



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** JOSEPH HORWEDEL

**SUBJECT:** SEE BELOW

**DATE:** October 27, 2006

Approved

Date

10/31/06

**COUNCIL DISTRICT:** 4  
**SNI AREA:** None

**SUBJECT: PIEDMONT NO. 51. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 2.3 -ACRE COUNTY POCKET CONTAINING TWO (2) PARCELS ON THE SOUTHWESTERLY SIDE OF STONE CREEK DRIVE, APPROXIMATELY 120 FEET SOUTHERLY OF ISADORA DRIVE.**

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Piedmont No. 51 which involves the annexation to the City of San Jose of a 2.3 gross acres of land located at the southwesterly side of Stone Creek Drive, approximately 120 feet southerly of Isadora Drive, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts.

## OUTCOME

Upon completion of the annexation/reorganization proceedings, the territory designated Piedmont No. 51 shall be annexed into the City of San Jose.

## BACKGROUND

The proposed annexation consists of 2 parcels (Assessor's Parcel Numbers 586-19-042 & 586-19-043) and the detachment of the same from the appropriate special districts including: County Lighting County Service, Central Fire Protection and Area No.01 (Library Services) County Service Districts. Maps showing the affected territory are attached.

On April 26, 2006, the City Council voted to provide direction to City staff to proceed with a County Island annexation program that involves the annexation of all unincorporated County pockets less than 150-acres in size. The City of San Jose has initiated the annexation of the subject area in conjunction with this program.

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The City Council approved a Director-Initiated Rezoning (File No. C06-035) on September 12, 2006 which rezoned the parcels from unincorporated County to R-1-8 Single Family Residence District to allow residential uses consistent with the Zoning Code, the existing neighborhood and the existing uses and/or structures on the subject property. The properties are used for agricultural purposes and developed with existing single-family residences. The two property owners spoke at the August 15, 2006 public hearing and expressed concerns with the annexation of their property and the limited amount of advanced notification that they received. Planning staff has since met with the property owners to clarify the implications of annexation including requirements for connecting to the City's sanitary sewer and the legal nonconforming status of the existing uses on the property (see attached letter).

The City Council voted unanimously to initiate this annexation as part of Phase 1 of the County Island Annexation program on October 3, 2006. There were no speakers at the public hearing regarding this item.

### ANALYSIS

The proposed annexation is being done as part of the first phase of the County island annexation program as it has been determined that it will create a negligible impact on City services because of its size, location and number of inhabitants. The area is surrounded on all sides by the City of San Jose and its annexation is logical for the purposes of providing urban services in an efficient manner. It is inefficient and potentially confusing for the same urban services to be provided by different service providers to residents within the same general area.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each such 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 parcels are being reorganized in their entirety.
4. **The proposal does not create island or areas in which it would be difficult to provide municipal services.** As proposed, the annexation will not create islands. 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 in that existing and future urban development should be located within cities.

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6. **The territory is contiguous to existing City limits.** The area proposed to be reorganized is contiguous to the City limits as shown on the attached map.

### **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, Outreach will occur consistent with Council Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. 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. 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. Planning staff had numerous phone conversations with some of the residents of the County pocket in order to fully explain the annexation process and the implications of annexation into the City of San Jose. All property owners within areas proposed for annexation were mailed a copy of the "Annexation Answer Book".

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Local Agency Formation Commission and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies that urban development should take place within the Urban Service Area.

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**COST SUMMARY/IMPLICATIONS**

The proposed annexation is being done as part of the first phase of the County island annexation process as it has been determined that it will 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 José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

  
*for* JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Richard Buikema at (408) 535-7800.

Attachments

September 7, 2006

Karl Inderbitzin  
1565 Stone Creek Drive  
San Jose, CA  
95132-1918

Joe McCord  
1695 Stone Creek Drive  
San Jose, CA  
95132-1918

Re: Annexation Piedmont No. #51

I would like to thank you for meeting with two (2) of my staff members, Richard Buikema and Christopher Burton on August 22, 2006, in response to your letter to the Planning Department, dated August 19, 2006.

This letter is intended to provide clarity on the potential annexation of your property into the City of San José. The City Council Hearing on the annexation of your property has been deferred to October 3, 2006.

You will be able to continue to conduct agricultural activities on your property after annexation, provided that the activities are legally established. They will be considered to be legal non-conforming (grandfathered) if not discontinued for 6 months or more.

We cannot make a determination on the legality of the non-agricultural uses that you describe (electrical contracting and manufacturing) without more information on the specific characteristics of the uses and the history of the operation on your property. The procedure for verifying the legality of a particular use is described in the attached brochure (Legal Nonconforming Uses).

In regards to the existing septic tank on the property, if it is in working order, it would be allowed to be maintained. Annexation to the City of San José does not require that the site be connected to the City's sewer system. That would only occur at your request or as a condition of approval of new development proposed on the property such as a substantial home addition, new home, or subdivision.

Karl Inderbitzen and Joe McCord

RE: Piedmont #51

September 8, 2006

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Similarly, as occurred on neighboring properties, dedication and improvement of any area needed for public street improvements (street, curb, gutter, sidewalks) would be required as part of the City's approval of any new development of the property. As new development is anticipated to occur eventually, the City would not acquire that land in advance of the development project.

Let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Horwedel". The signature is stylized with a large, sweeping initial "J" and a circular flourish at the end.

Joseph Horwedel, Acting Director  
Planning, Building and Code  
Enforcement

RB

Enclosure (1)

# EXHIBIT 'A'

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: PIEDMONT NO. 51

Date: August 10, 2006

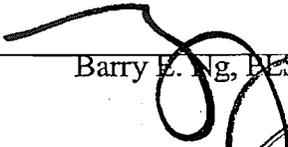
All that certain real property situated in the County of Santa Clara, State of California, being the property described in the Quitclaim Deed / Trust Transfer recorded on August 20, 1991 in Book L830, at Pages 1069-1070, Official Records of Santa Clara County, together with the property described in the Trust Transfer Deed recorded on September 7, 1994 in Book N587, at Pages 1175-1176, Official Records of Santa Clara County; said property being bounded by the City Limits Line of the City of San José as established by the following annexations: Piedmont No. 13, Piedmont No. 16, Piedmont No. 36, Piedmont No. 37, and Piedmont No. 46.

Containing approximately 2.290 acres.

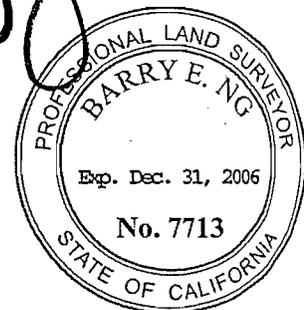
This description was prepared from record information only.

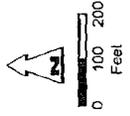
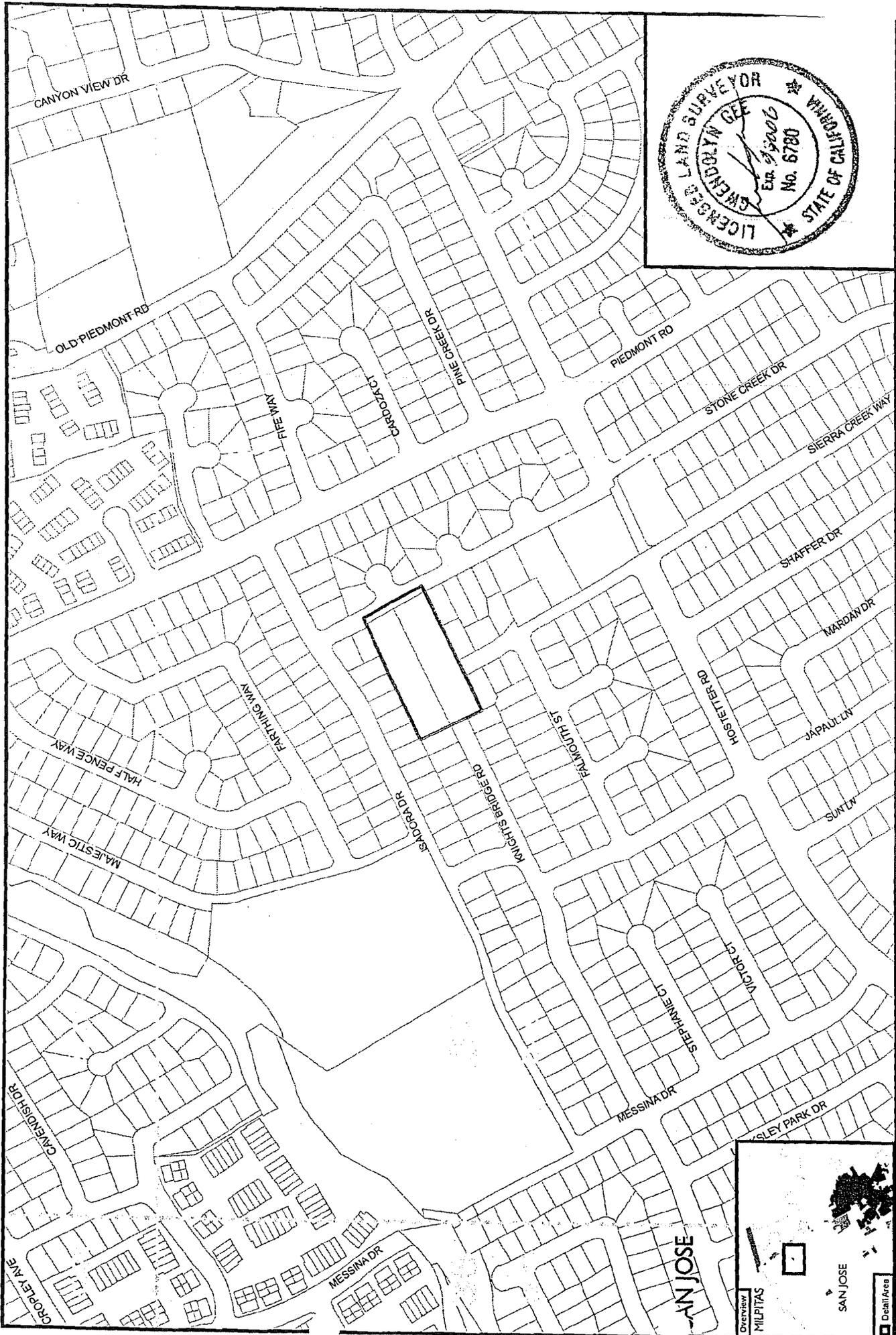
Attached hereto and by reference a part hereof is a plat labeled "PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY" depicting the subject property.

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.

  
Barry E. Ng, PES 7713

8-10-06

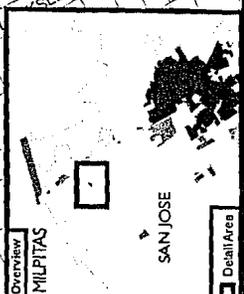




- Urban Service Area
- Incorporated Lands
- Area of Annexation
- Unincorporated Lands

6000 Scale Index Map

County of Santa Clara  
 County Surveyor's Office  
 Gwendolyn Gee, PLS, County Surveyor



**EXHIBIT A**  
 San Jose Pocket No. 5  
 Piedmont No. 51  
 2.30 Acres +/-