 3, (8) S0°00'40"E, 200.10 feet to the True Point of Beginning.

CONTAINING 0.887 acres of land, more or less.

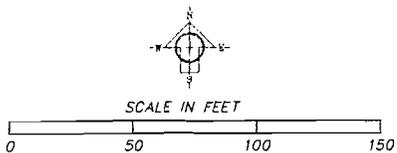
This real property description has been prepared by me, or under my direction, in conformance
with the Professional Land Surveyor's Act.

Signature *Lester Ikegami*
Lester Ikegami, RCE 30,520
Expires 3-31-2008



Date 4/12/06

Disclaimer: This description is not a legal description as defined by the Subdivision Map Act and
may not be used as the basis for an offer of sale of the land described.

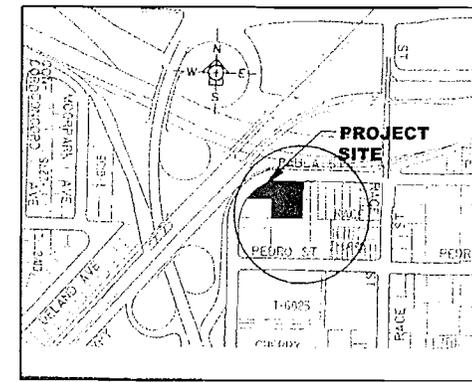
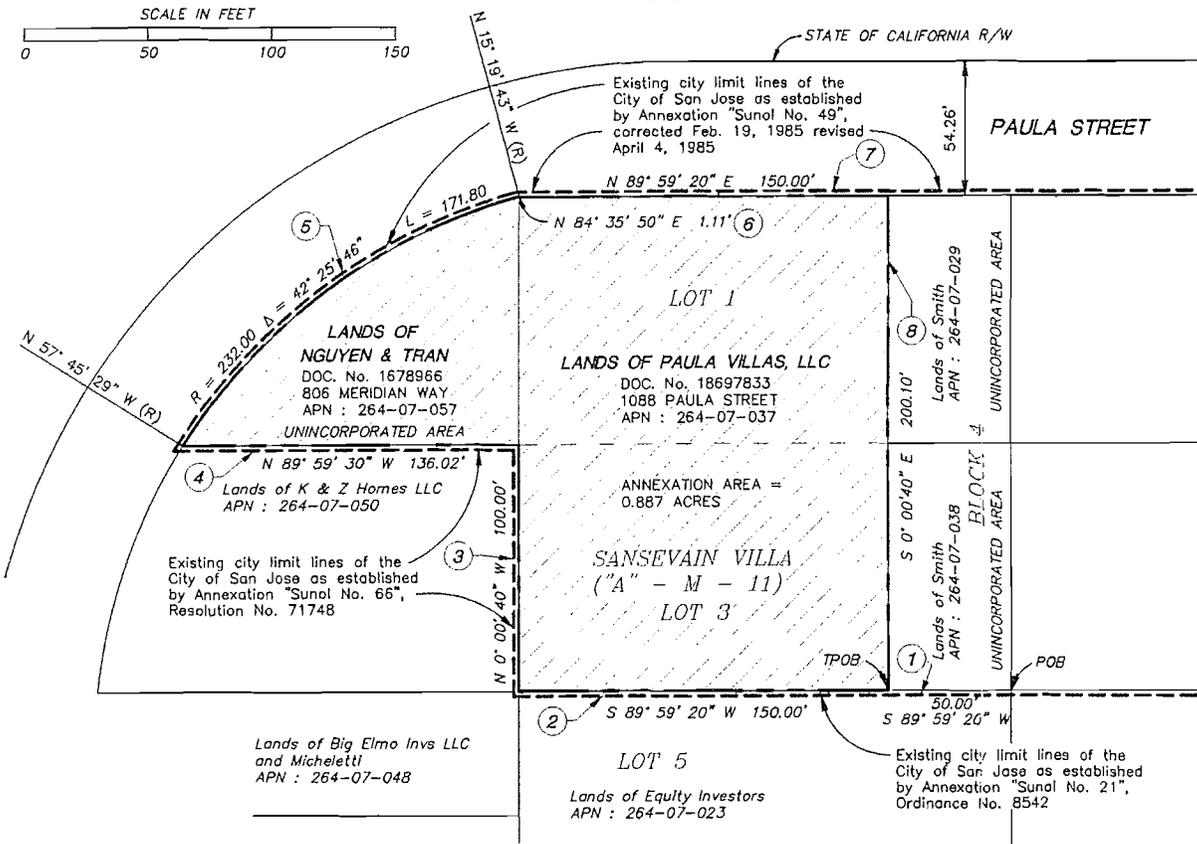


STATE ROUTE 280

STATE OF CALIFORNIA R/W

Existing city limit lines of the City of San Jose as established by Annexation "Sunol No. 49", corrected Feb. 19, 1985 revised April 4, 1985

PAULA STREET



VICINITY MAP
NTS

- LEGEND**
- APN ASSESSORS PARCEL NUMBER
 - POB POINT OF BEGINNING
 - TPOB TRUE POINT OF BEGINNING
 - ANNEXATION AREA
 - BOUNDARY LINE OF PROPOSED ANNEXATION
 - EXISTING CITY LIMITS LINE
 - (R) RADIAL BEARING
 - (1) DESCRIPTION COURSE

DESCRIPTION COURSE

1. S 89° 59' 20" W 50.00'
2. S 89° 59' 20" W 150.00'
3. N 00° 00' 40" W 100.00'
4. N 89° 59' 30" W 136.02'
5. R=232.00' Δ=42°25'46" L=171.80'
6. N 84° 35' 50" E 1.11'
7. N 89° 59' 20" E 150.00'
8. S 00° 00' 40" E 200.10'

ANNEXATION AREA = 0.887 ACRES



EXHIBIT B

ASSESSOR'S PARCEL NO.	RESOLUTION NO.	ACREAGE	DATE	SCALE:
264-07-037, 057		0.887	04/12/06	1" = 50'

ALLIED ENGINEERING COMPANY
A DIVISION OF IK-GM CONSULTING ENGINEERS, INC.
CONSULTING CIVIL ENGINEERS,
SURVEYORS AND LAND PLANNERS
3170 WILLIAMS ROAD SAN JOSE, CA 95117
(408) 241-1960

CITY OF SAN JOSE ANNEXATION
"SUNOL No 72"
BEING A PORTION OF SECTION 19 T.7S.,R.1E.
MDB&M, SANTA CLARA COUNTY, CALIFORNIA

DISCLAIMER: FOR ANNEXATION PURPOSES ONLY. THIS DESCRIPTION IS NOT A LEGAL DESCRIPTION AS DEFINED BY THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS AN OFFER FOR SALE OF THE LAND DESCRIBED.

FILE: 0536