

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: FRANKLIN NO. 52

DATE: November 22, 2004

Approved

Date

11-30-04

COUNCIL DISTRICT: 7

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Franklin No. 52 which involves the annexation to the City of San Jose of 3.37 gross acres of land located at the on the north side of Umbarger Road approximately 1,200 feet west of Senter Road and adjacent to the City of San Jose annexations Franklin Nos. 2, 4, 32 and 44 and the detachment of the same from Central Fire Protection, Area No.01 (Library Services) County Services, and County Sanitation District 2-3.

BACKGROUND

On October 19, 2004 the City Council adopted Zoning Ordinance 27270 which rezoned the subject property from County to A(PD) Planned Development Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 497-37-001 and the detachment from Central Fire Protection, Area No.01 (Library Services) County Services, and County Sanitation District 2-3.

ANALYSIS

The reorganization is defined as 100 percent consent, since all the property owners of the parcel signed the annexation petition. The site consists of a discreet 3.37 acre 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). This parcel is surrounded by City territory to the south, east, and County territory to the north and west. The proposed reorganization and annexation of the subject site conforms overall to the City's General Plan strategies and policies and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, 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 two 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.*

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (PDC04-054) 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.

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CEQA

Mitigated Negative Declaration adopted on October 12, 2004.

for Susan Walton
STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

- c: 1. Lou N. Nepomuceno, 255 West Julian Street, Suite # 200, San Jose CA 95110
2. TLB Propoerties, LLC, 204 Colibri Court, San Jose, CA 95119-1711
3. Dal Properties, LLC, Attn: Mark Lazzarini, 255 West Julian Street, Suite # 502,
San Jose CA 95110.

SS

FRANKLIN NO. _____

EXHIBIT A

Annexation to the City of San Jose

Date: March 1, 2004

Being a portion of Lot 5 of the Frank Matts Tract, as said tract is recorded in Book L of Maps at page 36, Santa Clara County Records, and situated in unincorporated area, County of Santa Clara, State of California, and described as follows:

Commencing at the most easterly corner of said Lot 5 of the Frank Matts Tract, said corner being 20.00 feet from the centerline of Umbarger Road, measured at right angles, said corner also being the most southerly corner of that certain annexation to the City of San Jose entitled "Franklin No. 44" and a corner on the northwesterly boundary of that certain annexation entitled "Franklin No. 32"; thence along the northeasterly line of said Lot 5 and the common boundary line of said annexations, North 37°03' East 25.04 feet to the northwesterly line of Umbarger Road, being 90.00 feet in width, said point also being a corner on said "Franklin No. 32", said corner being the TRUE POINT OF BEGINNING;

Course 1: thence along said northwesterly line of Umbarger Road and the northwesterly boundary of said "Franklin No. 32" South 49°49' West 209.26 feet to a point on the southwesterly line of said Lot 5, said point also being a corner on the northwesterly boundary of said "Franklin No. 32";

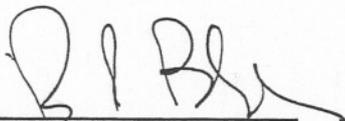
Course 2: thence along said southwesterly line of said Lot 5 North 37°03' West 702.73 feet to the most westerly corner thereof;

Course 3: thence along the northwesterly line of said Lot 5 North 49°45' East 209.27 feet to the most northerly corner thereof, said corner also being the most easterly corner of said "Franklin No. 44";

Course 4: thence along the northeasterly line of said Lot 5 and the southwesterly line of said "Franklin No. 44" South 37°03' East 702.99 feet to the true point of beginning.

Containing 3.37 Acres, more or less.

Charles W. Davidson Co.



Ray R. Bold, RCE 14218
License Exp. 3-31-05



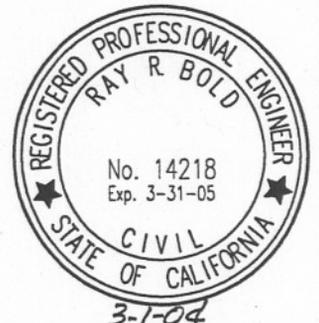
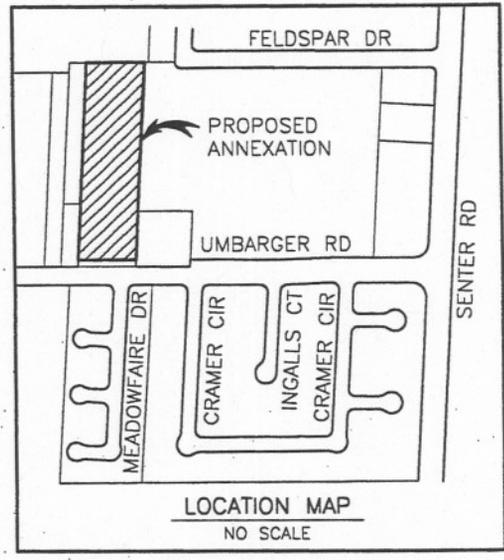
4-1-04

TRACT NO. 2412
 FRANKLIN NO. 4
 (423)

ARCTIC AVE.
 108-M-32
 FELDSPAR DR.



- LEGEND**
- SAN JOSE CITY LIMITS
 - PROPOSED ANNEXATION
 - 3 COURSE NUMBER
 - (400) RESOLUTION NUMBER



RAY R BOLD

RAY R. BOLD RCE 14218
 LICENSE EXP. 3-31-05

N49°45'E 209.27 3

N37°03'W 702.73 2

S37°03'E 702.99 4

APN: 497-37-001

P.M. 280-M-46
 FRANKLIN NO. 44 (53530)
 AREA 1

AREA 2

S49°49'W 209.26 1

N37°03'W 25.04

TRUE POINT OF BEGINNING
 POINT OF COMMENCEMENT

UMBARGER ROAD

FRANKLIN NO. 2
 (400)

TRACT NO. 9188

MEADOWFAIRE DRIVE

FRANKLIN NO. 32
 (1959)

TRACT NO. 6239
 418-M-32

720-M-5

ANNEXATION AREA: 3.37 ±AC.

EXHIBIT B
 PROPOSED ANNEXATION
 TO THE CITY OF SAN JOSE
 ENTITLED: FRANKLIN NO. _____

DATE: 3/1/04 SCALE: 1"=100'
 BY: T.L.R.