



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** August 2, 2006

Approved 

Date 8/7/06

**COUNCIL DISTRICT:** 5  
**SNI AREA:** Not Applicable

**SUBJECT: STORY NO. 55**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Story No. 55 which involves the annexation to the City of San Jose of 1.33 gross acres of land located at the northwest corner of South White Road and Story Road and adjacent to the City of San Jose annexations Capitol No. 5 and Hillview No. 11 and the detachment from County Lighting County Service, Central Fire Protection, Area No.01 (Library Service) County Service and County Sanitation 2-3 Districts.

## OUTCOME

Upon completion of the annexation/reorganization proceedings the territory designated "Story No. 55" shall be annexed into the City of San José. This process will reduce an unincorporated urban county pocket.

## BACKGROUND

On March 1, 2005, the City Council adopted Zoning Ordinance 27370 which rezoned the subject property from County (unincorporated) to CP Commercial Pedestrian Zoning District (File No. C04-108) to allow commercial uses.

The proposed annexation consists of three parcels of land identified as Assessor's Parcel Number(s) 484-31-050, 051 and 019 and the detachment from County Lighting County Service, Central Fire Protection, Area No.01 (Library Services) County Service and County Sanitation 2-3 Districts.

## **ANALYSIS**

The reorganization is defined as 100 percent consent, since the property owner(s) of the parcel(s) signed the annexation petition. The site consists of a discreet 1.33 acres developed parcel. The Registrar of Voters has certified that there are no registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with non-residential uses on land that is within the City's Urban Service Area (USA). The parcels are adjacent to City territory on two sides. 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 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 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.*

## **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 500 feet of the project site and posted on the City website for the rezoning (File No. C05-108). 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**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Santa Clara County (Planning Department), Local Agency Formation Commission (LAFCO), Special Districts (mentioned above) and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

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 Local Agency Formation Commission (LAFCO) and the County of Santa Clara policy in that existing and future urban development be located within cities.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

Due Date: August 2, 2006

**Subject:** Story No. 55

Page 4

**CEQA**

CEQA: Environmental Impact Report found complete (GP 2020 EIR certified 8/15/1994)

Resolution No. 65459.



JOSEPH HORWEDEL, ACTING DIRECTOR

Planning, Building and Code Enforcement

For questions please contact Planning, Building and Code Enforcement at 408-535-7800.

CC: Juan R. De La Torre, 911 McLaughlin Avenue, San Jose, CA 95122.

**EXHIBIT "A"**

Annexation to: The City of San Jose  
Name of Annexation: Story No. 55  
Date: April 27, 2006

Being part of the Pala Rancho, in the County Of Santa Clara, State of California, more particularly described as follows:

**Beginning** at the most southerly corner of that certain Annexation to the City of San Jose entitled "Capitol No. 5" Ordinance No. 6000;

Thence, (1) along said Annexations southwesterly boundary N36°08'30"W 729.94 feet to the intersection thereof with the southwesterly right of way line of White Road, said point also being the beginning of a non-tangent curve to the right, said curve having a radius of 1000.00, a radial line to said point bears N53°51'30"E;

Thence, (2) southeasterly along said curve and southwesterly right of way thru a central angle of 7°01'18", an arc distance of 122.55 feet to the beginning of a reverse curve to the left, said curve having a radius of 1000.00 feet;

Thence, (3) southeasterly along said reverse curve thru a central angle of 7°01'18", an arc distance of 122.55 feet;

Thence, (4) S36°08'30"E 72.70 feet to the beginning of a curve to the right, said curve having a radius of 20.00 feet;

Thence, (5) southwesterly along said curve thru a central angle of 85°41'30", an arc distance of 29.91 feet to a point on the northwesterly right of way of Milford Way (60 feet in width);

Thence, (6) leaving said right of way S36°08'14"E 60.17 feet to a point on the southeasterly right of way of said Milford Way;

Thence, (7) along said southeasterly right of way S49°33'00"W 55.43 feet to the beginning of a curve to the right, said curve having a radius of 1580 feet;

Thence, (8) southwesterly along said curve thru a central angle of 2°02'03", an arc distance of 56.10 feet;

Thence, (9) leaving said right of way S36°08'30"E 321.24 feet to a point on the northwesterly right of way of Story Road (90.00 feet in width);

Thence, (10) along said right of way S49°30'00"W 77.11 to the beginning of a curve to the right, said curve having a radius of 20.00 feet;

Thence, (11) northwesterly along said curve thru a central angle of 94°21'10", an arc distance of 32.94 feet to a point on the northeasterly right of way of Stonehedge Way (60 feet in width);

Thence, (12) leaving said right of way S46°37'22"W 60.48 feet to a point on the southwesterly right of way of said Stonehedge Way, said point being the beginning of a non-tangent curve to the right, said curve having a radius of 20.00 feet, a radial line to said point bears N53°51'10"E;

EXHIBIT "A"

Continued -

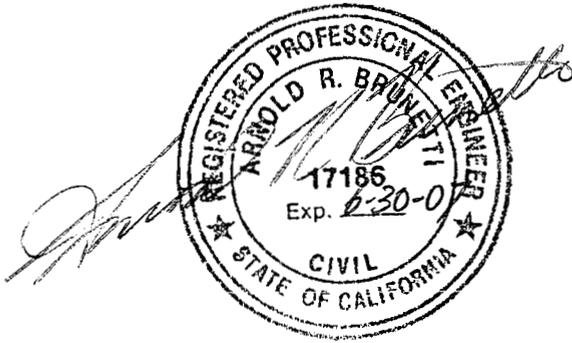
Thence, (13) southwesterly along said curve thru a central angle of  $85^{\circ}38'50''$ , an arc distance of 29.90 feet to a point on said northwesterly right of way of said Story Road;

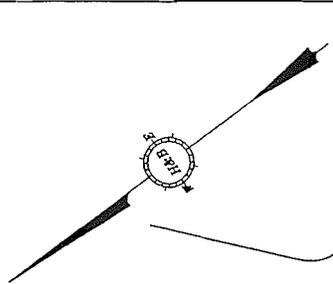
Thence, (14) leaving said right of way  $S40^{\circ}30'00''E$  15.00 feet to a point on the northwesterly city limits of San Jose as determined and shown upon that certain annexation map entitled "Hillview No. 11" Ordinance No 5705;

Thence, (15) along said northwesterly city limits  $N49^{\circ}30'00''W$  321.45 to said most southerly corner of "Capitol No. 5" and the **Point of beginning**.

Containing therein 1.33 acres of land more or less.

See EXHIBIT "B" attached hereto and made a part hereof.





EXISTING CITY LIMITS OF SAN JOSE AS ESTABLISHED BY ANNEXATION "CAPITOL NO. 5" ORDINANCE NO. 6000

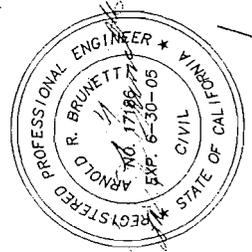
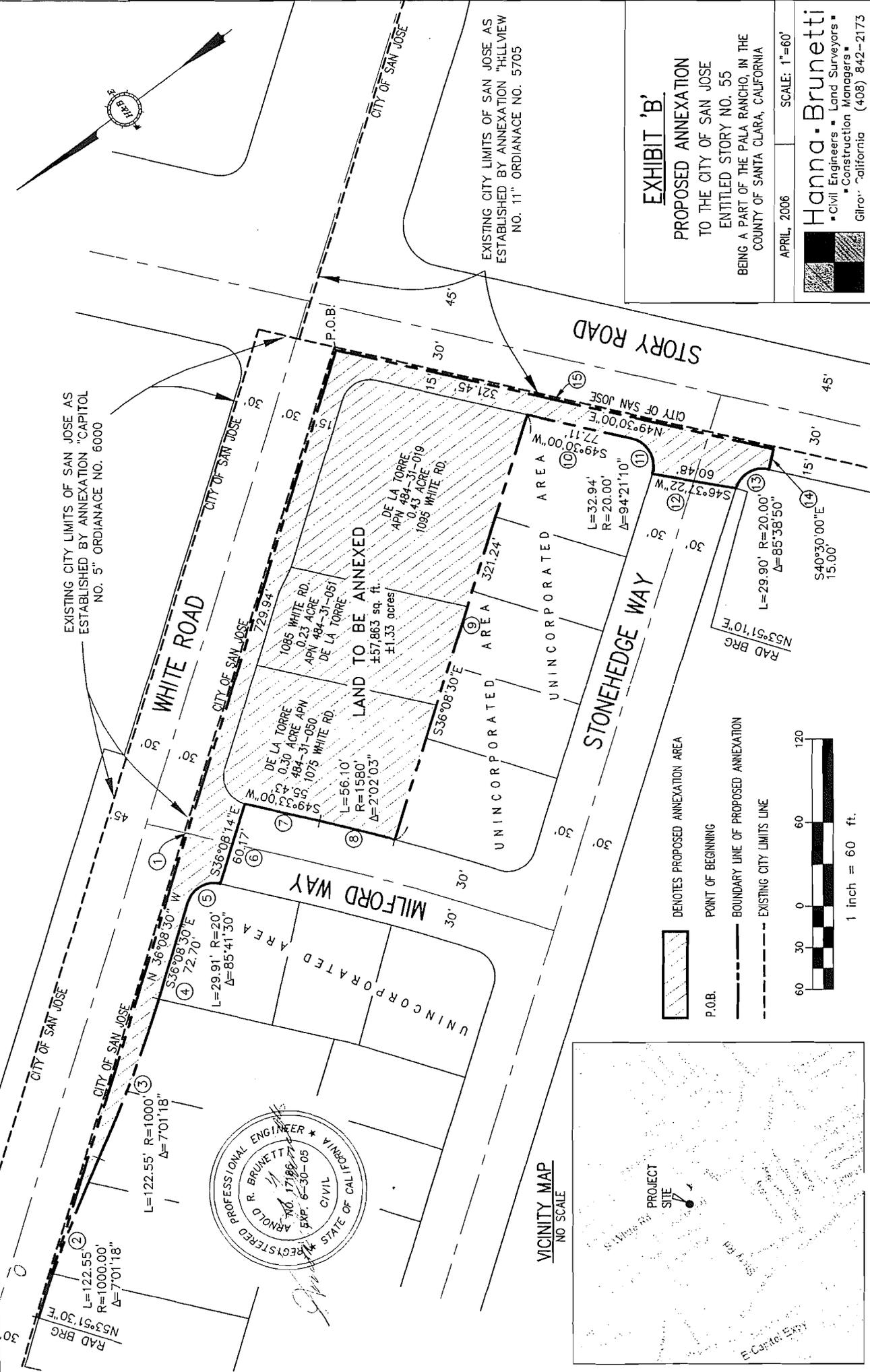
EXISTING CITY LIMITS OF SAN JOSE AS ESTABLISHED BY ANNEXATION "HILLVIEW NO. 11" ORDINANCE NO. 5705

**EXHIBIT 'B'**

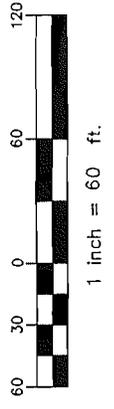
PROPOSED ANNEXATION TO THE CITY OF SAN JOSE ENTITLED STORY NO. 55 BEING A PART OF THE PALA RANCHO IN THE COUNTY OF SANTA CLARA, CALIFORNIA

APRIL, 2006 SCALE: 1"=60'

**Hanna Brunetti**  
 Civil Engineers • Land Surveyors • Construction Managers  
 Gilroy, California (408) 842-2173



-  DENOTES PROPOSED ANNEXATION AREA
-  P.O.B.
-  POINT OF BEGINNING
-  BOUNDARY LINE OF PROPOSED ANNEXATION
-  EXISTING CITY LIMITS LINE



VICINITY MAP  
NO SCALE

