



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 20, 2006

Approved

Ray Whitt

Date

11/25/06

COUNCIL DISTRICT: 6

SNI AREA: Burbank/Del Monte

SUBJECT: ANNEXATION SUNOL NO. 73 (PRIVATELY INITIATED)

Please place on the Consent Calendar of the December 12, 2006, City Council Agenda.

RECOMMENDATION

It is recommended that the City Council at a public hearing on December 12, 2006 at 1:30 p.m. adopt a resolution initiating proceedings, and setting January 9, 2007 at 1:30 p.m. for a Council consideration on the reorganization of territory designated as Sunol No. 73 which involves the annexation to the City of San Jose of 0.41 gross acres of land located at the east side of Page Street, approximately 200 feet southerly of Douglas Street, 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. 73" shall be annexed into the City of San José.

BACKGROUND

On September 19, 2006, the City Council adopted an Ordinance, which rezoned the subject property from unincorporated County to A(PD) Planned Development Zoning District (File No. PDC06-010) to allow up to 7 single-family attached residential units.

The proposed annexation consists of two parcels (Assessors's Parcel Numbers 277-21-016 & 277-21-017) 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.

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 the 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

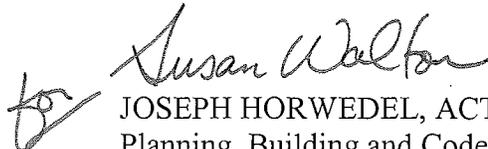
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration (PDC06-010), adopted on August 21st, 2006.


JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

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

cc:

EXHIBIT "A"

Annexation to the City of San Jose
Sunol No. 73
March 2006
Being part of the Los Coches Rancho

A portion of Lot 12 and a portion of Lot 13 in Block 4, as the same are designated and delineated on a certain map entitled "Map of The Maypark Half Acres", which Map was filed for record in the Office of Recorder of Santa Clara County, State of California, on December 8, 1908 in Book M of Maps, at page 47, described as follows:

beginning at the southeasterly corner of said Lot 13, said point also being on the westerly line of the Annexation to the City of San Jose, as defined by the Annexation titled "Sunol No. 58", said point also being distant 459.17 feet northerly of the southwesterly corner of said Annexation;

Thence along the easterly line of said Lot 12 and the Annexation line of City of San Jose, as defined by the Annexation titled "Sunol No. 58", (1) South 00°16' East 50.00 feet;

Thence leaving said Annexation line, along a line parallel to the centerline of Douglas Street, as shown upon above-mentioned Map, (2) South 89°30' West 225.00 feet to a point on the easterly line of Page Street, said Street shown upon above-mentioned Map;

Thence along the easterly line of Page Street, (3) North 00°16' West 80.00 feet;

Thence leaving said line of Page Street, along a line parallel to the centerline of Douglas Street, (4) North 89°30' East 225.00 feet to a point on the easterly line of said Lot 13;

Thence southerly along said easterly line (5) South 00°16' East 30.00 feet to the point of BEGINNING.

Containing 0.413 acre, more or less.



Alb Masso

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LEGEND

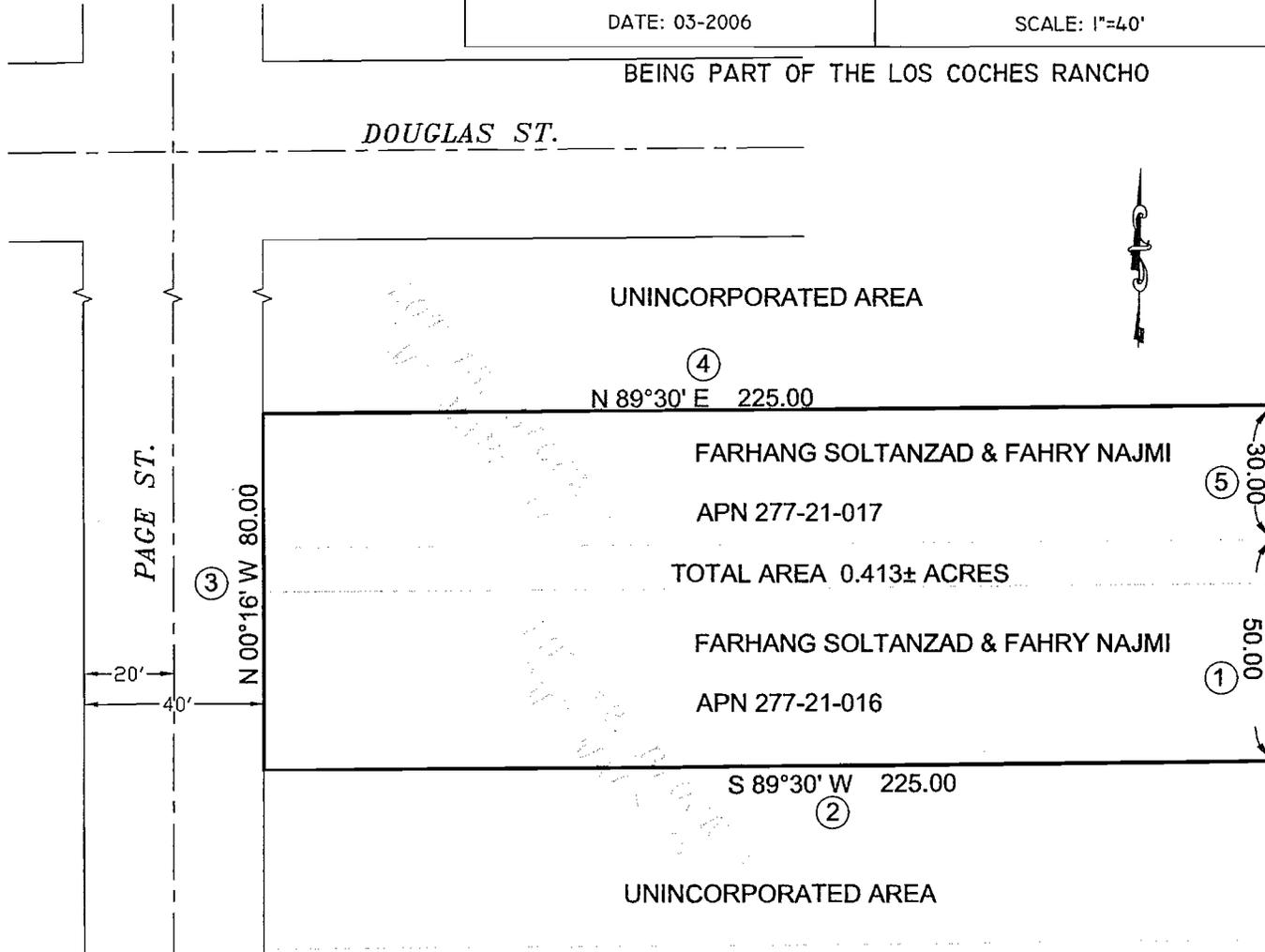
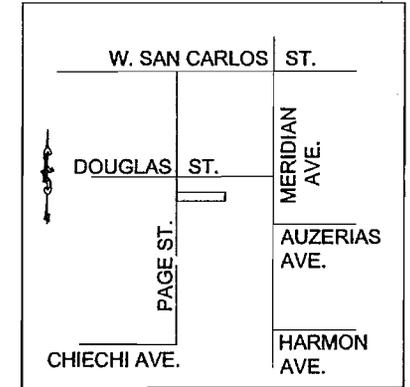
- SAN JOSE CITY LIMITS
- PROPOSED ANNEXATION LIMITS
- - - STREET CENTERLINE

SUNOL NO. 73 ANNEXATION

EXHIBIT B
PROPOSED ANNEXATION TO THE CITY OF
SAN JOSE
ENTITLED SUNOL NO. 73

DATE: 03-2006	SCALE: 1"=40'
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BEING PART OF THE LOS COCHES RANCHO



SUNOL NO. 7-A

SUNOL NO. 58



Alberto Masso