

RESOLUTION NO. 74208

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
MAKING APPLICATION PURSUANT TO THE CORTESE-KNOX-
HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT
OF 2000 TO AMEND THE CITY OF SAN JOSE URBAN SERVICE
AREA BOUNDARY**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes the legislative body of a city to adopt a resolution of application to the Local Agency Formation Commission (LAFCO) to amend its Urban Service Area (USA); and

WHEREAS, the City of San Jose desires to amend its USA to include approximately 4.75 acres located generally at the southeast corner of Piercy Road and Tennant Avenue within its Urban Service Area; and

WHEREAS, City of San Jose, as lead agency under the provisions of the California Environmental Quality Act of 1970, together with the guidelines promulgated pursuant thereto and Title 21 of the San Jose Municipal Code (collectively "CEQA") has analyzed the environmental impacts of the proposed expansion of the Urban Service Area and has prepared and approved a Mitigated Negative Declaration (MND) for the project dated June 2, 2006 which approval has not been protested nor appealed; and

WHEREAS, the City Council of the City of San José has considered and approved these environmental analyses and determinations prior to taking any action on this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

1. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Such proposal consists of: The inclusion of approximately 4.75 acres of certain real property located at the southeast corner of Piercy Road and Tennant Avenue within the City's USA, and said real property boundaries were established by the City through City projects **GP05-02-04** and **UGB05-001**.
3. The location of such real property described above is further depicted on a map entitled "Proposed Urban Service Area Expansion Map," which map shows the geographic location of said property and which map is attached hereto as Exhibit A and is incorporated herein by this reference.
4. The proposal described herein includes changes to the USA boundary of the City of San Jose and is consistent with the City of San Jose 2020 General Plan.
5. The reason for the proposal described herein is to facilitate the subsequent inclusion of the above described territory into the City's USA boundary.
6. The proposed USA amendment will be consistent with the Sphere of Influence for the City of San Jose.
7. The environmental impacts of this proposal have been reviewed, analyzed, and disclosed in that certain MND described hereinabove in this resolution.
8. Based upon all of the foregoing facts and information, the City Council of the City of San José hereby requests that LAFCO consider an amendment to,

1and undertake proceedings to amend, the Urban Service Area boundary of
the City of San Jose as described in this Resolution.

ADOPTED this 8TH day of January, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San Jose General Plan as described in the attached resolution for the “Proposed Urban Service Area Expansion” were adopted by the City Council of the City of San Jose on June 20, 2006, as stated in its Resolution No. 73314.

DATED: January 8, 2008

LEE PRICE, MMC
City Clerk