

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 29, 2007

Approved

Kay Winer

Date

6/2/07

COUNCIL DISTRICT: 7
SNI AREA: N/A

SUBJECT: MONTEREY PARK NO. 109. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 4.43 GROSS ACRE AREA CONSISTING OF 2 PARCELS ON THE NORTHWESTERLY CORNER OF CURTNER AVENUE AND STONE AVENUE

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the reorganization of territory designated as Monterey Park No. 109 which involves the annexation to the City of San José of 4.43 gross acres of land located on the northwesterly corner of Curtner Avenue and Stone Avenue and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3.

OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "Monterey Park No. 109" shall be annexed into the City of San José. This process will eliminate an unincorporated urban county pocket.

BACKGROUND

On December 5, 2006, the City Council adopted Zoning Ordinance 27917 which rezoned the subject property from County (unincorporated) to HI – Heavy Industrial Zoning District (file no. C06-051) to allow heavy industrial uses.

This annexation was originally proposed as a Director-initiated annexation as part of the County Island Annexation Program. However, it did not qualify for the streamlined annexation process established by the State legislature to waive protest and elections for the annexation of County

pockets, as this pocket was created after the year 2000. This annexation is now being continued as a privately-initiated, 100% consent annexation. The property owner is interested in developing the site for a public storage facility, which would be a permitted use in the HI - Heavy Industrial Zoning District, and subject to the approval of a Site Development Permit.

The proposed annexation consists of 2 parcels of land identified as Assessor's Parcel Numbers 455-07-012 and 455-07-013 and the detachment from County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3.

ANALYSIS

The reorganization is defined as 100 percent consent since the property owner(s) of the parcels signed the annexation petition. The site consists of a discreet 4.43 acre developed County pocket consisting of 2 parcels. The territory is considered uninhabited because there are fewer than eleven (11) registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with industrial uses on land that is within the City's Urban Service Area (USA). The site is adjacent to City territory on all sides. The proposed reorganization and annexation of the subject site conform 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 56757, 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 all 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.*

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, staff followed Council Policy 6-30: Public Outreach Policy. 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 for the rezoning (File No.C06-051). 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. An Annexation Answer Book has been distributed to all residents and property owners within the areas to be annexed as a part of Phase I of the County Island Annexation Program.

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

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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 was part of the first phase of the County island annexation process, where it was determined that it would create a negligible impact on City services because of its size, location and number of inhabitants.

BUDGET REFERENCE

Not applicable.

CEQA

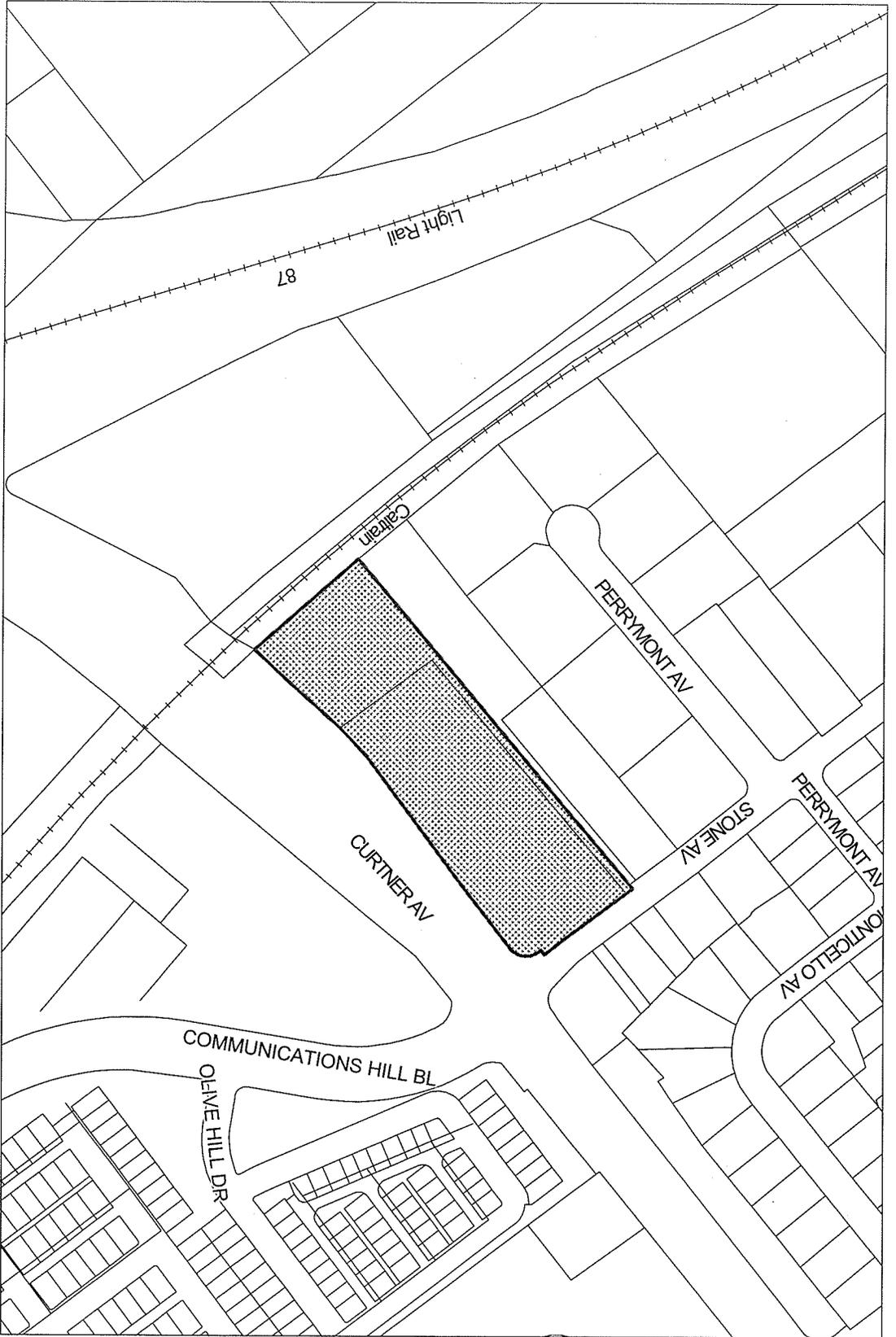
The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan EIR" adopted August 16, 1994, Resolution No. 65459.

Andrew Crabtree
for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c:

207-07/



Scale 1 in = 300 ft 1:3600
Noticing Radius: 300 ft

Map Created On:
5/11/2006

File No: MONT PARK 109
District: 07
Quad No: 99

EXHIBIT 'A'

DESCRIPTION

Annexation to the City of San Jose, State of California

Name of Annexation: MONTEREY PARK NO. 109

Date: November 9, 2006

Revised: May 7, 2007

All that certain real property situated in the County of Santa Clara, State of California, being a portion of the Pueblo Lands of San José, being all of Parcel "B" and the Parcel labeled as "G. Pace" as shown on the Record of Survey recorded on July 27, 1962 in Book 150 of Maps, at Page 27, Records of Santa Clara County; and said property to be annexed being more particularly described as follows:

Beginning on the City Limits Line of the City of San José at the most easterly corner of City Annexation Monterey Park No. 100, said point also being on the City Limits Line of the City of San José as established by the general southwesterly line of City Annexation Monterey Park No. 85, said point also being on the southwesterly line of Stone Avenue (50 feet wide); Thence continuing along said general southwesterly line of said Monterey Park No. 85 Annexation, and along the City Limits Line of the City of San José as established by the southwesterly line of City Annexation Monterey Park No. 48, and said general southwesterly line of Stone Avenue,

1. S 39°10'00" E 212.09 feet to the City Limits Line of the City of San José as established by the general northwesterly line of City Annexation Monterey Park No. 104, said general northwesterly line of said Monterey Park No. 104 Annexation also being the general northwesterly line of Curtner Avenue (Variable Width Right of Way);

Thence along said general northwesterly line of said Monterey Park No. 104 Annexation and the general northwesterly line of Curtner Avenue as follows:

2. S 49°17'35" W 12.00 feet to the point of curvature of a non-tangent curve to the right, concave westerly, the radius point of which bears S 50°50'00" W 30.00 feet;
3. Thence southerly along said curve through a central angle of 90°30'19", an arc distance of 47.39 feet;
4. Thence S 51°20'19" W 468.98 feet;

EXHIBIT 'A'

5. Thence S 41°08'58" W 296.09 feet to the City Limits Line of the City of San José as established by the northeasterly line of City Annexation Monterey Park No. 74 and the point of curvature of a non-tangent curve to the right, concave northeasterly, the radius point of which bears N 45°09'57.25" E 5679.60 feet;

Thence leaving said northwesterly line of said Monterey Park No. 104 Annexation and said northwesterly line of Curtner Avenue,

6. northwesterly along said curve and along said northeasterly line of said Monterey Park No. 74 Annexation, through a central angle of 2°40'47.01", an arc distance of 265.64 feet to the southeasterly line of said Monterey Park No. 100;

Thence along said southeasterly line of said Monterey Park No. 100,

7. N 49°13'00" E 823.46 feet to the Point of Beginning.

Containing approximately 4.432 acres.

The Basis of Bearings for this description is the bearing S 39°10'00" E of the southwesterly line of Stone Avenue as described in City Annexation Monterey Park No. 48.

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.

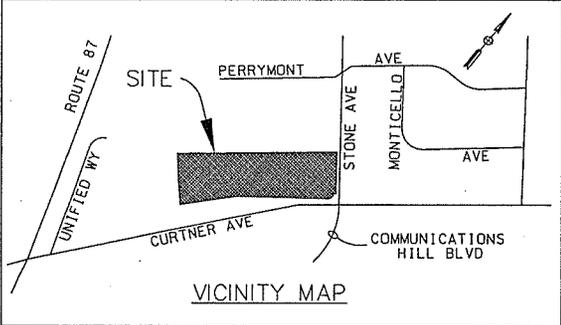
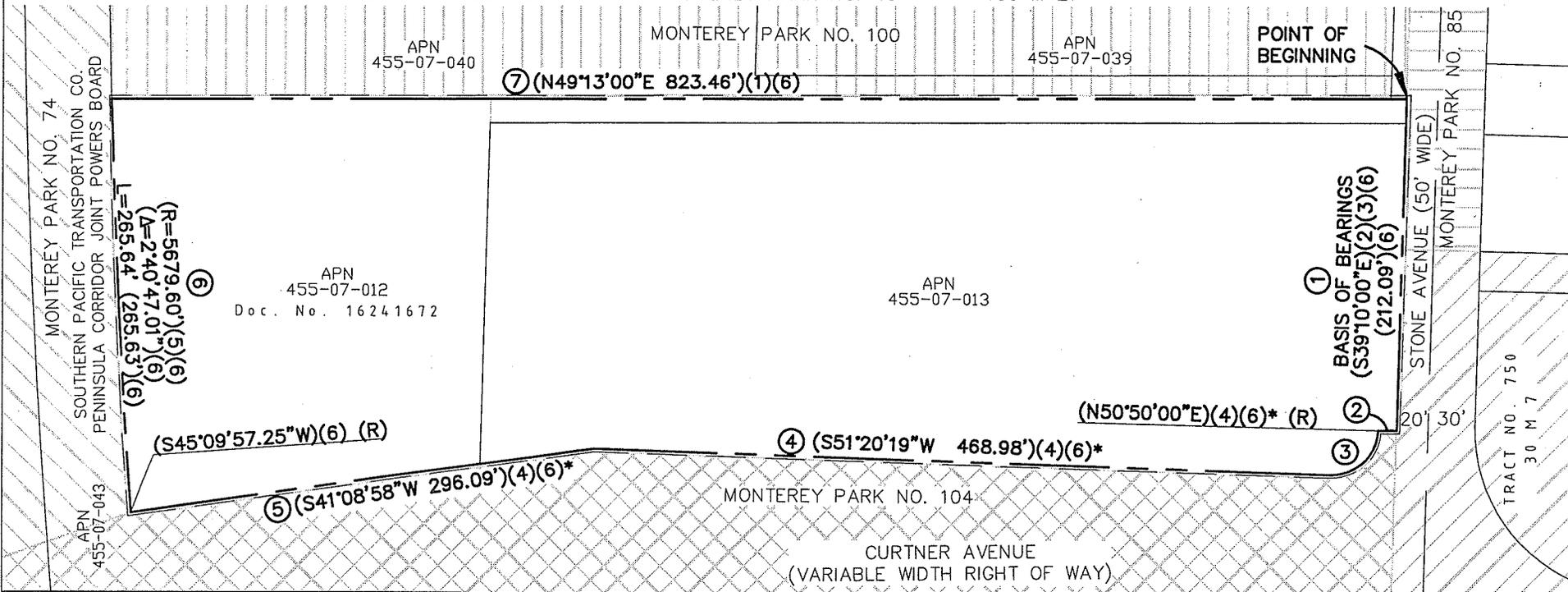
The above description of real property was prepared by me in conformance with the requirements of Section 8726 (g,k, l, m) of the Business and Professions Code of the State of California.

Patricia A. Cannon 5/7/07
Patricia A. Cannon, PLS 8186



LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION APPROXIMATELY 4.432 ACRES
- - - EXISTING CITY LIMITS LINE
- APN ASSESSOR'S PARCEL NUMBER PER 2004-2005 ASSESSOR'S MAP
- (1) REFERENCE DATA PER MONTEREY PARK NO. 100
- (2) REFERENCE DATA PER MONTEREY PARK NO. 85
- (3) REFERENCE DATA PER MONTEREY PARK NO. 48
- (4) REFERENCE DATA PER MONTEREY PARK NO. 104
- (5) REFERENCE DATA PER MONTEREY PARK NO. 74
- (6) REFERENCE DATA PER 150 M 27
- (6)* REFERENCE DATA PER 150 M 27 "OCCUPIED LINE"



LINE TABLE

2	(S49°17'35"W)(4)	(12.00')(4)(6)*
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CURVE TABLE

No.	RADIUS	DELTA	LENGTH
3	(30.00')(4)	(90°30'19")(4)	(47.39')(4)(6)*



PREPARED BY
 CITY OF SAN JOSE
 SURVEY SECTION
 DATE: NOVEMBER 9, 2006
 REVISED: MAY 7, 2007

EXHIBIT 'B'
 PLAT TO ACCOMPANY DESCRIPTION OF
 PROPOSED ANNEXATION TO CITY OF SAN JOSE, CALIFORNIA
 ENTITLED MONTEREY PARK NO. 109
 PUEBLO LANDS OF SAN JOSE

