



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: MC KEE NO. 130

DATE: May 16, 2006

Approved

Deana Aabna

Date

5/26/06

COUNCIL DISTRICT: 4

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKee No. 130 which involves the annexation to the City of San Jose of 10.88 gross acres of land located at the southwest corner of Capitol Avenue and Mabury Road, and adjacent to the City of San Jose annexations McKee Nos. 122, 78-A, 80, 115, 84 and 97 and the detachment of the same from Central Fire Protection and Area No.01 (Library Services) County Service Districts.

BACKGROUND

On March 21st, 2006, the City Council adopted Zoning Ordinance 27682 which rezoned the subject property from County (unincorporated) to A(PD) Planned Development Zoning District (File No. PDC05-060) to allow up to 199 multi-family attached and two-single-family detached residential units.

The proposed annexation consists of two parcels of land identified as Assessor's Parcel Number(s) 254-06-043 & 254-06-044 and the detachment from Central Fire Protection and Area No.01 (Library Services) County Service Districts.

Recent changes in the State law (SB 1266) allow cities to annex urban pockets of less than 150 acres within the Urban Services Area (USA) without protest hearings or elections. This unincorporated (county) territory has been identified as an "island" of less than 150 acres in the "Santa Clara County Urban Pockets Map" dated April 11, 2005, page 3 of 20, prepared by the Santa Clara County Planning Office. This island designated as McKee No.130 is completely surrounded by the annexing city (San Jose), and the subject property is substantially developed and has a pending development proposal. This annexation is a privately-initiated annexation, and will eliminate an existing unincorporated "pocket"/"island" upon completion of the reorganization.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel(s) signed the annexation petition. The site consists of a discreet 10.88 acres developed parcel. The Registrar of Voters has certified that there is one (1) registered voter 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 all four sides. The proposed reorganization and annexation of the subject site conforms 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 elimination 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 all four sides 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.*

HONORABLE MAYOR AND CITY COUNCIL
June 13, 2006
Subject: McKee No. 130

OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "McKee No. 130" shall be annexed into the City of San José. This process will eliminate an unincorporated county pocket.

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (PDC05-060) were mailed to all property owners and tenants within 500 feet of the project site. Notice of the public hearings was also published in the newspaper.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

Mitigated Negative Declaration adopted February 14, 2006 (File No. PDC05-060).



JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

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

Attachments: Legal Description and Annexation Map

c: Marilyn Messina, 721 N. Capitol Avenue, San Jose, CA 95133
John Moniz, Pinn Brothers Fine Homes, 1475 Saratoga Avenue, Ste. 250, San Jose CA 95129

EXHIBIT "A"
ANNEXATION TO THE CITY OF SAN JOSE
McKEE NO. 130

REAL PROPERTY in the County of Santa Clara, State of California, being a portion of the parcel of land described in the deed to Mary Messina, recorded April 10, 1952, in Book 2398 of Official Records, page 494, Santa Clara County Records, and a portion of the parcel of land described in the deed to Richard V. Messina, recorded July 26, 1951, in Book 2255 of Official Records, page 575, Santa Clara County Records, more particularly described as follows:

BEGINNING at the most northerly corner of The City of San Jose's Annexation McKee No. 122;

Thence along the northwesterly line of the City Limits Line of the City of San Jose as established by City's said Annexation McKee No. 122, South 49°42'18" West, 484.00 feet, to the northeasterly line of the City Limits Line of the City of San Jose as established by City's Annexation McKee No. 78-A;

Thence along said northeasterly City Limits Line and along the City Limits Line of the City of San Jose as established by City's Annexation McKee No. 80, North 40°45'49" West, 984.79 feet, to the southeasterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 115;

Thence along said southeasterly City Limits Line, North 48°46'56" East, 375.44 feet, to the southwesterly line of the City Limits Line of the City of San Jose as established by City's Annexation McKee No. 84;

Thence along said southwesterly City Limits Line, the following six courses:

1. Thence North 48°46'36" East, 25.52 feet;
2. Thence northeasterly along a non-tangent curve to the right, having a radius of 162.00 feet, whose center bears South 41°13'20" East, through a central angle of 09°52'25" for an arc length of 27.92 feet;
3. Thence along a compound curve to the right, having a radius of 27.00 feet, through a central angle of 58°42'34" for an arc length of 27.67 feet;
4. Thence along a compound curve to the right, having a radius of 232.00 feet, through a central angle of 16°43'58" for an arc length of 67.75 feet;
5. Thence South 45°54'23" East, 131.72 feet;
6. Thence North 49°14'11" East, 3.00 feet, to the southwesterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 97;

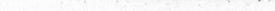
Thence along said southwesterly City Limits Line the following two courses:

1. Thence South 41°41'19" East, 247.77 feet;
2. Thence South 40°45'49" East, 528.58 feet to the POINT OF BEGINNING.

Containing 10.88 acres, more or less.



LEGEND

-  PROPOSED ANNEXATION BOUNDARY LINE
-  EXISTING SAN JOSE CITY LIMITS LINE

EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 80

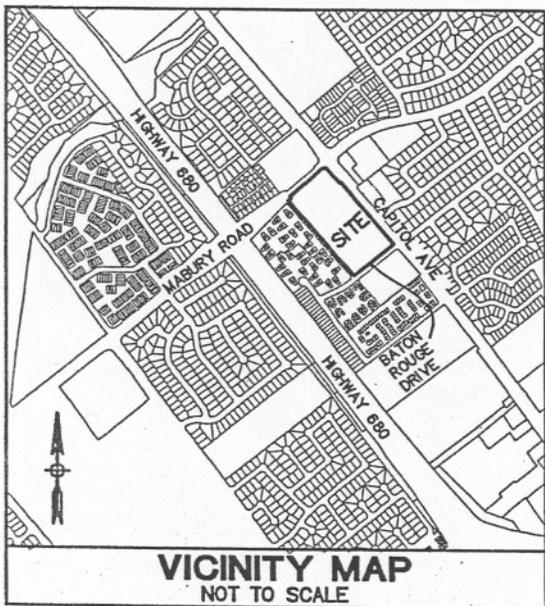
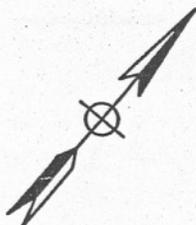
EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 115

EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 78-A

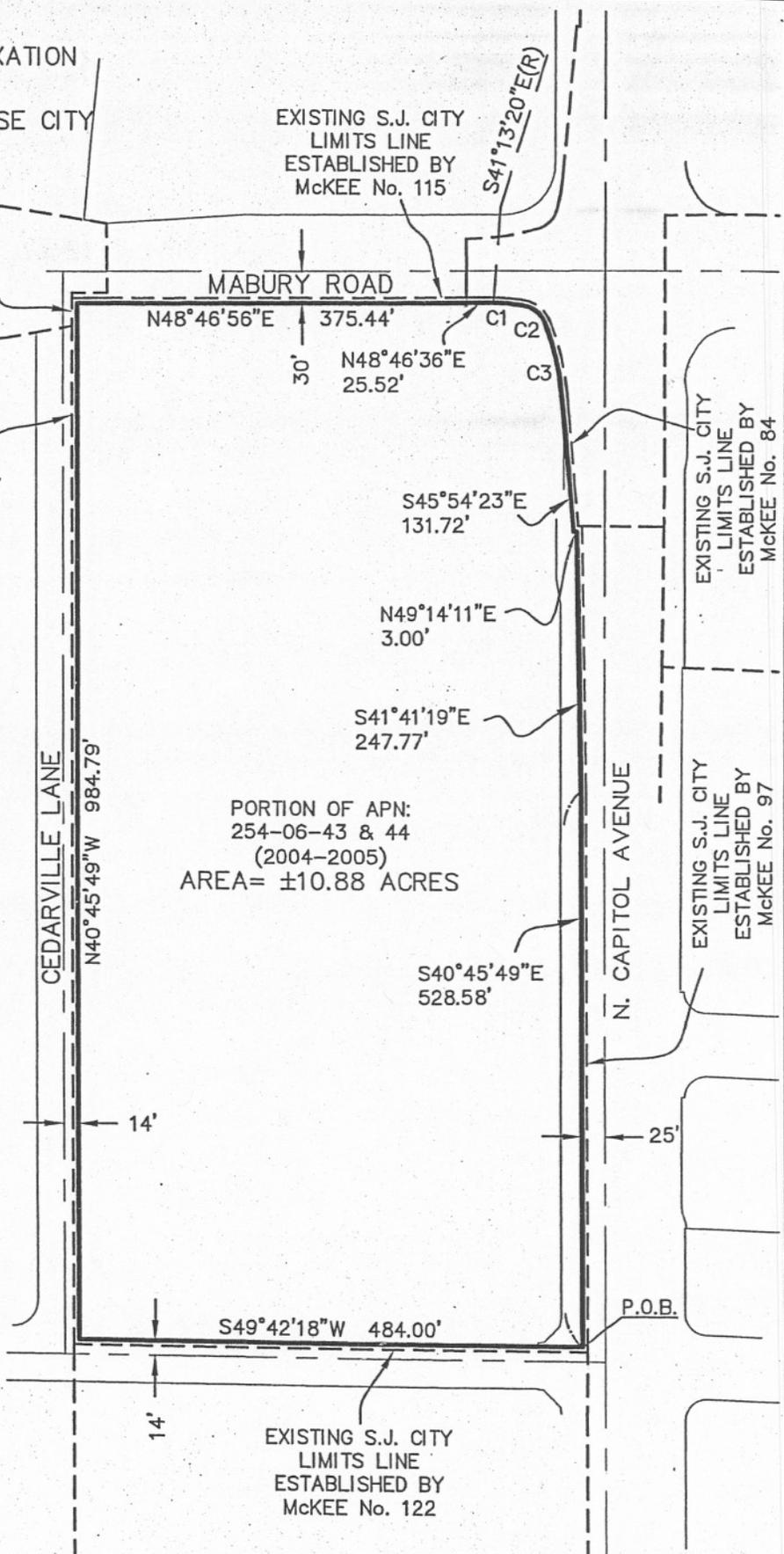
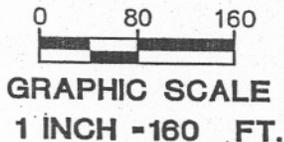
EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 84

EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 97

EXISTING S.J. CITY LIMITS LINE ESTABLISHED BY McKEE No. 122



CURVE	RADIUS	DELTA	LENGTH
C1	162.00'	9°52'25"	27.92'
C2	27.00'	58°42'34"	27.67'
C3	232.00'	16°43'58"	67.75'



SHEET 1 OF 1

20050711.1517
Date: 8-1-05
Scale: 1" = 160'
Designed: -
Drawn: AH/TG
Checked: JM
Proj. Eng.: -
Dwg Name: 3432PL03



San Jose
(408) 487-2200
Gilroy
(408) 846-0707
www.hmh-
srs.com

Plat to accompany description:
PROPOSED ANNEXATION TO THE CITY OF SAN JOSE
McKEE No. 130
SAN JOSE CALIFORNIA