



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** FRANKLIN NO. 53

**DATE:** March 28, 2005

Approved

Date

4.6.05

**COUNCIL DISTRICT:** 7

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Franklin No. 53 which involves the annexation to the City of San Jose of 1.23 gross acres of land located at the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive and adjacent to the City of San Jose annexations Franklin Nos. 23 and 48, Monterey Park No. 7 and the detachment of the same from County Lighting County Services, Central Fire Protection and Area No.01 (Library Services) County Services and County Sanitation 2-3.

## BACKGROUND

On August 10, 2005 the City Council adopted Zoning Ordinance 27226 which rezoned the subject property from County to CN Commercial Neighborhood Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 497-08-022 and the detachment from County Lighting County Services, Central Fire Protection and Area No.01 (Library Services) County Services and County Sanitation District 2-3.

## ANALYSIS

The reorganization is defined as 100 percent consent, since the property owners of the parcel signed the annexation petition. The site consists of a discreet 1.23 acres developed parcel. The Registrar of Voters has certified that there are five registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with commercial uses on land that is within the City's Urban Service Area (USA). This parcel is substantially surrounded by City territory to the north, south, west and County territory to the east. 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 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 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 three 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.*

### **OUTCOME**

Upon completion of the annexation/reorganization proceedings the territory designated "Franklin No. 53" shall be annexed into the City of San José.

### **PUBLIC OUTREACH**

Notices of the public hearings for the rezoning (C04-056) 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.

HONORABLE MAYOR AND CITY COUNCIL  
March 28, 2005  
Subject: Franklin No. 53  
Page 3

**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.

**CEQA**

GP2020 EIR (Resolution No. 65459).

  
 STEPHEN M. HAASE, DIRECTOR  
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Panchal and Gita Natwarlal and Trustee, 115 Arroyo Del Rancho, Los Gatos, CA 95032

SS

**EXHIBIT 'A'**

**ANNEXATION TO THE CITY OF SAN JOSE  
"FRANKLIN NO. 53"**

All that real property situated in the County of Santa Clara, State of California, being those lands conveyed to the Panchal Living Trust by grant deed recorded September 1, 1993 in Book M 980, at Page 0139, Official Records of said County, being more particularly described as follows:

**BEGINNING** at a point lying on the existing City Limits Line of the City of San Jose, said point being the most northerly corner of Area "B", "Monterey Highway Reorganization", as adopted March 1, 1988 by Resolution No. 2492; thence along said City Limits Line South  $41^{\circ} 22' 32''$  East 106.17 feet to a point of curvature; thence along a curve to the right with a radius of 10065.00 feet, through a central angle of  $0^{\circ} 07' 04.3''$ , an arc distance of 20.71 feet to an angle point of said City Limits Line, said angle point being the most westerly corner of the "Franklin No. 48" annexation to said City as adopted December 15, 1989; thence continuing along said City Limits Line on the northwesterly boundary of said "Franklin No. 48" annexation North  $62^{\circ} 10' 43''$  East 401.07 feet more or less to the most northerly corner thereof, said northerly corner lying on the southwesterly boundary of Block 1 of Tract No. 817, "Monterey Manor Unit No. 1", filed in Book 33 of Maps, at Pages 18-19, Records of said County; thence leaving said City Limits Line along said southwesterly boundary of Block 1 North  $27^{\circ} 49' 17''$  West 125.00 feet more or less to the most easterly corner of the "Franklin No. 23" annexation to said City as adopted by Resolution No. 1067; thence leaving said southwesterly boundary of Block 1 along the southeasterly boundary of said "Franklin No. 23" annexation and said City Limits Line South  $61^{\circ} 11' 18''$  West 437.32 feet to the **POINT OF BEGINNING**.

Containing 1.238 acres, more or less (per Assessor's Parcel Map).

**SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.**

Description prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

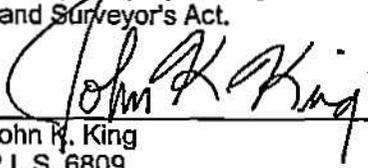
  
\_\_\_\_\_  
John K. King Date 5/25/04  
P.L.S. 6809  
Expires: 9/30/04



EXHIBIT 'B'

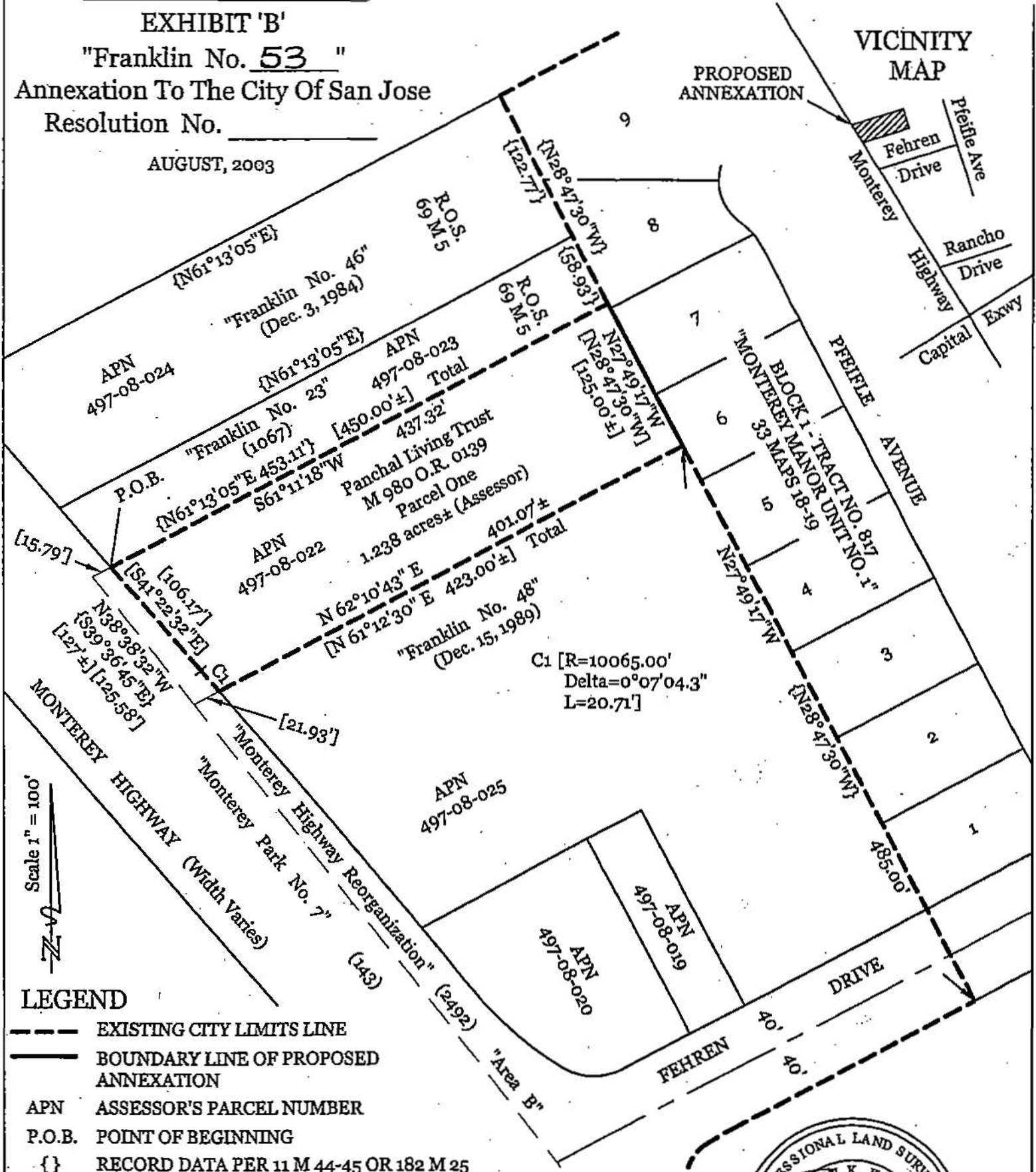
"Franklin No. 53"

Annexation To The City Of San Jose  
Resolution No. \_\_\_\_\_

AUGUST, 2003

PROPOSED ANNEXATION

VICINITY MAP



Scale 1" = 100'

LEGEND

- EXISTING CITY LIMITS LINE
- BOUNDARY LINE OF PROPOSED ANNEXATION
- APN ASSESSOR'S PARCEL NUMBER
- P.O.B. POINT OF BEGINNING
- { } RECORD DATA PER 11 M 44-45 OR 182 M 25
- [ ] RECORD DATA PER M 980 O.R. 0139



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