



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: July 27, 2011

Approved

Date

8/11/11

COUNCIL DISTRICT: 10
SNI AREA: N/A

SUBJECT: DOWNER NO. 11. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 21.51 GROSS ACRE COUNTY ISLAND CONSISTING OF 3 PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF BLOSSOM HILL ROAD AND SOUTHCREST WAY.

RECOMMENDATION

It is recommended that the Council adopt a resolution ordering the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 21.51 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service.

OUTCOME

Upon completion of the annexation/reorganization proceedings, the approximately 21.51 gross acre area of unincorporated Santa Clara County designated as Downer No. 11 will be within the incorporated area of the City of San José.

BACKGROUND

The proposed annexation was originally initiated by the Council on May 3, 2011 and subsequently ordered on May 17, 2011. After the annexation was ordered by the Council, all required information was sent to the Santa Clara County Local Agency Formation Commission (LAFCO) for certification. LAFCO requested additional parcels to be included in the annexation boundary in order to create a logical boundary consistent with LAFCO's Road Annexation Policies. The original proposal did not meet the policies because it included only an oddly shaped middle portion of Highway 85 which would have created an illogical boundary from a service standpoint. All of

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Highway 85 needed to be included in order to create a logical boundary and to meet LAFCO's Road Annexation Policies. As such, on August 9, 2011, the Council adopted a resolution ordering the earlier annexation be rescinded and initiating proceedings to annex the larger 21.51-acre territory. This larger territory consists of three parcels of undeveloped land and a section of Highway 85, which upon annexation to the City of San José would be detached from the following special districts: Central Fire Protection and Area No. 01 (Library Services) County Service. The subject of this memorandum is the ordering of this annexation.

To facilitate the annexation, on December 7, 2010, the Council approved a General Plan Amendment (File No. GP10-10-01) on the 8.4 acre parcel of the subject annexation area to change the Land Use/Transportation Diagram from Public Park and Open Space to Medium Density Residential (8-16 DU/AC). Further, on February 15, 2011, the Council approved a Planned Development Rezoning (File No. PDC10-007) to allow for the development of up to 86 single-family detached residences, at an approximate net density of 11.8 DU/AC. The remaining area of this territory, containing approximately 13.11 acres, will be zoned A - Agricultural District upon its annexation to the City of San José in accordance with Section 20.120.310 of the Zoning Ordinance, as the parcels were previously zoned by the County of Santa Clara as "A-Exclusive Agricultural Zoning District."

The site is located to the south of the Martial Cottle Park, a planned future park located on a 287.54 acre property in South San José that is bounded by Branham Lane, Snell Avenue, and Chynoweth Avenue with a portion extending to Highway 85. Historically the area for the park was an agricultural farm. The construction of Highway 85 severed the subject site from the aforementioned future park site. This planned park is located to the north of the subject site on the opposite side of Highway 85. The planned park does not include the subject site and was not part of the acreage donated to Santa Clara County and the State of California for Martial Cottle Park.

ANALYSIS

This reorganization is defined as 100 percent consent, since all the property owners of the parcels signed the annexation petition. The site consists of 21.51 gross acres of undeveloped land and a portion of Highway 85. There are no registered voters in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the 8.6 acre portion of the site with residential uses on land that is within the City's Urban Service Area (USA). The remaining area of the annexation is not proposed for development as parcel number 464-22-035 is owned by the Valley Transportation Authority (VTA) and contains equipment for the light rail system, parcel number 464-22-013 is owned by the Santa Clara Valley Water District and is used for maintenance of Canoas Creek, and Highway 85 is an existing public right-of-way. These parcels are surrounded by City territory to the east, south, and west, and County territory to the north.

In addition, parcel number 464-22-030, is under a Williamson Act Contract. The City of San Jose will succeed to the contract pursuant to Section 51243 of the California Government Code. The property owner has already submitted a petition to the City of San Jose to cancel the contract.

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The proposed reorganization and annexation of the subject site conforms overall to the City's General Plan strategies and policies 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 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.

On July 20, 2011, the County Surveyor 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 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 and are accessible to municipal services.

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 should 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.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.

(Required: Website Posting)

- Criterion 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)**

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- Criterion 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. On October 13, 2010, staff held a community meeting for the General Plan Amendment and Rezoning, associated with the subject annexation at the Earl Frost Elementary School located on Gettysburg Drive. There were approximately 19 community members in attendance. A majority of the public input involved issues that were resolved with the approved Rezoning.

In addition to the community meeting, a notice of the public hearing was published, posted on the City's website and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. This staff report has been posted on the City's website. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

This project was coordinated with the Department of Public Works, Department of Transportation, Fire Department, Police Department, Building Division, Environmental Services Department, and the City Attorney.

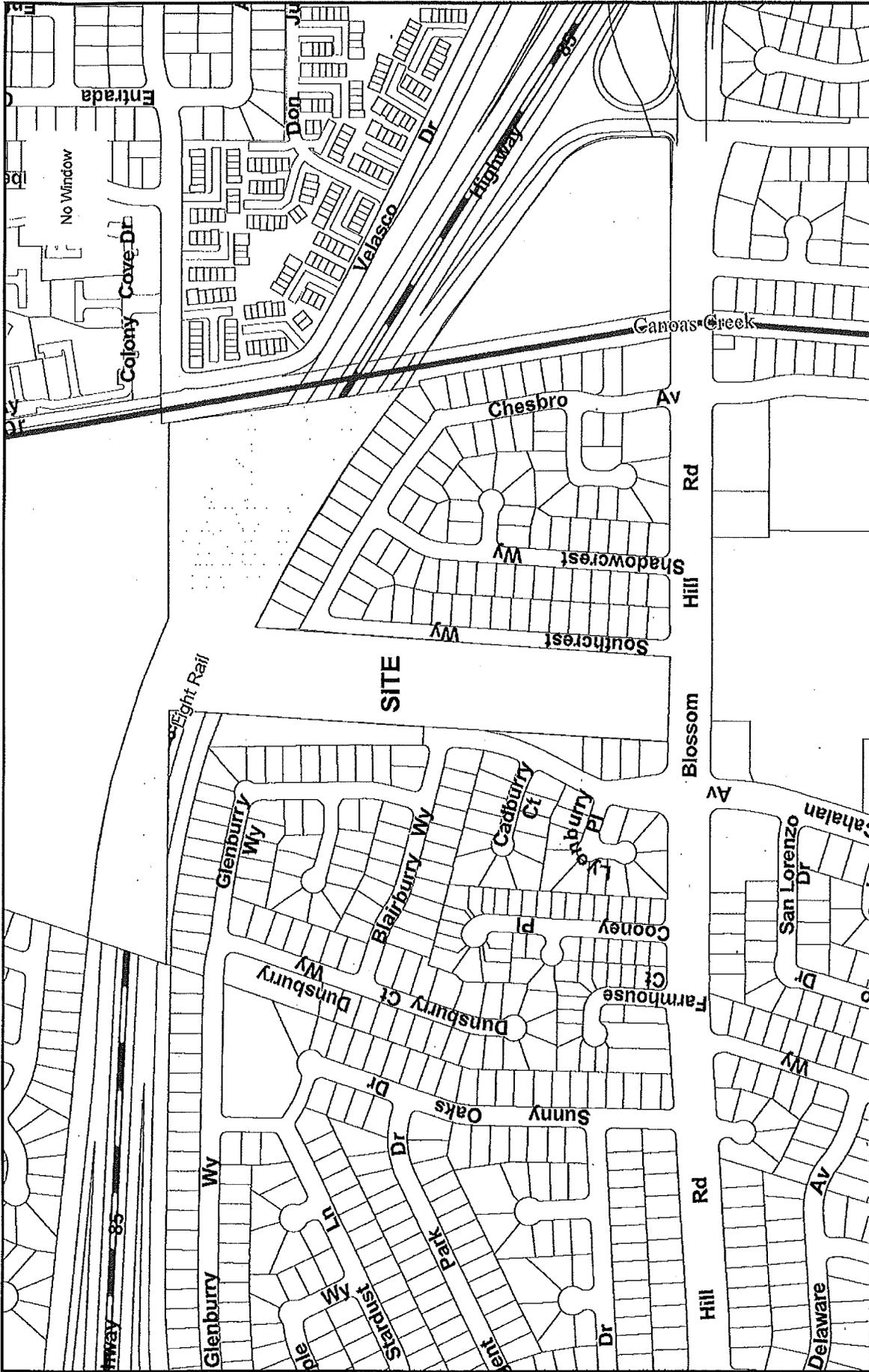
CEQA

The environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the Council approved the IS/MND on December 7, 2010.

/s/
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Lesley Xavier at 408-535-7852.

Attachments: Site Location Map
Santa Clara County Surveyor's Report



File No: Downer No. 11
District: 10

LOCATION



Prepared by the Department of Planning,
 Building and Code Enforcement
 07/19/2011

County of Santa Clara

Planning and Development

Office Of The County Surveyor's

County Government Center

70 West Hedding Street, E. Wing, 7th Floor

San Jose, California 95110

(408) 299-5730



July 20, 2011

Lesley Xavier
Planner II
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113
408-535-7800

SUBJECT: Downer No. 11

Dear Lesley Xavier:

The attached map dated July 14, 2011 and description dated March 25, 2011 of territory proposed for annexation to the City of San Jose entitled Downer No. 11 is in accordance with Government Code Section 56757 (c) (2). The boundaries of said territory are definite and certain. The proposal is in compliance with the Local Agency Formation Commission's road annexation policies.


Gwendolyn Gee, PLS
County Surveyor



Date: July 20th, 2011

attachments: legal description, plat, GIS exhibit
cc: LAFCO Executive Officer (w/attachment), Assessor's Office (w/attachment)

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



March 25, 2011
HMH 3586.10.121
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EXHIBIT "A"
ANNEXATION TO THE CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION
DOWNER No. 11

REAL PROPERTY in the County of Santa Clara, State of California, being all of Parcels 1 & 2 as shown on that certain Record of Survey filed for record on February 5, 1981, in Book 479 of Maps, page 28; all of Parcel CT0315-29 as described in the Final Order of Condemnation recorded April 6, 1989, in Book L026 of Official Records, page 1446; all of that parcel of land described in the Director's Deed recorded May 7, 1974, in Book 885 of Official Records, page 657; and a portion of Highway 85 as shown on that certain Record of Survey filed for record on May 3, 2001, in Book 739 of Maps, pages 32 through 37; all of Santa Clara County Records, lying within the Santa Teresa Rancho Partition, more particularly described as follows:

BEGINNING at an angle point in the general westerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, being on the easterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 9, also being the southwesterly corner of said Parcel 2;

Thence along said easterly City Limits Line, also being the westerly line of said Parcels 1 & 2,
1. North 03°09'47" East, 1,584.73 feet, to the southerly line of said Parcel CT0315-29;

Thence along the northerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 9 and the northerly City Limits Line of the City of San Jose as established by City's Annexation Alamitos No. 1-B, also being said southerly line of Parcel CT0315-29,

2. South 89°20'50" West, 774.65 feet, to the easterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 8;

Thence along said easterly City Limits Line, also being the westerly line of said Parcel CT0315-29,

3. North 18°06'32" East, 254.49 feet;

Thence along the northerly line of said Parcel CT0315-29, the following two courses:

4. Thence South 85°02'09" East, 210.39 feet;

5. Thence easterly, along a non-tangent curve to the right, having a radius of 3,131.15 feet, whose center bears South 08°12'10" West, through a central angle of 14°33'10" for an arc length of 795.29 feet, to the northwesterly corner of that parcel of land described in said Director's Deed;

Thence along the northerly line of said parcel of land,

6. North 89°20'50" East, 640.73 feet, to the westerly City Limits Line of the City of San Jose as established by City's Annexation Snell No. 9;

Thence along the westerly City Limits Line of the City of San Jose as established by City's Annexations Snell No. 9 and Snell No. 23, also being the easterly line of that parcel of land described in said Director's Deed and its southerly prolongation,

7. South $10^{\circ}05'10''$ East, 785.82 feet, to the northeasterly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B;

Thence along said northeasterly City Limits Line, also being the southwesterly line of Highway 85, the following three courses:

8. Thence North $53^{\circ}34'26''$ West, 298.74 feet;
9. Thence North $58^{\circ}26'34''$ West, 287.51 feet;
10. Thence along a tangent curve to the left, having a radius of 2,874.14 feet, through a central angle of $07^{\circ}02'11''$ for an arc length of 352.96 feet, to the easterly line of said Parcel 2;

Thence along the westerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, also being the easterly line of said Parcel 2,

11. South $03^{\circ}09'20''$ West, 1,312.48 feet;

Thence along the northerly City Limits Line of the City of San Jose as established by City's Annexation Downer No. 4-B, also being the southerly line of said Parcel 2,

12. South $89^{\circ}31'24''$ West, 275.28 feet, to the POINT OF BEGINNING.

Containing 21.51 acres, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

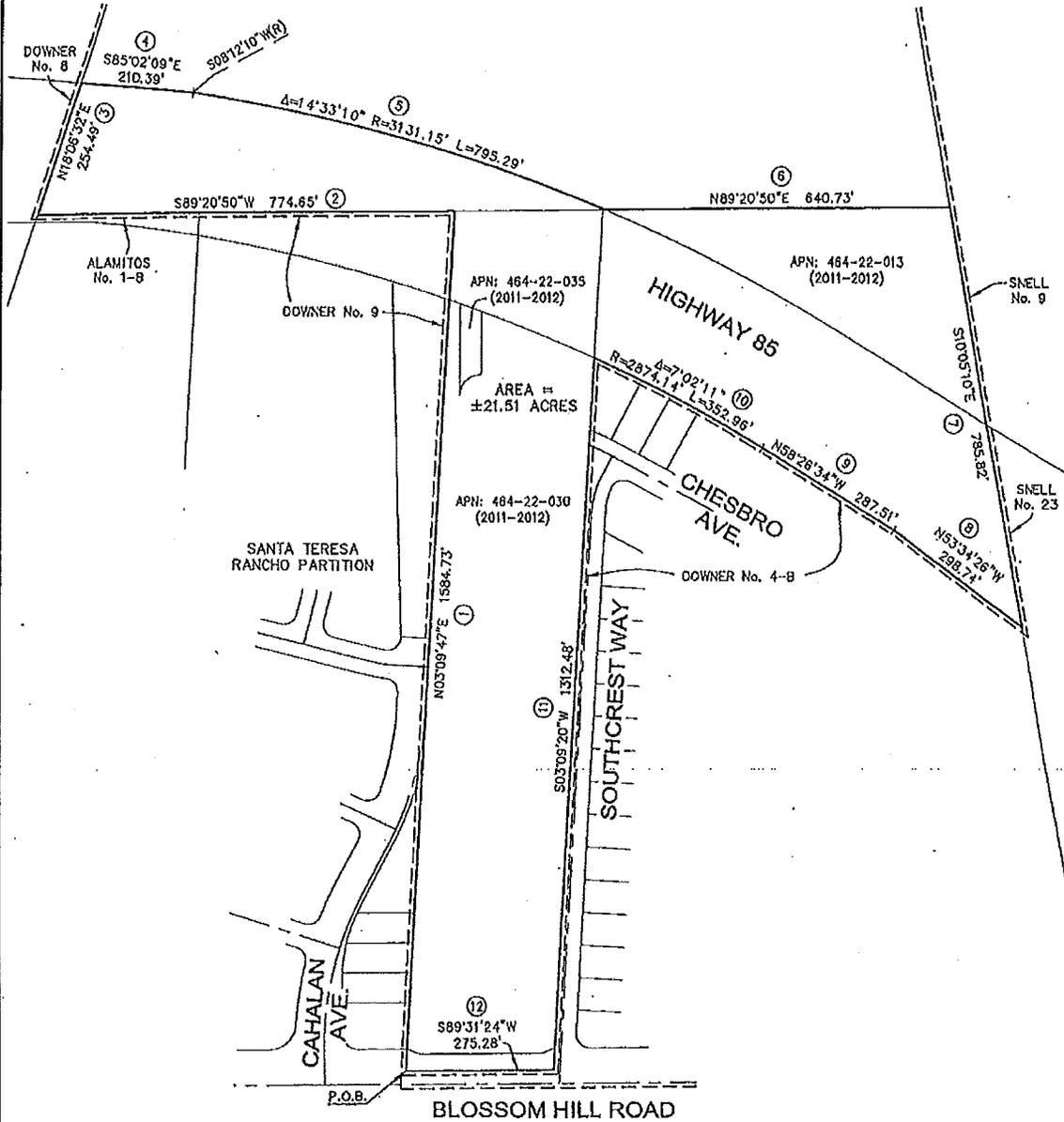
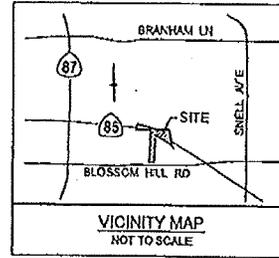
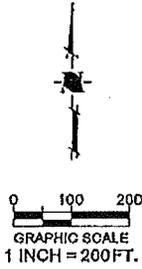


Steve W. Danver
3-25-11

LEGEND

- PROPOSED ANNEXATION BOUNDARY LINE
- - - EXISTING SAN JOSE CITY LIMITS LINE

DISCLAIMER:
 "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



SHEET 1 OF 1

Date: 07-14-11
 Scale: 1" = 200'
 Drawn: TG
 Checked: SD
 Plot Exp: -
 35861CPL02

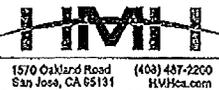


EXHIBIT "B"
 ANNEXATION TO THE CITY OF SAN JOSE
 DOWNER No. 11
 SANTA CLARA COUNTY CALIFORNIA

Downer No. 11

