



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: JOSEPH HORWEDEL

SUBJECT: SEE BELOW

DATE: October 27, 2006

Approved

Date

10/31/06

COUNCIL DISTRICT: #4

SNI AREA: Not Applicable

SUBJECT: ORCHARD NO. 148. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 37.9 GROSS ACRE COUNTY POCKET CONSISTING OF 3 PARCELS ON THE NORTHERLY SIDE OF SEELY AVENUE, WEST OF MONTAGUE EXPRESSWAY.

RECOMMENDATION

It is recommended that the City Council at a public hearing on November 14, 2006 at 7:00 p.m. adopt a resolution initiating proceedings, and setting January 9, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Orchard No. 148 which involves the annexation to the City of San Jose of 37.9 gross acres of land located at the northerly side of Seely Avenue, west of Montague Expressway, and the detachment of the same from the appropriate special districts including Central Fire Protection, and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Orchard No. 148 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 Central Fire Protection, and Area No. 01 (Library Services) County Service.

BACKGROUND

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County island annexation program which involves the annexation of all unincorporated County pockets less than 150-acres in size. On August 8, 2006 the City Council approved the proposed phasing for the annexation of the County pockets. The City of San Jose is initiating the annexation of the subject area as a part of Phase 1 of this program.

A Planning Director initiated Prezoning (File No. C06-083) was processed to assign appropriate City of San Jose zoning districts to the site in preparation for annexation. This prezoning, approved by the City Council on October 24, 2006, prezones the site to IP Industrial Park on approximately 22.6 acres for industrial park uses and OS Open Space on approximately 11 acres for open space purposes.

ANALYSIS

The proposed annexation and the prezoning to IP Industrial Park and OS Open Space will allow industrial and open space uses consistent with the Zoning Code, the existing development in the area and the existing uses and/or structures on the subject property. 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.

HONORABLE MAYOR AND CITY COUNCIL

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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

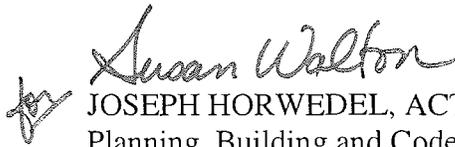
The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants.

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 Richard Buikema at the Department of Planning, Building and Code Enforcement at 408-535-7800.

Attachments

County of Santa Clara

Department of Planning and Development
Development Services Office

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110
(408) 299-5700 FAX (408) 279-8537



September 15, 2006

Ms. Neelima Palacherla, Executive Officer
LAFCO
70 W. Hedding Street
11th Floor, East Wing
San Jose, CA 95110

SUBJECT: San Jose Pocket Annexation No. 17 "Orchard No. 148"

The attached Exhibit "A" dated September 14, 2006 of the territory proposed to be annexed to the City of San Jose entitled:

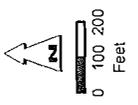
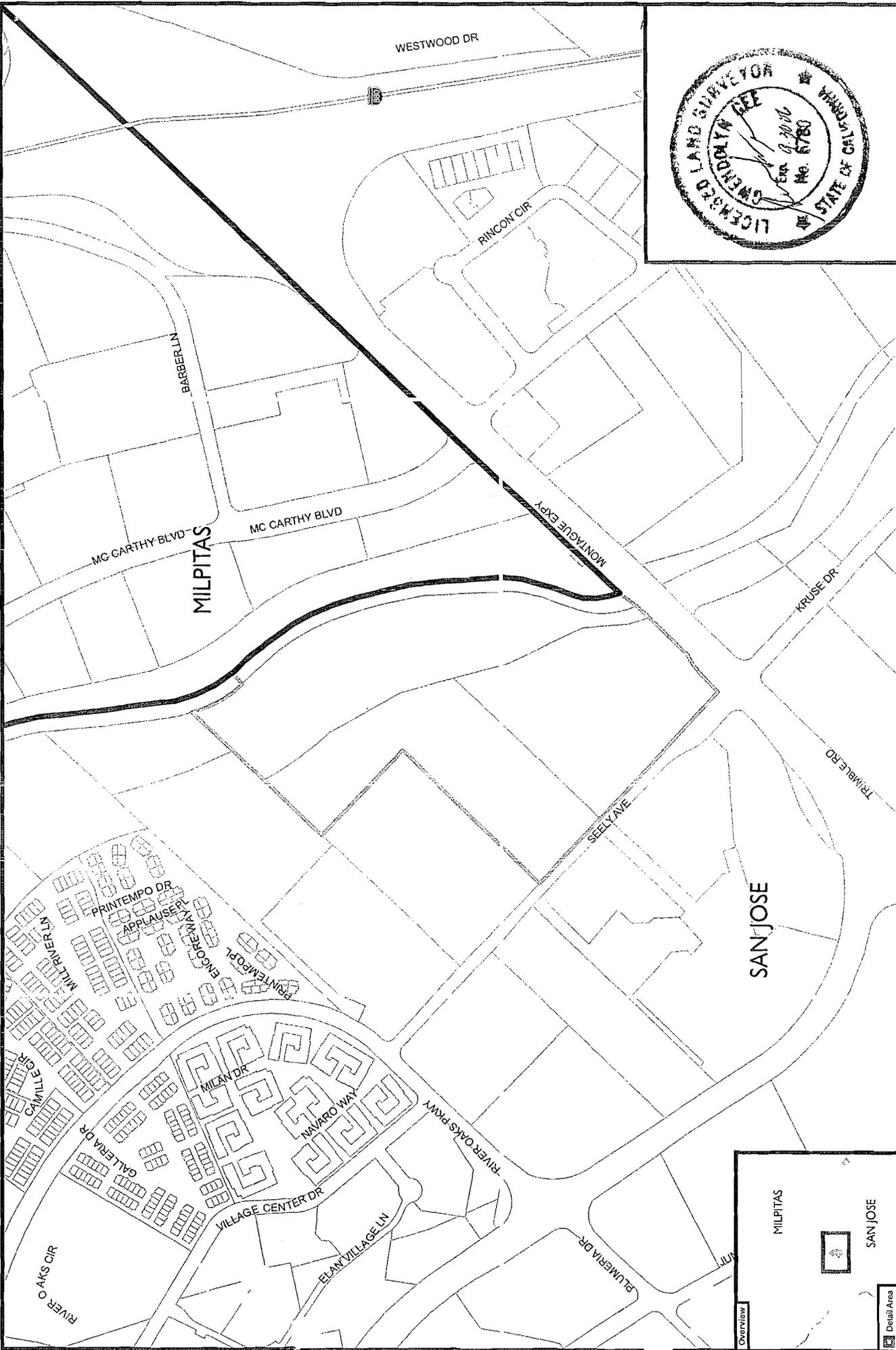
San Jose Pocket Annexation No. 17 "Orchard No. 148"

is in accordance with Government Code Section 56757 (c)(2). The boundaries of said territory are completely surrounded by the City of San Jose and are definite and certain. The proposal is in compliance with the Local Agency Formation Commission's road annexation policies.

Per the Local Agency Formation Commission and the State Board of Equalization, this Pocket annexation does not require a legal description.


Gwendolyn Gee, PLS
County Surveyor

Attachments:
Exhibit "A" (PSJ-17)



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

6000 Scale Index Map

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

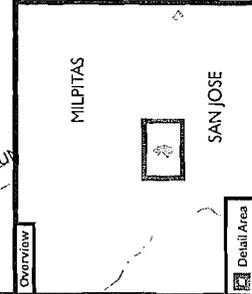
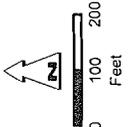
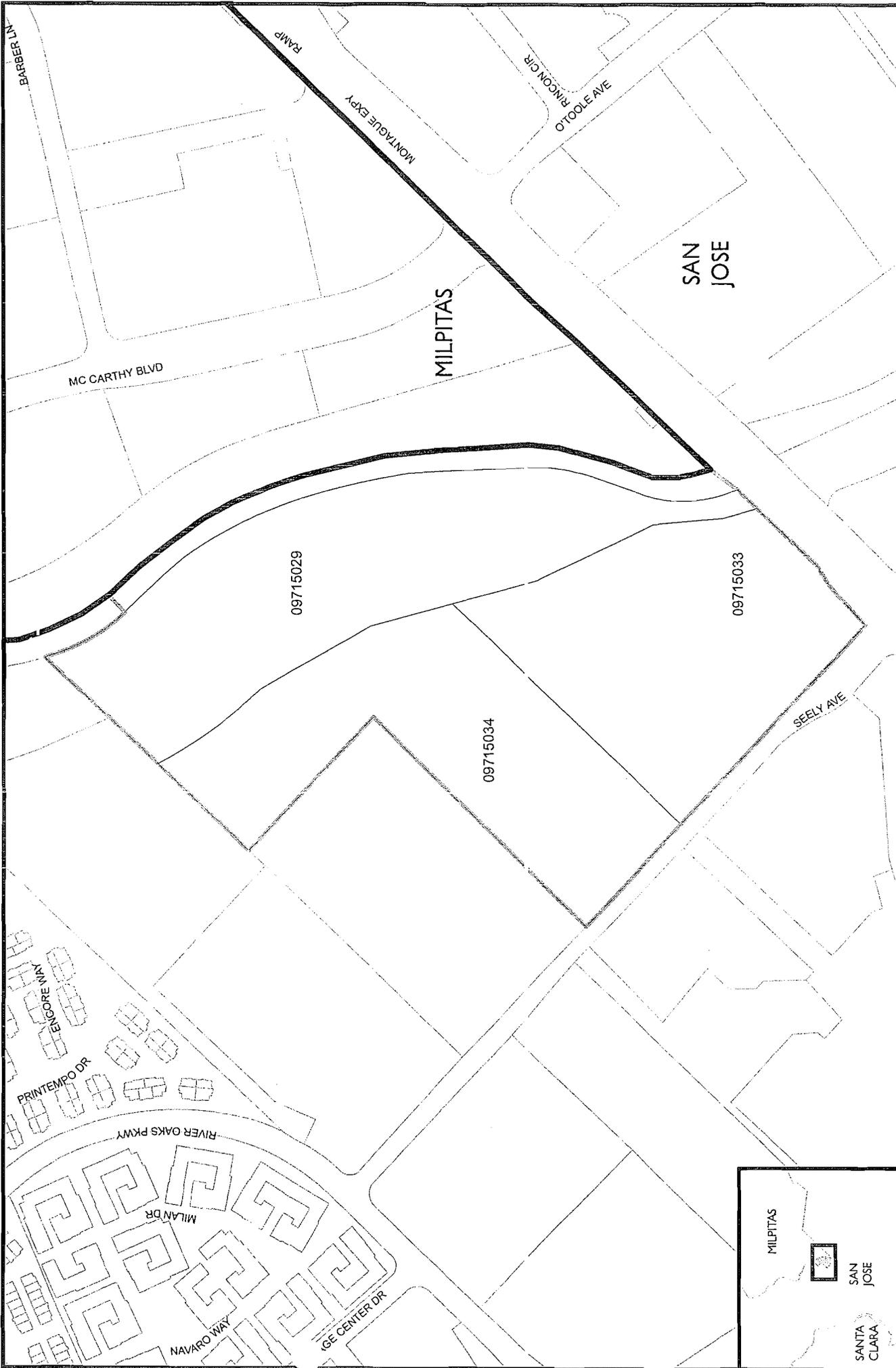


EXHIBIT A
San Jose Pocket No. 17
Orchard No. 148
37.9 Acres +/-
 09/14/06

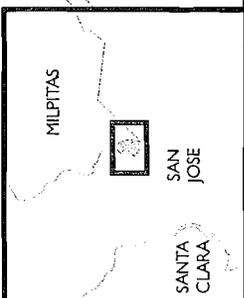
SHEET 1 OF 2



- Area of Annexation
- Incorporated Lands
- 6000 Scale Index Map
- Unincorporated Lands

County of Santa Clara
 County Surveyor's Office

12345678 Assessor's Parcel Numbers



Assessor's Parcel Numbers
San Jose Pocket No. 17
Orchard No. 148

09/14/06

SHEET 2 OF 2