



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: February 21, 2007

Approved	<i>Deanna Patra</i>	Date	<i>2/23/07</i>
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COUNCIL DISTRICT: 5
SNI AREA: N/A

SUBJECT: MC KEE NO. 133

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKee No. 133 which involves the annexation to the City of San Jose of 0.81 gross acres of land located at the southwest corner of McKee Road and Delia Street, and adjacent to the City of San Jose annexations McKee Nos. 7, 2, and 49 and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No.01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "McKee No. 133" shall be annexed into the City of San José. This process will reduce an unincorporated urban county pocket.

BACKGROUND

On October 3, 2006, the City Council adopted Zoning Ordinance 27882 which rezoned the subject property from County (unincorporated) to R-1-8 Single-family Residence Zoning District (File No. C06-073) to allow a single-family detached residence and municipal services.

The proposed annexation consists of one parcel of land identified as Assessor's Parcel Number 601-06-047, and the detachment from County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No.01 (Library Services) County Service.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel signed the annexation petition. The site consists of a discreet 0.81 acre developed parcel. The Registrar of Voters has certified that there are two registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with residential uses on land that is within the City's Urban Service Area (USA). The parcel is adjacent to City territory on one side. The proposed reorganization and annexation of the subject site conform to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

Proceedings are being conducted under provisions of the California Government Code Section 56757, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO. *The site is located within the City's Urban Service Area.*
2. The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies. *The County Surveyor has certified the boundaries of the reorganization.*
3. The proposal does not split lines of assessment or ownership. *All affected parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory.*
5. The proposal is consistent with the City's adopted General Plan. *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development be located within cities.*
6. The territory is contiguous to existing City limits. *The area proposed to be reorganized is contiguous to the City limits along one side as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

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. 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 for the rezoning (File No. C06-073). 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.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Santa Clara County (Planning Department), Local Agency Formation Commission (LAFCO), Special Districts (mentioned above) and the City Attorney.

FISCAL/POLICY ALIGNMENT

The proposal is consistent with the City's adopted General Plan. The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as Local Agency Formation Commission (LAFCO) and the County of Santa Clara policy in that existing and future urban development be located within cities.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

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CEQA

Final EIR entitled, "San Jose 2020 General Plan EIR" adopted August 16, 1994, Resolution no. 65459, (C06-073).


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7800.

cc: Maria and Transito Navarro, 293 Delia Street, San Jose, CA 95127

EXHIBIT "A"
ANNEXATION McKEE NO. 133
ANNEXATION TO THE CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

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

BEGINNING at the point of intersection of the center line of Kirk Avenue (80 feet wide) and the center line of McKee Road (86 feet wide), said point of beginning being on the City Limits line of the City of San Jose as established by said City's Annexation "McKee No. 49"; and McKee No. 2

Thence, (1) along said center line of Kirk Avenue, also being the City Limits line, S 40°25'E 148.25 feet;

Thence, (2) along the prolongation of the southeasterly City Limits line as established by the Annexation "McKee No. 49", S 49°35'W 40.00 feet to the southerly right of way for Kirk Avenue;

Thence, (3) along the southerly right of way for Kirk Avenue, N 40°25'W 85.25 feet;

Thence, (4) through a curve to the left with a radius of 20.00 feet and a central angle of 90° for an arc length of 31.24 feet, to the southerly right of way for McKee Road;

Thence, (5) along the southerly right of way for McKee Road, S 49°35'W 213.00 feet;

Thence, (6) through a curve to the left with a radius of 20.00 feet and a central angle of 90° for an arc length of 31.24 feet, to the northerly right of way for Delia Street;

Thence, (7) S 49°35'W 50.00 feet to the southerly right of way for Delia Street;

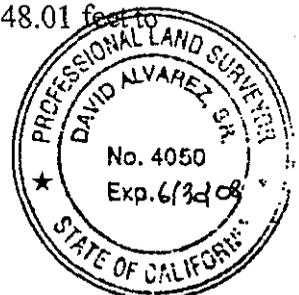
Thence, (8) along the southerly right of way for Delia Street, S 40°25'E 79.56 feet;

Thence, (9) S 49°35'W 105.01 feet to the easterly City Limits line as established by the Annexation "McKee No. 7";

Thence, (10) along said City Limits line, N 40°25'W 142.56 feet to the center line of McKee Road;

Thence, (11) along the center line for McKee Road, said center line also being the City Limits line as established by the Annexation "McKee No. 2", N 49°35'W 448.01 feet to the point of beginning and containing 0.81 acres of land more or less.

END DESCRIPTION



David Alvarez

EXHIBIT "B"

AREA OF LOT TO BE ANNEXED = 10969 SQ. FT. (0.24 AC)
 AREA OF STREET TO BE ANNEXED = 24732 SQ. FT. (0.57 AC)
 TOTAL AREA TO BE ANNEXED = 35701 SQ. FT. (0.81 AC)

PROPOSED AREA TO BE ANNEXED TO THE CITY OF SAN JOSE (0.81 ACRES)

EXISTING CITY LIMIT LINE FOR THE CITY OF SAN JOSE

PROPOSED CITY LIMIT LINE FOR THE CITY OF SAN JOSE

McKEE No. 2 (267)

McKEE ROAD (CENTER LINE) S49°35'00"V 148.01'

S49°35'00"V 213.00'

S49°35'00"V 195.00'

S40°25'00"E 148.25'

S49°35'00"V 195.00'

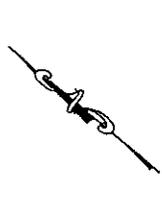
S40°25'00"E 142.56'

S49°35'00"V 105.01'

S49°35'00"V 195.00'

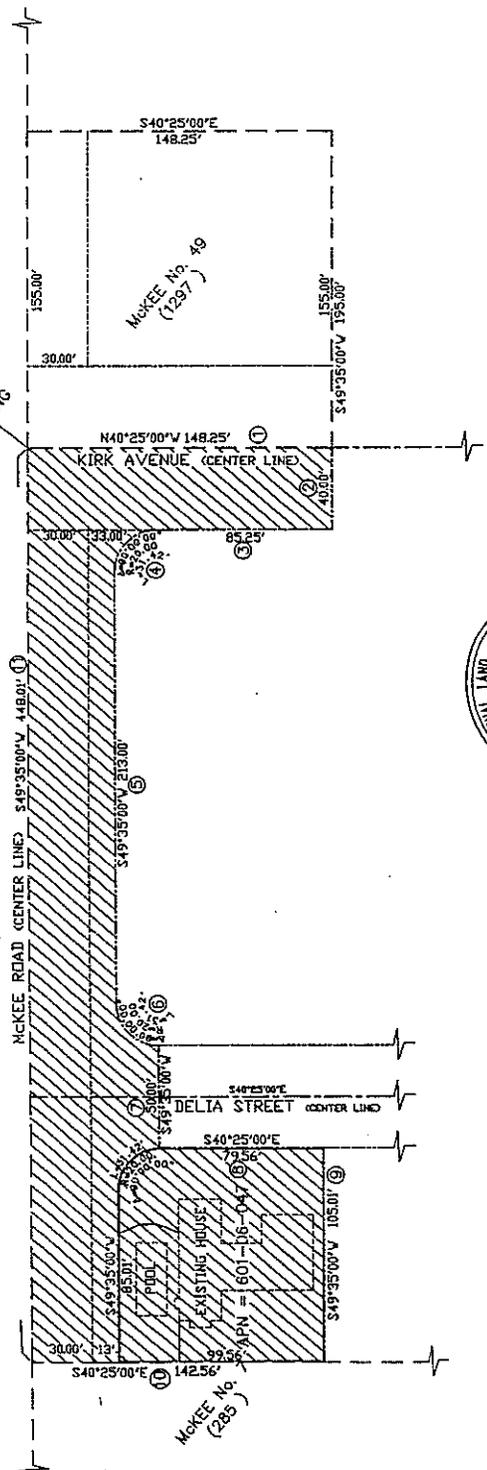
S40°25'00"E 148.25'

S49°35'00"V 195.00'

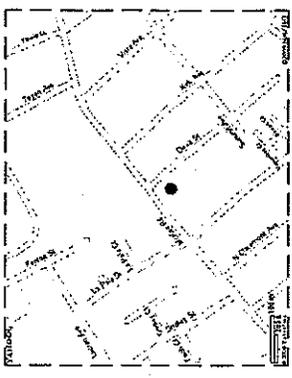


SCALE 1 INCH = 60 FEET
 BAR SCALE ON ORIGINAL IS 4 INCHES LONG

POINT OF BEGINNING



David Alvares



ASSESSOR'S PARCEL NUMBERS: 80-09-047	ACREAGE: 0.81	DATE: 11/8/2006	SCALE: 1" = 60'
CITY OF SAN JOSE ANNEXATION NO.133 PALA RANCHO SANTA CLARA COUNTY		ALVAREZ & ASSOCIATES CIVIL ENGINEERING LAND SURVEYING 82 NORTH CAPITOL AVENUE SAN JOSE, CA 95127 (408) 272-7529	