



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** August 2, 2006

Approved

Date

8/7/06

**COUNCIL DISTRICT:** 4

**SNI AREA:** Not Applicable

**SUBJECT:** MC KEE NO. 131

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKee No. 131 which involves the annexation to the City of San Jose of 2.10 gross acres of land located at the northeast corner of North Capitol Avenue and Grandview Drive and adjacent to the City of San Jose annexation McKee Nos. 97, 55-A. 9 and 129 and the detachment of the same from Central Fire Protection, and Area No.01 (Library Service) County Service Districts.

## OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "McKee No. 131" shall be annexed into the City of San José. This process will eliminate an unincorporated urban county pocket.

## BACKGROUND

On April 18, 2006, the City Council adopted Zoning Ordinance 27697 which rezoned the subject property from County (unincorporated) to A(PD) Planned Development Zoning District ( File No. PDC05-064) to allow up to 46 multi-family attached residences.

The proposed annexation consists of three parcels of land identified as Assessor's Parcel Number(s) 592-06-021, 022 and 023 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.131 is substantially surrounded by the annexing city (San Jose). 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 2.10 acres developed parcel. The Registrar of Voters has certified that there are no 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 parcels are 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.*

### **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. PDC05-064). 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.

### **CEQA**

HONORABLE MAYOR AND CITY COUNCIL

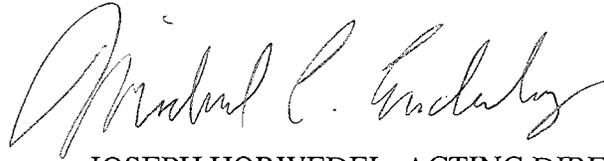
Due Date: August 2, 2006

**Subject:** McKee No. 131

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**CEQA**

CEQA: Mitigated Negative Declaration adopted March 6, 2006 (File No. PDC05-064).

A handwritten signature in black ink, appearing to read "Joseph Horwedel". The signature is fluid and cursive, with the first name being the most prominent.

JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Susan Walton in the Department of Planning, Building and Code Enforcement at 408-535-7800.

cc: John Moniz, Pinn Brothers Construction. Inc., 1475 Saratoga Avenue, Ste.250, San Jose CA 95129.

**EXHIBIT "A"**  
**ANNEXATION TO THE CITY OF SAN JOSE**  
**McKEE NO. 131**

REAL PROPERTY in the County of Santa Clara, State of California, described as follows:

BEGINNING at the most northerly corner of the City of San Jose's Annexation McKee No. 129, being on the southwesterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 9;

Thence along said southwesterly City Limits Line, North 40°45'48" West, 367.99 feet, to the southeasterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 55-A;

Thence along said southeasterly City Limits Line, South 51°18'12" West, 272.49 feet, to the general northeasterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 97;

Thence along said general northeasterly City Limits Line and along the the following five courses:

1. Thence South 40°02'36" East, 103.89 feet;
2. Thence South 40°02'29" East, 99.96 feet;
3. Thence South 40°45'48" East, 106.57 feet,
4. Thence North 49°13'18" East, 24.84 feet;
5. Thence southeasterly along a non-tangent curve to the left, having a radius of 20.00 feet, whose center bears North 49°13'18" East, through a central angle of 87°49'56" for an arc length of 30.66 feet, to the northwesterly City Limits Line of the City of San Jose as established by City's Annexation McKee No. 129;

Thence along said northwesterly City Limits Line, the following three courses:

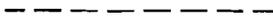
1. Thence North 51°23'22" East, 93.82 feet;
2. Thence along tangent curve to the right, having a radius of 230.00 feet, through a central angle of 27°26'20" for an arc length of 110.15 feet;
3. Thence along a reverse curve to the left, having a radius of 170.00 feet, through a central angle of 11°50'09" for an arc length of 35.12 feet, to the POINT OF BEGINNING;

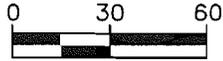
Containing 2.10 acres, more or less.



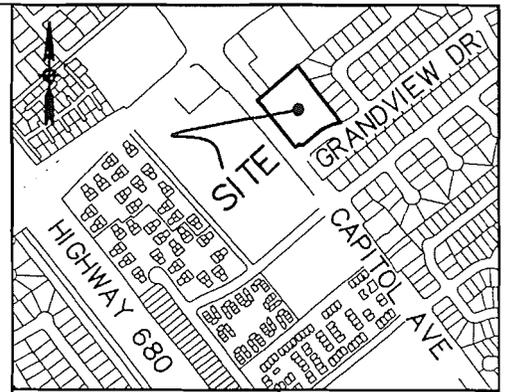
*Julia MacRory*

**LEGEND**

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



**GRAPHIC SCALE**  
1 INCH = 60 FT.



**VICINITY MAP**  
NOT TO SCALE

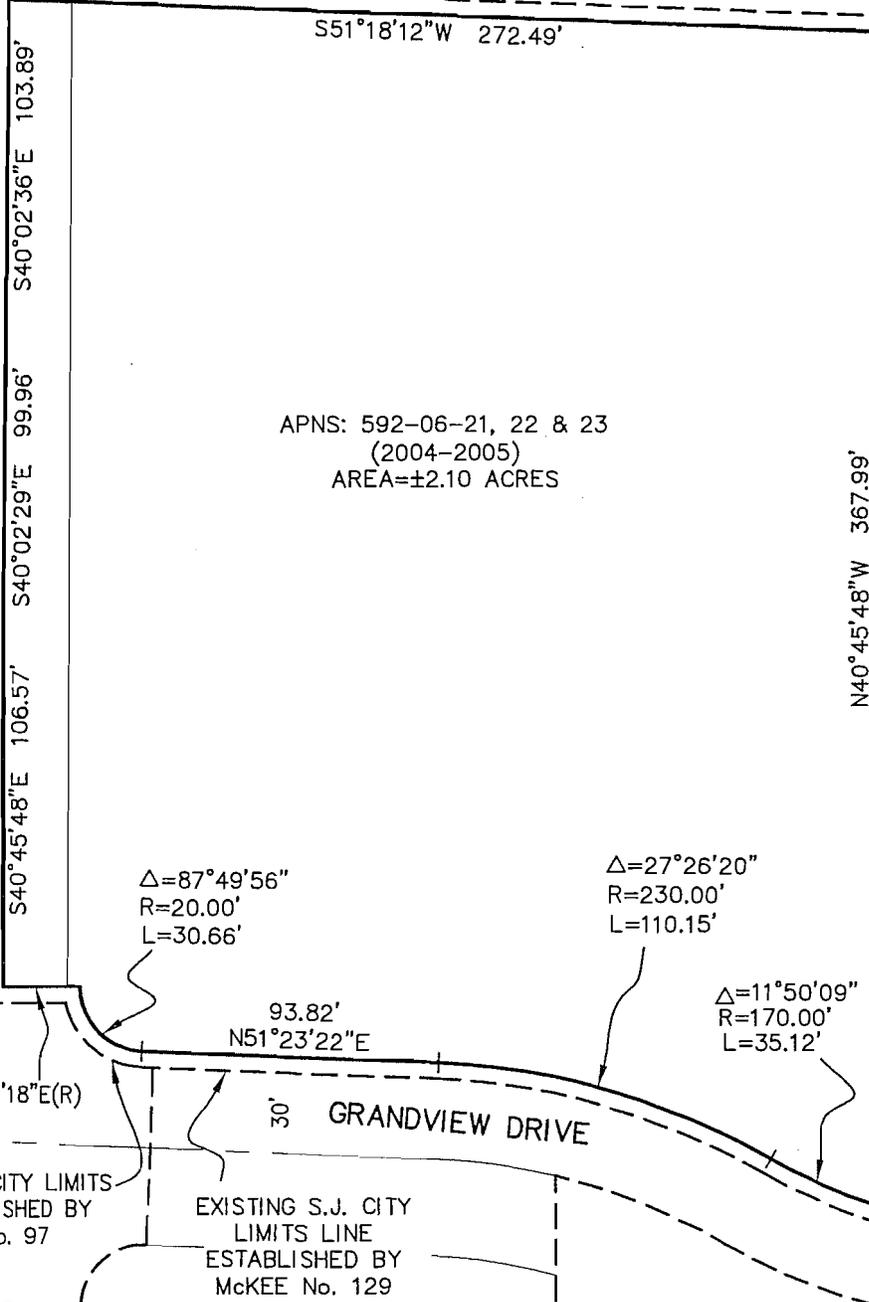
EXISTING S.J. CITY LIMITS LINE  
ESTABLISHED BY  
McKEE No. 55-A

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

EXISTING S.J. CITY LIMITS LINE  
ESTABLISHED BY  
McKEE No. 9

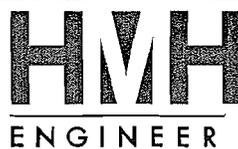
APNS: 592-06-21, 22 & 23  
(2004-2005)  
AREA=±2.10 ACRES

CAPITOL AVENUE  
(WIDTH VARIES)



SHEET 1 OF 1

Date: 07-28-05  
Scale: 1" = 60'  
Designed: -  
Drawn: AH  
Checked: JM  
Proj. Engr.: -  
Dwg Name: 3471PL02



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

Plat to accompany description:  
PROPOSED ANNEXATION TO THE CITY OF SAN JOSE  
McKEE No. 131

SANTA CLARA COUNTY

CALIFORNIA

20050614.1338