



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: August 16, 2006

Approved:

Date:

8/17/06

COUNCIL DISTRICT: # 3

SNI AREA: N/A

SUBJECT: PENITENCIA NO. 73 – REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 7-ACRE COUNTY POCKET CONTAINING TWENTY-EIGHT (28) PARCELS ON THE SOUTHEAST SIDE OF MABURY ROAD, EAST OF KING ROAD.

RECOMMENDATION

It is recommended that the City Council at a public hearing on August 29, 2006 at 7:00 p.m. adopt a resolution initiating proceedings, and setting October 3, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Penitencia No. 73 which involves the annexation to the City of San Jose of 7 gross acres of land located at the southeast side of Mabury Road, east of King Road, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Penitencia No. 73 will be within the incorporated area of the City of San José. Implementation of the annexation would result in the detachment of properties within the annexation area from County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts.

BACKGROUND

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. The City of San Jose is initiating the annexation of the subject area in conjunction with this program. There is a pending Planning Director initiated Prezoning (File No.C06-032) being processed to assign a City of San Jose zoning designation to the site in preparation for annexation.

Each of the twenty-eight affected parcels are currently developed with single-family residences.

ANALYSIS

The proposed R-1-5 Single-Family Residence Zoning District is consistent with the existing neighborhood development pattern and allows for the construction, use and occupancy of single-family residences at a density of 1 to 5 dwelling units per acre, consistent with the range allowed under the Medium Low Density Residential (8 DU/AC) land use designation. The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

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, Outreach will occur consistent with Council Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. A notice of the public hearing was distributed to the owners and tenants of all properties located within 300 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.

COORDINATION

The project was coordinated with the Departments of Transportation, Fire, Police, Parks, Recreation and Neighborhood Services, Environmental Services, Public Works, Library, and the Redevelopment Agency. These departments are participating in a working group to coordinate, discuss and resolve issues associated with the annexation efforts

FISCAL/POLICY ALIGNMENT

This project is consistent with the City Council's direction to initiate annexation of unincorporated islands of less than 150-acres.

COST SUMMARY/IMPLICATIONS

The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

BUDGET REFERENCE

Not applicable.

CEQA

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.


for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building, and Code Enforcement

For questions please contact Andrew Crabtree at the Department of Planning, Building and Code Enforcement at 408-535-7800.

EXHIBIT 'A'
DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California
Name of Annexation: PENITENCIA NO. 73
Date: August 10, 2006

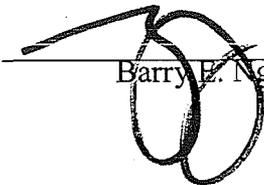
All that certain real property situated in the County of Santa Clara, State of California, being Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 as shown on the "Map of Mayflower Park" recorded on October 4, 1926 in Volume V of Maps, at Pages 30-31, Records of Santa Clara County; said property being bounded by the City Limits Lines of the City of San José as established by the following annexations: Penitencia No. 7, Penitencia No. 10, Penitencia No. 55, Penitencia No. 63, and Berryessa No. 46.

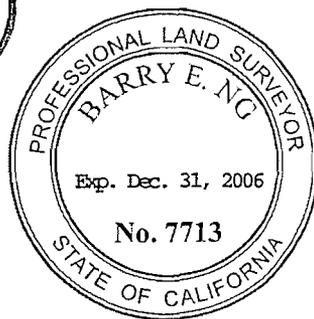
Containing approximately 7.042 acres.

This description was prepared from record information only.

Attached hereto and by reference a part hereof is a plat labeled "PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY" depicting the subject property.

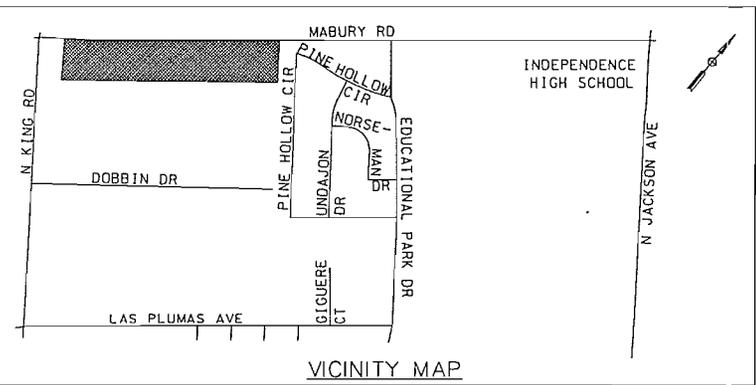
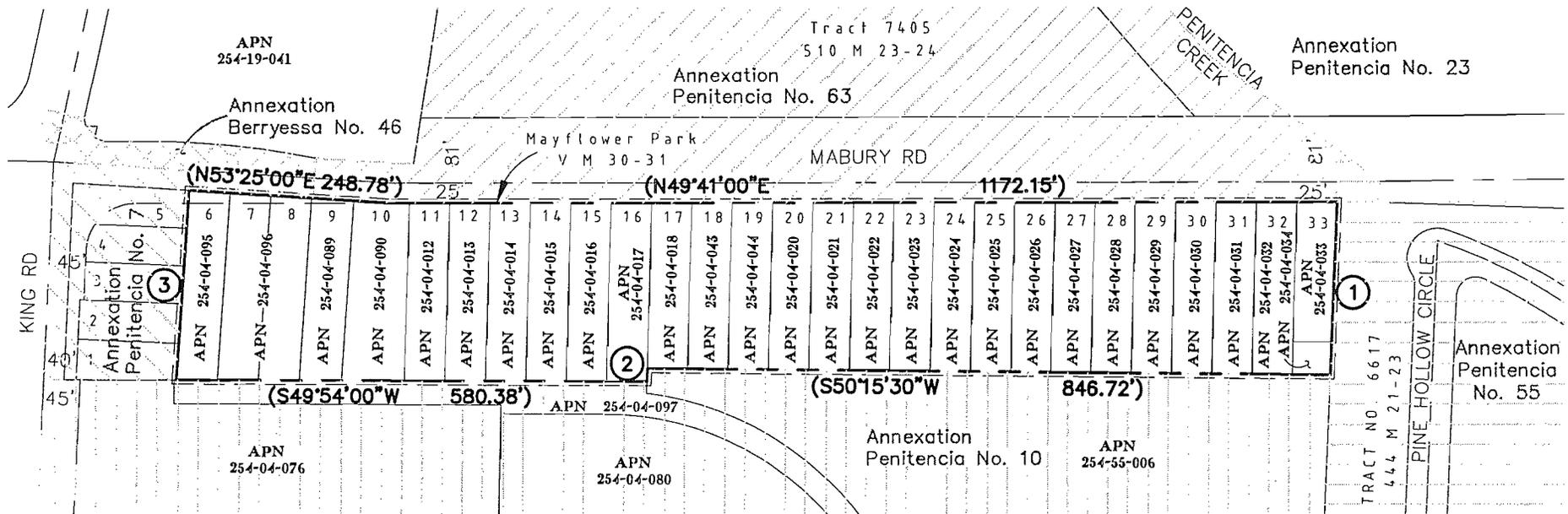
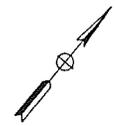
The above description of real property was prepared by me in conformance with the requirements of Section 8726 (g,k, l, m) of the Business and Professions Code of the State of California.


8-10-06
Barry E. Ng, PLS 7713



LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION APPROXIMATELY 7.042 ACRES
- EXISTING CITY LIMITS LINE
- APN () ASSESSOR'S PARCEL NUMBER
- RECORD DATA PER VOLUME V OF MAPS, PAGES 30-31

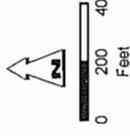
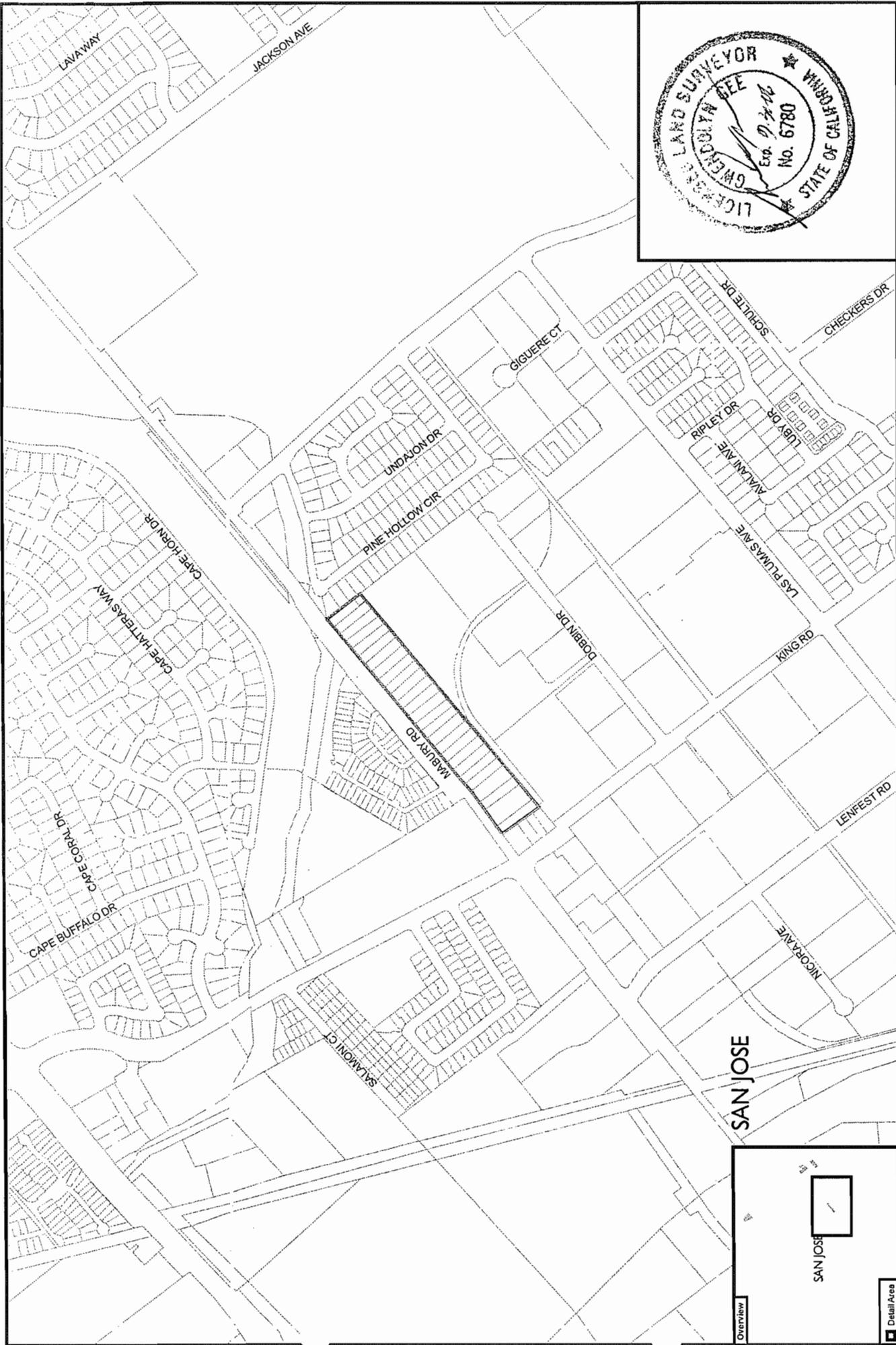


LINE TABLE		
NO.	BEARING	DISTANCE
1	(S38°08'30"E)	(214.16)
2	(S38°00'00"E)	(15.84)
3	(N36°35'00"W)	(235.76)

07021-Penitencia73.dwg

PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY
 PROPOSED ANNEXATION
 TO CITY OF SAN JOSE, CALIFORNIA
 ENTITLED PENITENCIA NO. 73

PREPARED BY
 CITY OF SAN JOSE
 SURVEY SECTION
 AUGUST 10, 2006



- Urban Service Area
- Incorporated Lands
- Area of Annexation
- Unincorporated Lands

County of Santa Clara
 County Surveyor's Office
 Gwendolyn Gee, PLS, County Surveyor

6000 Scale Index Map

SAN JOSE

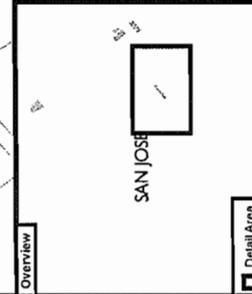


EXHIBIT A
San Jose Pocket No. 2
Penitencia No. 73
7.11 Acres +/-
 07/12/06