



Preserving and Enhancing the Quality of Life in the Burbank Area

April 19, 2006

Helen Duong
San Jose Redevelopment Agency
Communications & Community Relations
200 E. Santa Clara St., 14th Floor
San José, CA 95113

Dear Helen Duong:

I am the Chair of the Burbank Community Association, a county pocket located within the city limits of San Jose. The discussion concerning annexation has risen up to the forefront again, when San Jose lost the lawsuit to Santa Clara County.

The Burbank Community Association has received several requests for information concerning how annexation, if it were to happen, would affect our properties including taxes.

The inclusion of the county pocket properties into the Burbank Del Monte Strong Neighborhood Initiative boundaries is one of the most talked about items.

Would it be possible for the Redevelopment Agency to send me information on what the process and procedures are if a county pocket that is located within redevelopment area is annexed to the city? Are the properties immediately included within the redevelopment area and subject equally under redevelopment's umbrella? Is there a waiting period? Once annexed does San Jose immediately have the power to use eminent domain? Would the titles to our properties be affected in any way?

The aspect of being included in the redevelopment area is one of the most talked about concerning annexation and I would like to be able to provide the BCA members detailed and accurate information.

Any information the Redevelopment Agency can provide would be greatly appreciated.

Sincerely,

Rebecca J. Stamm
Burbank Community Association Chair
499 Patton Avenue
San Jose, CA 95128
Cell 408-930-1853
Rebeccajstamm@yahoo.com

May 3, 2006

Rebecca J. Stamm
Burbank Community Association
499 Patton Avenue
San Jose, California 95128

Dear Ms. Stamm:

I am responding to your letter dated April 19, 2006 to Helen Duong, as well as your email of April 28, 2006, forwarded to Harry Mavrogenes by Randi Kinman. In both correspondences you ask questions regarding how the annexation of the County pockets within the Burbank area would affect property owners there.

Please note that the proposed annexation program that was adopted by Council only effects County pockets of 150 acres or less. Burbank, which is approximately 400 acres, will not be part of the annexation program in the short term. Under current law, any annexation in Burbank will require a vote. However, the Department of Planning, Building and Code Enforcement is in the process of preparing a general answer book for property owners and community groups that will provide much of the information you are seeking on a general level. We will be sure to send you one when it is available.

The Strong Neighborhoods Initiative Redevelopment Project Area does not currently include County pockets. The Redevelopment Report adopted by Council included the County pockets. However, the County Board of Supervisors was required to consent to the inclusion of these pockets within a certain period. This did not happen and, therefore, the Redevelopment Plan does not cover those areas. If the pockets are annexed, they will not be included in the SNI Redevelopment Project Area unless the Redevelopment Plan is amended to expand territory. The Redevelopment Agency has no intention to amend the Redevelopment Plan to expand territory should the Burbank area annex to the City. If the Burbank area were annexed to the City and there was support of the Burbank Community Association and Burbank residents to become part of the Redevelopment Area, a long process with extensive public outreach would be required to amend the Redevelopment Plan.

Rebecca Stamm

May 3, 2006

Re: Your letter of April 19, 2006

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With regard to the issue of eminent domain, the Redevelopment Agency does not have the authority to exercise eminent domain outside of its boundaries. Furthermore, even if the Project Area is eventually amended to include the County pockets, the Agency is in the process of proposing a limit on its authority to prohibit the use of eminent domain on single family, owner-occupied parcels throughout the SNI area. The City, however, will have the authority to condemn property for public use. In fact, it currently has this authority outside of the City limits for specific purposes such as the acquisition of land for park purposes, as is the case of the Clifton/Scott site.

The redevelopment law with regard to the expenditure of funds outside of a project area is more flexible. In the case of the acquisition of property for, and the construction of, public facilities, the Agency can make such expenditures outside of the Project Area if the City Council can make certain determinations based on the facts of each project. One of these determinations is that the improvements primarily benefit the Project Area or the immediate neighborhood in which the Project Area is located. This was the rationale for the Agency-funded projects mentioned in your correspondence, including the Clifton/Scott site, as well as the West San Carlos Landscaping and the Burbank School fence. I do need to point out to you, however, that the Sherman Oaks School and Community Center are not being funded by the Redevelopment Agency.

In the case of the Agency assisting private development outside of a project area, the Council must make similar findings, including that the project assists in the elimination of blight in the Project Area. This situation is rare, but when it has occurred in the past, the Council has, in appropriate circumstances, based this finding on the elimination of a visual blighting condition from a parcel within sight of the Project Area, if the blight impacts the Project Area.

I hope this answers your immediate questions regarding how the proposed annexation of the Burbank area will affect redevelopment activity in this neighborhood. Please do not hesitate to contact us with further concerns or questions.

Sincerely,



Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

c: Randi Kinman
Les White
Harry Mavrogenes
Patricia Deignan
Helen Duong
Rich Buikema