



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Chris Burton

SUBJECT: SEE BELOW

DATE: January 3, 2022

Approved

Date

01/13/22

COUNCIL DISTRICT: 1

SUBJECT: DOYLE NO. 7. REORGANIZATION/DETACHMENT FROM THE CITY OF SAN JOSE OF APPROXIMATELY 9.56-GROSS ACRES CONSISTING OF TWO (2) PARCELS LOCATED ON THE EASTERLY SIDE OF SARATOGA CREEK ALONG LAWRENCE EXPRESSWAY BETWEEN HIGHWAY 280 AND BOLLINGER ROAD

RECOMMENDATION

Adopt a resolution supporting the reorganization of territory designated as Doyle No.7 which involves detachment from the City of San José of approximately 9.56 gross acres of land located at the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road, and the detachment of the same from the affected special districts.

OUTCOME

Upon completion of the reorganization/detachment proceedings, the territory designated as Doyle No. 7 will be detached from the City of San José and annexed to the City of Cupertino. The property would cease receiving services from the City of San José and begin to receive services from the City of Cupertino.

BACKGROUND

The subject parcels are located along the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road - APNs 375-21-001 & 375-22-001 (see Attachment A). The property is currently vacant and is within San Jose's jurisdictional limits. The City of Cupertino purchased the property from the County of Santa Clara with the intention of creating public open space/parkland. On February 19, 2021, the City of Cupertino submitted an

application to detach the property from the City of San José so that it could be incorporated into the City of Cupertino's jurisdiction.

On March 20, 2007, the Cupertino City Council adopted Ordinance No. 07-1998, pre-zoning (Application Z-2006-04) the Doyle No. 7 property to Pre-PR (Public Park or Recreational Zoning District). The pre-zoning designation is a required process prior to the approval of annexation, and the zoning becomes effective upon detachment from the City of San José and annexation of the property into the City of Cupertino.

Site and Surrounding Land Uses

The detachment area is located along the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road. The subject parcels both have an R-M Multiple Residence Zoning District designation. There are several General Plan designations on the parcels including Mixed Use Neighborhood (northern portion), Residential Neighborhood (eastern portion), and Open Space, Parklands and Habitat (Figure 1). The property is undeveloped and resides almost entirely within a riparian corridor. It has been used by the County of Santa Clara as a construction staging area. The City of Cupertino pre-zoned the property as Parks and Open Space in 2007. The detachment area is surrounded by multifamily/single-family residences, and Archbishop Mitty Highschool to the east, commercial office development to the north, and the City of Cupertino (single-family residences) to the south and west.

Figure 1. Site and Surrounding General Plan Land Use Designations



ANALYSIS

The proposed reorganization between the City of Cupertino and the City of San José affecting land along Lawrence Expressway between Highway 280 and Bollinger Road was reviewed for consistency with San José Council Policy 6-15: City Boundary Changes in Existing Urbanized Areas (see Attachment B), which states in relevant part:

- Existing boundary agreement lines between cities should be maintained. It would serve no useful purpose to revive the long dormant annexation wars of the 1950s. Existing boundaries between cities have been established for a long time. Local governments have relied on these boundary agreements when planning and building facilities such as fire stations, parks, libraries, public works service yards, etc., and when developing programs for serving the incorporated territory.
- The City of San José is satisfied with existing boundary agreements and will only consider modifications that include equal exchanges of like territory, population, or tax base. City to City discussions is the appropriate forum for boundary agreements. If there are matters, the affected cities want to work on together, they should initiate discussions to resolve them. Any exchange as listed above would have to be equitable from a fiscal standpoint to the concerned jurisdictions.
- The City Council will consider citywide effects of any change in the boundary agreement line. The identity of a city extends throughout the entire city. Any change in the city boundary, particularly in an existing developed area, affects the whole city.
- The City considers the needs and concerns of boundary area residents and property owners of equal importance to the needs of all citizens. City programs and services are citywide in scope. All geographic areas should receive equitable consideration.

The Doyle No. 7 property encompasses an area of approximately 9.56 gross acres of vacant land, owned by the City of Cupertino. The site is the only property on the west side of Lawrence Expressway between Highway 280 and Bollinger Road that is not within the City of Cupertino's jurisdiction. The property is locked between Lawrence Expressway and Saratoga Creek with only pedestrian access and is not feasible for the development of employment or revenue-generating uses.

The property includes a riparian area along Saratoga Creek which should be preserved as parks/open space. The City of Cupertino has funded and constructed trail improvements along Saratoga Creek in this area, which also benefits San José residents.

There are no special districts associated with the property that is the subject of the reorganization; the property is not connected to any city services (sewer, water, etc.), and police/fire services will transfer to the City of Cupertino. A boundary adjustment affecting this area would have no detrimental effect on the provision of municipal services in the City of San José and would be neutral from a fiscal standpoint, as the property was formerly owned by the County of Santa Clara and is currently owned by the City of Cupertino so it is not the source of any property tax revenue. Based on this, the proposal is deemed to be consistent with the intent of Council Policy 6-15. This draft resolution that consents to the boundary adjustment would expire on January 25, 2024, so

that if Cupertino does not move forward with the annexation at this time and decides to seek annexation in the future, San Jose will have an opportunity to reevaluate our consent.

There are several steps to the detachment and annexation process. This resolution of support from the San José City Council is the necessary first step. Cupertino would then apply to Santa Clara County's Local Agency Formation Commission (LAFCO) to approve the reorganization. LAFCO's review takes approximately two to three months. If either San José or Cupertino does not support the reorganization, it would not proceed, and detachment would not occur.

In addition to changing the City boundaries, LAFCO requires the Urban Service Areas and Spheres of Influence boundaries to be adjusted. Urban Service Areas and Spheres of Influence are areas defined by cities and the county to promote orderly development between cities and at the urban fringe. The Urban Service Area and Sphere of Influence boundaries will be adjusted by LAFCO in conjunction with the reorganization.

CONCLUSION

Upon completion of the reorganization/detachment proceedings, the territory designated as Doyle No. 7 will be detached from the City of San José and annexed to the City of Cupertino and receive services from the City of Cupertino.

The City of Cupertino will lead the annexation process with the Local Agency Formation Commission (LAFCO) and adjustments of the Urban Service Area/Sphere of Influence (USA/SOI) and any special districts. Once the property is detached from San José and annexed into Cupertino, San José staff will update the Zoning and General Plan land use maps accordingly.

CLIMATE SMART SAN JOSÉ

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

EVALUATION AND FOLLOW-UP

Upon obtainment of LAFCO's certification of the proposed detachment from the City of San José and annexation to the City of Cupertino, the approximately 9.56-gross acre area designated as Doyle No. 7 will be within the incorporated area of the City of Cupertino and will receive services from the City of Cupertino.

PUBLIC OUTREACH/INTEREST

This item is being conducted in accordance with Section 56662(a) of the California Government Code for detachments with territory that is uninhabited and for which no public hearing or notice is required. 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. The 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 City of Cupertino, Santa Clara County LAFCO, and the City Attorney's office.

CEQA

Pursuant to Section 15305 of the CEQA Guidelines, the City of San José has determined that this action is categorically exempt from the California Environmental Quality Act (CEQA) because the properties to be detached and annexed consist of minor alterations in land use limitations in an area with an average slope of less than twenty (20) percent, which does not result in any changes in land use or density.

/s/

CHRISTOPHER BURTON

Planning, Building and Code Enforcement

For questions please contact Michael Brilliot, Deputy Director, at 408-535-7900.

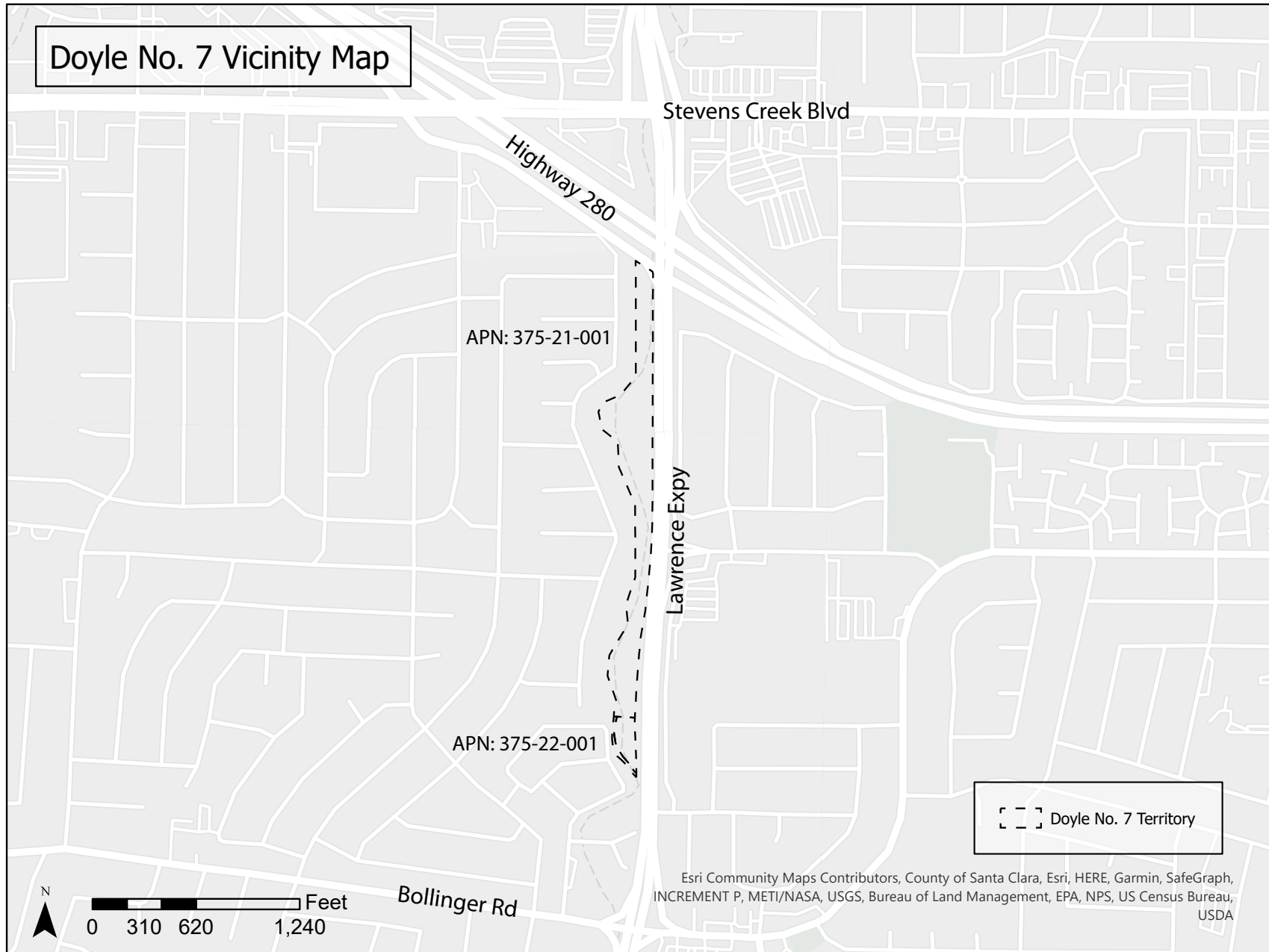
Attachments: Attachment A – Doyle No. 7 Vicinity Map.

Attachment B – The San José Council Policy 6-15: City Boundary Changes In Existing Urbanized Areas.

Attachment C – The City of Cupertino Ordinance No. 07-1998.

Attachment D – Doyle No. 7 Plat and Legal Description.

Attachment E – Doyle No. 7 Resolution.



City of San José, California

COUNCIL POLICY

| | | | | | |
|-----------------------------------|---|---------------------|--------|----------------------|------|
| TITLE | CITY BOUNDARY CHANGES IN EXISTING URBANIZED AREAS | PAGE | 1 of 1 | POLICY NUMBER | 6-15 |
| EFFECTIVE DATE | January 10, 1984 | REVISED DATE | | | |
| APPROVED BY COUNCIL ACTION | January 10, 1984 Item 10A(1) | | | | |

BACKGROUND

For a variety of reasons, citizens living in the fringe areas of San José periodically submit requests to the City Council which would allow them to deannex from San José and annex to an adjacent community. Boundary changes are a complex issue of services and facilities. Since most boundary transfer areas constitute pieces and fragments of service areas, costs are very difficult to identify. Experience has shown that an analytical approach does not address the real issues that motivate boundary transfers. Identity is an emotional issue which does not lend itself to analysis.

PURPOSE

The purpose of this policy is to establish workable guidelines to be followed when considering boundary transfer requests. The foundation of this policy rests on the inherent responsibility of the cities involved to decide whether or not to modify their boundaries. Cities and districts must respect the existing boundary agreements. No government agency nor individual neighborhood interest group should be able to change a boundary unless both affected cities concur.

POLICY

It is the policy of the City of San José that the following guidelines be adhered to when considering city boundary change requests in existing urbanized areas:

1. Existing boundary agreement lines between cities should be maintained. It would serve no useful purpose to revive the long dormant annexation wars of the 1950's. Existing boundaries between cities have been established for a long time. Local governments have relied on these boundary agreements when planning and building facilities such as fire stations, parks, libraries, public works service yards, etc., and when developing programs for serving the incorporated territory.
2. The City of San José is satisfied with existing boundary agreements and will only consider modifications that include equal exchanges of like territory, population or tax base. City to city discussions are the appropriate forum for boundary agreements. If there are matters the affected cities want to work on together, they should initiate discussions to resolve them. Any exchange as listed above would have to be equitable from a fiscal standpoint to the concerned jurisdictions.
3. The City Council will consider citywide effects of any change in the boundary agreement line. The identity of a city extends throughout the entire city. Any change in the city boundary, particularly in an existing developed area, affects the whole city.
4. The City considers the needs and concerns of boundary area residents and property owners of equal importance to the needs of all citizens. City programs and services are citywide in scope. All geographic areas should receive equitable consideration.

ORDINANCE NO. 07-1998

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING SECTION 1 OF ORDINANCE NO. 2 BY PREZONING
APPROXIMATELY 13.5 ACRES TO PRE-PR (PUBLIC PARK OR RECREATIONAL
ZONING DISTRICT) AND PRE-T (TRANSPORTATION ZONING) LOCATED AT THE
EASTERLY SIDE OF SARATOGA CREEK TO THE CENTERLINE OF LAWRENCE
EXPRESSWAY FROM HIGHWAY 280 TO BOLLINGER ROAD
APPLICATION Z-2006-04

WHEREAS, an application was filed (Application Z-2006-04) for the prezoning of the territory to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District); and

WHEREAS, upon due notice and after one public hearing the Planning Commission recommended to the City Council that the Prezoning be granted; and

WHEREAS, the property to be prezoned is presently in the City of San Jose; and

WHEREAS, maps of the subject property are attached hereto as Exhibit "A" and "A-1" as a proposed amendment to the Master Zoning Map of the City of Cupertino.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

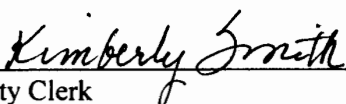
Section 1. That the properties described in attached Exhibits "B" and "B-1" be and hereby are prezoned to Pre-PR and Pre-T respectively, and that Exhibits "A" and "A-1" attached hereto are made part of the Master Zoning Map of the City of Cupertino.

Section 2. This ordinance shall take effect and be in force thirty (30) days after its passage.

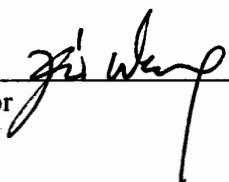
INTRODUCED at a regular meeting of the City Council of the City of Cupertino this 6th day of March, 2007, and ENACTED at a regular meeting of the City Council of the City of Cupertino this 20th day of March 2007, by the following vote:

| <u>Vote</u> | <u>Members of the City Council</u> |
|-------------|--|
| AYES: | Wang, Kwok, Lowenthal, Mahoney, Sandoval |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN | None |

ATTEST:


City Clerk

APPROVED:


Mayor



City Hall
10300 Torre Avenue
Cupertino, CA 95014-3255
Telephone: (408) 777-3223
FAX: (408) 777-3366

OFFICE OF THE CITY CLERK

To: Planning Department

From: Grace Schmidt

Subject: Z-2006-04 pre-zoning

Date: March 7, 2007

Consider pre-zoning 13.5 acres to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District), Application Nos. Z-2006-04 and EA-2006-10, City of Cupertino, lands east of Saratoga Creek to the centerline of Lawrence Expressway from highway 280 to Bollinger Rd., APN (s) 375-21-001 and 375-22-001:

The City Council made the following action:

Adopted a Negative Declaration and conducted the first reading of the ordinance.

A handwritten signature in cursive script that reads 'Grace Schmidt'.

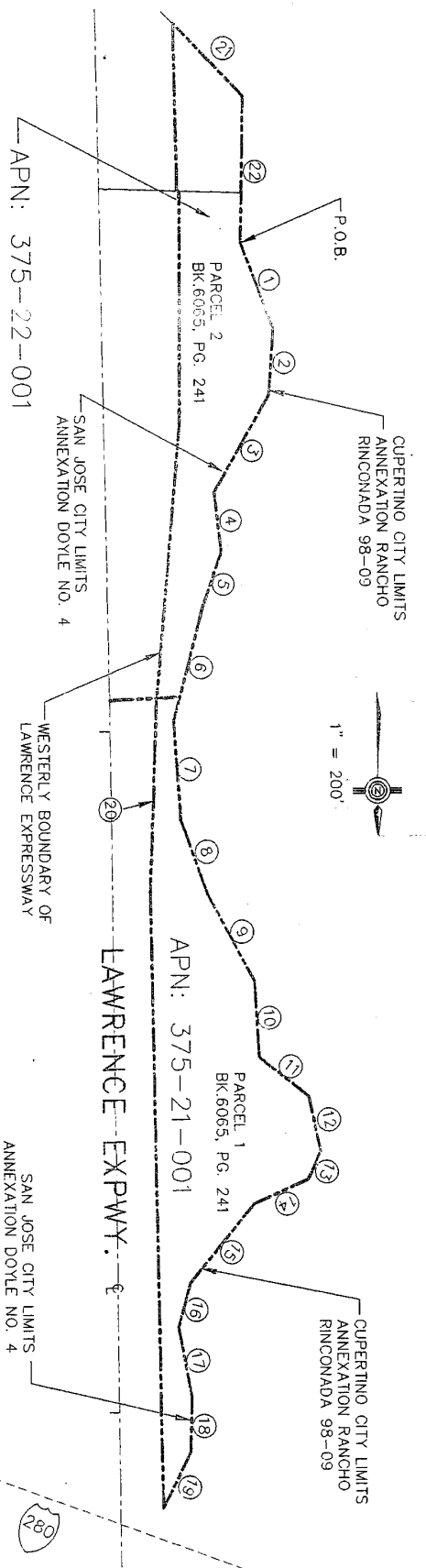
Grace Schmidt
Deputy City Clerk

EXHIBIT A
 PLAT FOR PREZONING
 ZONE: PRE-PR
 CITY OF CUPERTINO 2007-
 BEING A PORTION OF THE QUITO RANCHO

SHEET 1 OF 1

APPROVAL Z-2006-04
 Applicant Number
City Council
 Planning Commission 3-6-07
 Date
 Signature *Colin Young*
 Case Number

| LINE | LENGTH | BEARING |
|------|---------|-------------|
| 1 | 282.38 | N01°18'10"E |
| 2 | 177.77 | S20°09'45"E |
| 3 | 125.69 | S04°04'45"W |
| 4 | 214.50 | S29°51'15"W |
| 5 | 116.81 | S06°13'45"E |
| 6 | 109.24 | S19°26'45"W |
| 7 | 228.20 | S14°30'00"W |
| 8 | 191.71 | N03°22'45"W |
| 9 | 151.30 | N19°29'45"W |
| 10 | 189.35 | N27°45'15"W |
| 11 | 147.02 | N03°17'15"W |
| 12 | 121.65 | N50°51'45"W |
| 13 | 107.74 | N12°27'45"W |
| 14 | 61.00 | N25°06'15"E |
| 15 | 113.84 | N66°02'15"E |
| 16 | 194.78 | N39°42'00"E |
| 17 | 85.91 | N15°14'00"E |
| 18 | 138.43 | N10°16'15"W |
| 19 | 103.33 | N01°51'30"E |
| 20 | 119.95 | N26°18'45"E |
| 21 | 285.6 | SOUTHERLY |
| 22 | 193.00± | N43°00'40"W |



JANUARY 15, 2007

APN: 375-22-001

APN: 375-21-001

LAWRENCE EXPWY.

SAN JOSE CITY LIMITS ANNEXATION DOYLE NO. 4



**EXHIBIT B
PREZONING LEGAL DESCRIPTION
ZONE: PRE-PR
CITY OF CUPERTINO 2007-**

All of that real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the Quito Rancho, described as follows:

BEGINNING at the Southeasterly corner of Lot 293 as shown on that certain Map of Tract 1183, recorded in Book 44 of Maps, at Pages 11-13, Santa Clara County records said point also lying in the Westerly line of the City limits of Cupertino as annexed by Rancho Rinconada No. 98-09, and the Easterly line of the City limits of San Jose as established by Annexation Doyle No. 4;

Course 1: thence proceeding along the Easterly line of said lot and said Westerly City limits of Cupertino and said Easterly City limits of San Jose N20°09'45"W 177.77 feet more or less; thence continuing along said City limits lines and Westerly Boundary of said Annexation Rancho Rinconada No. 98-09, the following courses and distances:

Course 2: N04°04'45"E, 125.69 feet
Course 3: N29°51'15"E, 214.50 feet
Course 4: N06°13'45"W, 116.81 feet
Course 5: N19°26'45"E, 109.24 feet
Course 6: N14°30'00"E, 228.20 feet
Course 7: N03°22'45"W, 191.71 feet
Course 8: N19°29'45"W, 151.30 feet
Course 9: N27°45'15"W, 189.35 feet
Course 10: N03°17'15"W, 147.02 feet
Course 11: N50°51'45"W, 121.65 feet
Course 12: N12°27'45"W, 107.74 feet
Course 13: N25°06'15"E, 61.00 feet
Course 14: N66°02'15"E, 113.84 feet
Course 15: N39°42'00"E, 194.78 feet
Course 16: N15°14'00"E, 85.91 feet
Course 17: N10°16'15"W, 138.43 feet
Course 18: N01°51'30"E, 103.33 feet
Course 19: N26°18'45"E, 119.95 feet more or less to a point on the Westerly boundary line of Lawrence Expressway (previously named Doyle Road), as it now exists;

Course 20: thence leaving aforementioned annexation Rancho Rinconada No. 98-09 and aforementioned annexation Doyle No. 4 and proceeding along said boundary line of Lawrence Expressway Southerly 2856 feet more or less to a point on the Westerly boundary of aforementioned annexation Rancho Rinconada No. 98-09 and the Easterly boundary of aforementioned annexation Doyle No. 4;

Course 21: thence continuing along said annexation boundaries N43°00'40"W, 193 feet more or less;

| |
|--|
| APPROVAL <u>Z-2006-04</u> <small>Application Number</small> |
| <i>City Council</i> <i>Planning Commission</i> <u>3-6-07</u> <small>Date</small> |
| Signature <u><i>[Signature]</i></u> <small>Case Manager</small> |

Course 22: thence proceeding along said annexation boundaries N01°18'10"E, 282.38 feet to the POINT OF BEGINNING of this description.

Containing 7.7 acres more or less and being a portion of the Quito Rancho.

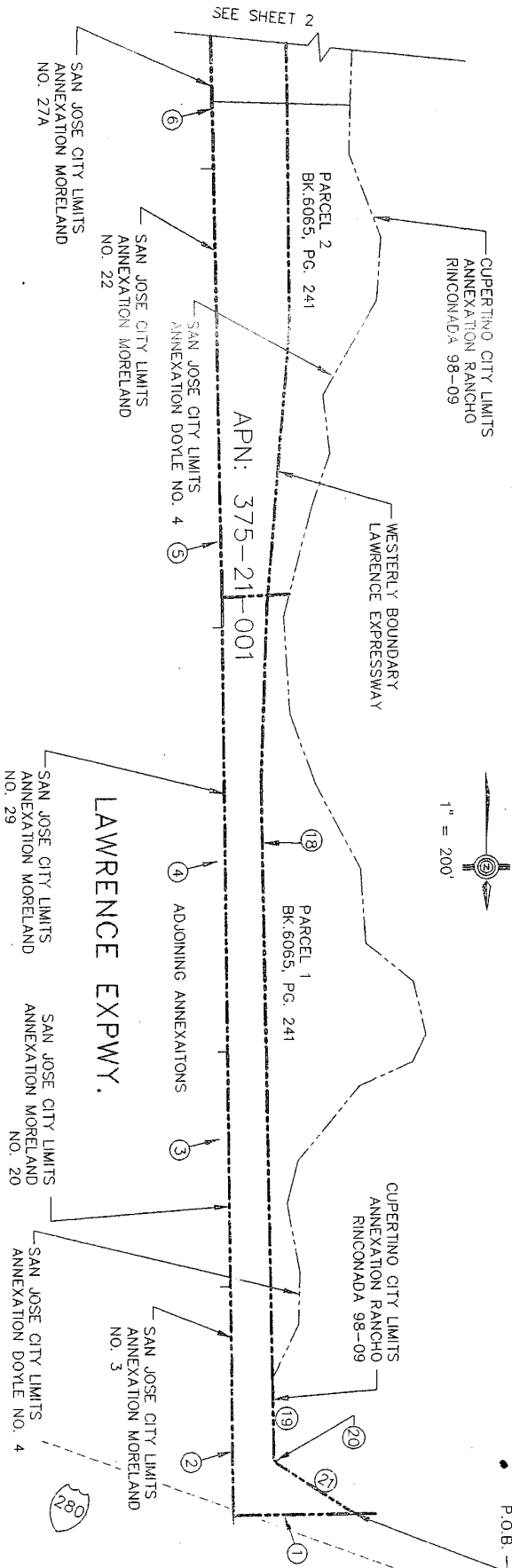
January 2007

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| | |
|--------------------------------|---------------------------------------|
| APPROVAL | <u>Z-2006-04</u> |
| | <small>Application Number</small> |
| City Council | |
| Planning Commission | <u>3-6-07</u> |
| | <small>Date</small> |
| Signature | <u><i>[Handwritten Signature]</i></u> |
| | <small>Case Number</small> |

EXHIBIT A-1
PLAT FOR PREZONING
ZONE: PRE-T
CITY OF CUPERTINO 2007--
BEING A PORTION OF THE QUITO RANCHO

SHEET 1 OF 2



JANUARY 2007

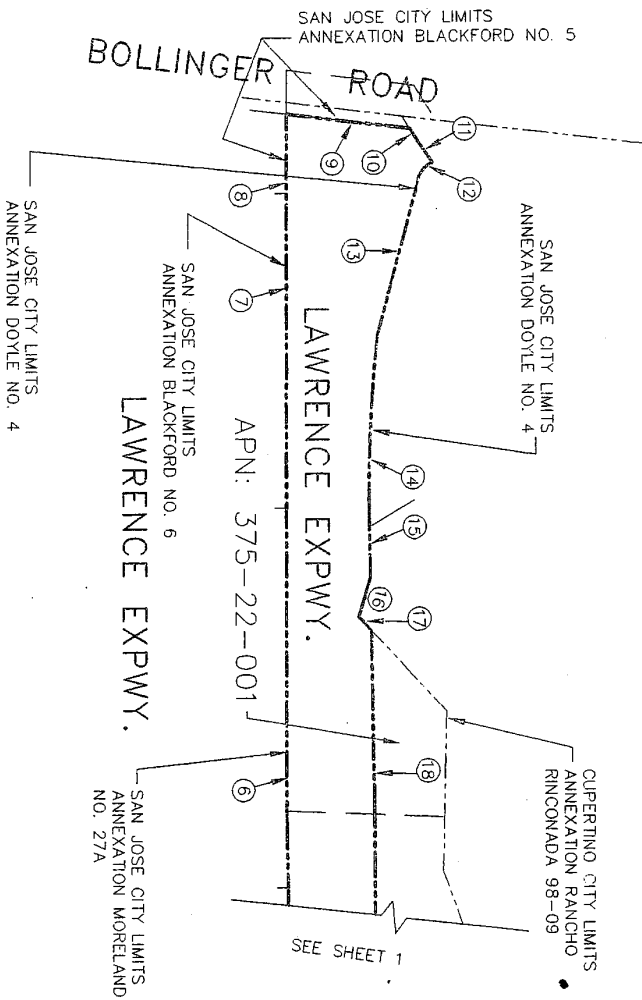
APPROVAL Z-2006-04
 Application Number
 City Council
 Planning Commission: 3-6-07
 Signature *[Signature]*
 Casa B. B. B. B. B.

EXHIBIT A-1
 PLAT FOR PREZONING
 ZONE: PRE-T
 CITY OF CUPERTINO 2007-
 BEING A PORTION OF THE QUITO RANCHO

SHEET 2 OF 2

| LINE | LENGTH | BEARING |
|---------------------------|---------|-------------|
| 1 | 24.3± | EASTERLY |
| 2 | 453.28± | SOUTHERLY |
| 3 | 465.03± | SOUTHERLY |
| 4 | 842.43 | SOUTHERLY |
| 5 | 911.66 | SOUTHERLY |
| 6 | 667.72 | SOUTHERLY |
| 7 | 552.42 | SOUTHERLY |
| 8 | 141.00 | SOUTHERLY |
| 9 | 218.52± | N82°59'21"W |
| 10 | 31.88 | N31°20'20"W |
| 11 | 40.67 | N35°00'00"W |
| COURSE 12 SEE CURVE TABLE | | |
| 13 | 281.69 | N15°12'26"E |
| COURSE 14 SEE CURVE TABLE | | |
| 15 | 121.87 | N00°44'10"W |
| 16 | 73.50 | N16°45'10"E |
| 17 | 33.23 | N13°00'40"W |
| 18 | 2856± | NORTHERLY |
| 19 | 152.42 | N00°44'45"W |
| COURSE 20 SEE CURVE TABLE | | |
| 21 | 181.29 | N56°51'06"W |

| CURVE TABLE | | | |
|-------------|--------|---------|-----------|
| COURSE | LENGTH | RADIUS | DELTA |
| 12 | 39.35 | 43.00 | 52°25'56" |
| 14 | 307.07 | 2433.00 | 07°13'53" |
| 20 | 19.58 | 20.00 | 56°05'33" |



APPROVAL Z-2006-04
 Application Number
 City Council
 Resolution Commission 3-6-07
 2316

Signature: *[Handwritten Signature]*
 City Engineer

**EXHIBIT B-1
PREZONING LEGAL DESCRIPTION
ZONE: PRE-T
CITY OF CUPERTINO 2007-**

| | |
|--------------------------------|-----------------------------------|
| APPROVAL | <u>Z-2006-04</u> |
| | <small>Application Number</small> |
| City Council | <u>3-6-07</u> |
| Planning Commission | <small>Date</small> |
| Case Manager | <i>Colin J. [Signature]</i> |

All of that real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the Quito Rancho, described as follows:

Beginning at the Northeasterly corner of Lot 242 as shown on that certain Map of Tract 1183, recorded in Book 44 of Maps, at Pages 11-13, Santa Clara County records; thence proceeding along the Northerly line of said lot, N89°39'45"E 41.35 feet more or less to the **TRUE POINT OF BEGINNING**, said point also lying in the Westerly line of the City limits of Cupertino as annexed by Rancho Rinconada No. 98-09, and the Easterly line of the City limits of San Jose as established by Annexation Doyle No. 4;

Course 1: thence proceeding along the Easterly prolongation of the Northerly line of said Lot 242 East 243.00 feet more or less to the center line of Lawrence Expressway (previously named Doyle Road), as it now exists said point also being on the westerly boundary of the annexation to the City of San Jose entitled Moreland No. 3;

Course 2: thence leaving aforementioned annexation Rancho Rinconada No. 98-09 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Moreland No. 3 South 453.28 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Moreland No. 20;

Course 3: thence leaving aforementioned annexation Moreland No. 3 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Moreland No. 20 South 465.03 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Moreland No. 29;

Course 4: thence leaving aforementioned annexation Moreland No. 20 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Moreland No. 29 South 842.43 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Moreland No. 22;

Course 5: thence leaving aforementioned annexation Moreland No. 29 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Moreland No. 22 South 911.66 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Moreland No. 27A;

Course 6: thence leaving aforementioned annexation Moreland No. 22 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Moreland No. 27A South 667.72 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Blackford No. 6;

Course 7: thence leaving aforementioned annexation Moreland No. 27A and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Blackford No. 6 South 552.42 feet more or less to a point on the westerly boundary of the annexation to the City of San Jose entitled Blackford No. 5;

Course 8: thence leaving aforementioned annexation Blackford No. 6 and proceeding along the said center line of said Lawrence Expressway as it now exists, and said annexation Blackford No. 5 South 141.00 feet more or less to a point on the northerly boundary of Bollinger Road;

Course 9: thence leaving said center line of Lawrence Expressway as it now exists and proceeding along the northerly boundary of Bollinger Road and aforementioned annexation Blackford No. 5 N82°59'21"W 218.52 feet more or less to a point on the easterly boundary of the City of Cupertino as established by the annexation entitled Rancho Rinconada No. 98-09 said point also being on the Westerly boundary of said Lawrence Expressway;

Course 10: thence leaving said northerly line of Bollinger Road and aforementioned annexation Blackford No. 5 and proceeding along aforementioned boundary of the City of Cupertino per annexation Rinconada No. 98-09 and Westerly boundary of said Lawrence Expressway N31°20'20"W 31.88 feet,

Course 11: thence N35°00'00"W 40.67 feet to a point of non-tangency;

Course 12: thence along a non-tangential curve, counter clock-wise to the left, with a radial bearing of S22°21'22"E, a radius of 43.00 feet, a delta of 52°25'56", an arc length of 39.35 feet to a point of tangency;

Course 13: thence proceeding tangent to the last curve N15°12'26"E, 281.69 feet, to a point of non-tangency;

Course 14: thence along a non-tangential curve, counter clock-wise to the left, with a radial bearing of S83°30'17"E, a radius of 2433.00 feet, a delta of 07°13'53", an arc length of 307.07 feet to a point of tangency;

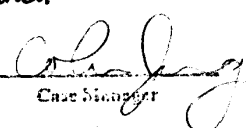
Course 15: thence proceeding tangent to the last curve N00°44'10"W, 121.87 feet;

Course 16: thence continuing along said Westerly Boundary of said Annexation Rancho Rinconada No. 98-09 N16°45'10"E, 73.50 feet;

Course 17: thence N43°00'40"W, 33.23 feet more or less;

Course 18: thence leaving said Westerly Boundary of said Annexation Rancho Rinconada No. 98-09 and continuing along said Westerly boundary of Lawrence Expressway Northerly 2856 feet more or less to a point on ~~aforementioned Westerly~~ Boundary of said Annexation Rancho Rinconada No. 98-09;

Course 19: thence proceeding along said Westerly Boundary of Annexation Rancho Rinconada No. 98-09 and along said Westerly boundary of Lawrence Expressway N00°44'45"W, 152.42 feet to a point of tangency;

| | |
|--------------|---|
| APPLICANT | Z-2006-04 |
| APPROVED BY | 3-6-07 |
| CITY COUNCIL | |
| SIGNATURE |  |
| CASE MANAGER | |

Course 20: thence along a tangential curve, counter clock-wise to the left, with a radius of 20.00 feet, a delta of $56^{\circ}05'33''$, an arc length of 19.58 feet to a point of tangency;

Course 21: thence $N56^{\circ}51'06''W$, 181.25 feet to a point on the Northerly line of aforementioned Lot 242, said point also being the **TRUE POINT OF BEGINNING** of this description.

Containing 5.8 acres, more or less, and being a portion of the Quito Rancho.

January 2007

J:\jobs\Cupertino_Annexation\CupertinoAnnexLawr.doc

| | |
|---------------------|-----------------------------------|
| APPROVAL | <u>Z-2006-04</u> |
| | <small>Applicant's Number</small> |
| City Council | |
| Planning Commission | <u>3-6-07</u> |
| | <small>Date</small> |
| Signature | <u>Colin J. [Signature]</u> |
| | <small>Case Manager</small> |



Community Development Department

Project Application Summary

File: Z-2006-04 Pre-Zoning

Environmental: EA-2006-10 Neg Dec

APN(s)

375-21-001

375-22-001

Project Name: City of Cupertino

Manager: Colin Jung

Notice Type: 1000 ft

Location:

Lands easterly of Saratoga Creek to the centerline of Lawrence Expressway from Highway 280 to Chelmsford Drive

Description:

Prezoning of 13.5 acres to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District)

| <i>Filed</i> | <i>Pre-hrg</i> | <i>ERC</i> | <i>Legal</i> | <i>DRC</i> | <i>PC</i> | <i>CC</i> |
|--------------|----------------|------------|--------------|------------|-----------|-----------|
| 5/4/2006 | | 5/10/2006 | 1/10/2007 | | 2/13/2007 | 3/6/2007 |

Consent?

Contacts

| <i>Name</i> | <i>Type</i> | <i>Address</i> | <i>Phone, Fax, e-mail</i> |
|-------------|-------------|----------------|---------------------------|
| | | | |

March 20, 2007

Cupertino City Council

Page 9

23. Conduct the second reading of Ordinance No. 07-1998: "An Ordinance of the Cupertino City Council Pre-zoning 13.5 acres to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District) Lands East of Saratoga Creek to the Centerline of Lawrence Expressway from Highway 280 to Bollinger Rd., APN 375-21-001 and 375-22-001."

Jennifer Griffin said she is excited about this park coming into the neighborhood, but had concerns about potential security at the park and graffiti. She urged Council to create a plan for added security.

Lowenthal/Mahoney moved and seconded to read the ordinance by title only and that the Deputy City Clerk's reading would constitute the second reading thereof. Ayes: Kwok, Lowenthal, Mahoney, Sandoval, and Wang. Noes: None.

Lowenthal/Mahoney moved and seconded to enact Ordinance No. 1998. Ayes: Kwok, Lowenthal, Mahoney, Sandoval, and Wang. Noes: None.

STAFF REPORTS

City Manager David Knapp noted that the tree ordinance and the R-1 ordinance have been advertised for April 3. He suggested holding the public hearing on both ordinances on April 3, and continuing the items to a work session to discuss both in detail.

Council members concurred to reserve April 4 and May 2 to hold possible work sessions on the ordinances. Mayor Wang will work with staff to decide how best to handle the public input and action on these items.

24. Receive status report on General Fund Revenue and Expenditures. (No documentation in packet).

Administrative Services Director Carol Atwood highlighted the current revenues and expenditures. The City Council received the report.

COUNCIL REPORTS

Council members highlighted the activities of their committees and various community events.

Vice Mayor Kwok asked staff to agendaize at a future meeting a discussion regarding setting a threshold for houses being built that go beyond a certain percentage of the adjacent houses in a neighborhood, and to possibly include a more formalized public hearing process at either the Design Review Committee (DRC) or Planning Commission levels.

March 6, 2007

Cupertino City Council

Page 6

Beverly Bryant, Homebuilders Association, handed out a copy of a booklet titled "On Common Ground: Joint Principles on Inclusionary Housing Policies" dated July 2005, a policy brief by Home Builders Association of Northern California and the Non-Profit Housing Association of Northern California. Ms. Bryant commented on inclusionary zoning with density bonuses as a possible option, and also noted that if the fees were too high, needed housing would not be built. Ms. Bryant asked Council to consider how the distribution was being made, because raising the fee from \$1.19 to \$2.50 would be a 110% increase.

Council noted that for six units or more the developer provided affordable housing units and for less than six the developer paid an in-lieu fee. Staff was asked to look into the following issues: possibly eliminating the fee for single family homes and duplexes, recovering the fractional fee for developments of six or more units and making it equitable whether a developer built six units or less than six.

Mahoney/Kwok moved and seconded to continue the discussion on the Below-Market-Rate Housing Program fees for one month (April 3) to allow further time for review, and to provide additional notice to interested parties. The motion carried unanimously.

15. Consider pre-zoning 13.5 acres to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District); Application Nos. Z-2006-04 and EA-2006-10, City of Cupertino, lands east of Saratoga Creek to the centerline of Lawrence Expressway from highway 280 to Bollinger Rd., APN (s) 375-21-001 and 375-22-001:

- a) Negative Declaration
- b) First reading of Ordinance No. 07-1998: "An Ordinance of the Cupertino City Council Pre-zoning 13.5 acres to Pre-PR (Public Park or Recreational Zoning District) and Pre-T (Transportation Zoning District) Lands East of Saratoga Creek to the Centerline of Lawrence Expressway from Highway 280 to Bollinger Rd., APN 375-21-001 and 375-22-001"

Jennifer Griffin commented that it would be nice to have more plantings (low vegetation complimentary to the park) along the Lawrence Expressway. She also noted the ongoing issues with security (graffiti, vandalism) and recommended more presence by the Sheriff's Department.

Lowenthal/Sandoval moved and seconded to adopt a Negative Declaration. The motion carried unanimously.

The City Clerk read the title of the ordinance. Lowenthal/Sandoval moved and seconded to read the ordinance by title only, and that the City Clerk's reading would constitute the first reading thereof. Ayes: Kwok, Lowenthal, Mahoney, Sandoval, and Wang. Noes: None.

EXHIBIT "A-1"

PARCEL 1
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION

Commencing at the most northeasterly corner of Lands of Santa Clara Valley Water District (Book L033 OR Pg. 113) as shown on that certain Parcel Map, which was filed for record on January 4, 1990 in Book 609 of Maps at page 6, Santa Clara County Records,

Thence along the easterly line of said Lands of Santa Clara Valley Water District, South 20°09'45" East, 11.86 feet, and South 02°11' 00" West, 96.08 feet, to the **Point Of Beginning**;

Thence, continuing South 02°11'00" West, 186.30 feet and South 43°00'40" East, 192.89 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A" –layout details for stations 1+00.23 to 40+00;

Thence, North 00°44'33" West along said westerly line, 322.34 feet;

Thence leaving the westerly line of Lawrence Expressway, North 87°40'18" West, 120.40 feet to the **POINT OF BEGINNING**.

Containing an area of 32,126 square feet, (0.74 acres), more or less.

END OF DESCRIPTION



EXHIBIT "A-1"

**PARCEL 2
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION**

Beginning at the southeast corner of Lot 278 as shown on the map of Tract 1183, which was filed for record on June 23, 1953 in Book 44 of Maps at Page 11 Santa Clara County Records,

Thence along the easterly line said Tract No. 1183 the following courses and distances:

North 14° 30' 00" East, 46.59 feet;
North 3° 22' 45" West, 191.71 feet;
North 19° 29' 45" West, 151.30 feet;
North 27° 45' 15" West, 189.35 feet;
North 3° 17' 15" West, 147.02 feet;
North 50° 51' 45" West, 121.65 feet;
North 12° 27' 45" West, 107.74 feet;
North 25° 06' 15" East, 61.00 feet;
North 66° 02' 15" East, 113.84 feet;
North 39° 42' 00" East, 194.78 feet;
North 15° 14' 00" East, 85.91 feet;
North 10° 16' 15" West, 138.43 feet;
North 1° 51' 30" East, 103.33 feet;
North 26° 18' 45" East, 126.23 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A"- layout details sheets for stations 1+00.23 to 40+00;

Thence, South 00° 44' 33" East along said westerly line 1055.78 feet to a tangent curve to the right, having a radius of 5433.00 feet, a central angle of 5° 01' 21", an arc length of 476.25 feet;

Thence, South 4° 16' 48" West, 29.03 feet;

Thence, leaving said westerly line of Lawrence Expressway South 87° 39' 53" West, 44.03 feet to the POINT OF BEGINNING.

Containing an area of 197,905 square feet (4.54 acres), more or less.

END OF DESCRIPTION.



Mark A. Helton

EXHIBIT "A-1"

**PARCEL 3
LAWRENCE-MITTY PARK
CUPERTINO, CALIFORNIA
LEGAL DESCRIPTION**

Beginning at the southeast corner of Parcel 5 as shown on that certain Parcel Map, which was filed for record on January 4, 1990 in Book 609 of Maps, at page 6, Santa Clara County Records, and being more particularly described as follows;

Thence, along the easterly line of said Parcel 5, North 20°09'45" West, 45.40 feet;

Thence, continuing North 20° 09'45" West, along the easterly line of Lot 292, 291, and 290 as shown on the Map for Tract No. 1183 which was filed for record on June 23, 1953 in Book 44 of Maps, at Page 11, Santa Clara County Records, a distance of 165.91 feet;

Thence, continuing along the easterly line of Lot 290, 289, 288 and 287, as shown on said Tract Map No. 1183, North 04°04'45" East, 125.69 feet;

Thence, continuing along the easterly line of Lot 287, 286, 285, 284, and 283, as shown on said Tract Map No 1183, North 29°51'15" East, 214.50 feet;

Thence, continuing along the easterly line of Lot 282, and 281, as shown on said Tract Map No. 1183, North 06°13'45" West, 116.81 feet;

Thence continuing along the easterly line of Lot 280, and 279, as shown on said Tract Map No. 1183, North 19°26'45" East, 109.24 feet;

Thence, continuing along said easterly line of said Lot 279, North 14°30'00" East, 53.73 feet to the southeasterly corner of the "Lands of San Jose Water Works";

Thence, continuing North 14°30'00" East, 127.88 feet to the northeasterly corner of said "Lands of San Jose Water Works", also being the southeasterly corner of Lot 278 as shown on said Map of Tract 1183;

Thence North 87°39'53" East, 44.03 feet to the westerly line of Lawrence Expressway, as said line is shown upon that unrecorded plans entitled "Lawrence Expressway Unit No. 6A"-layout details sheets for stations 1+00.23 to 40+00;

Thence, South 04°16'48" West along said westerly line, 482.34 feet to a tangent curve to the left, having a radius of 5567.00 feet, a central angle of 5°01'21", an arc length of 488.00 feet;

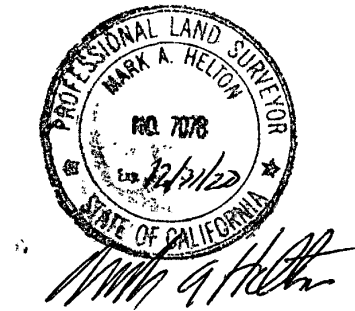
Thence, continuing along said westerly line, tangent to last said curve, South 00°44'33" East, 7.33 feet;

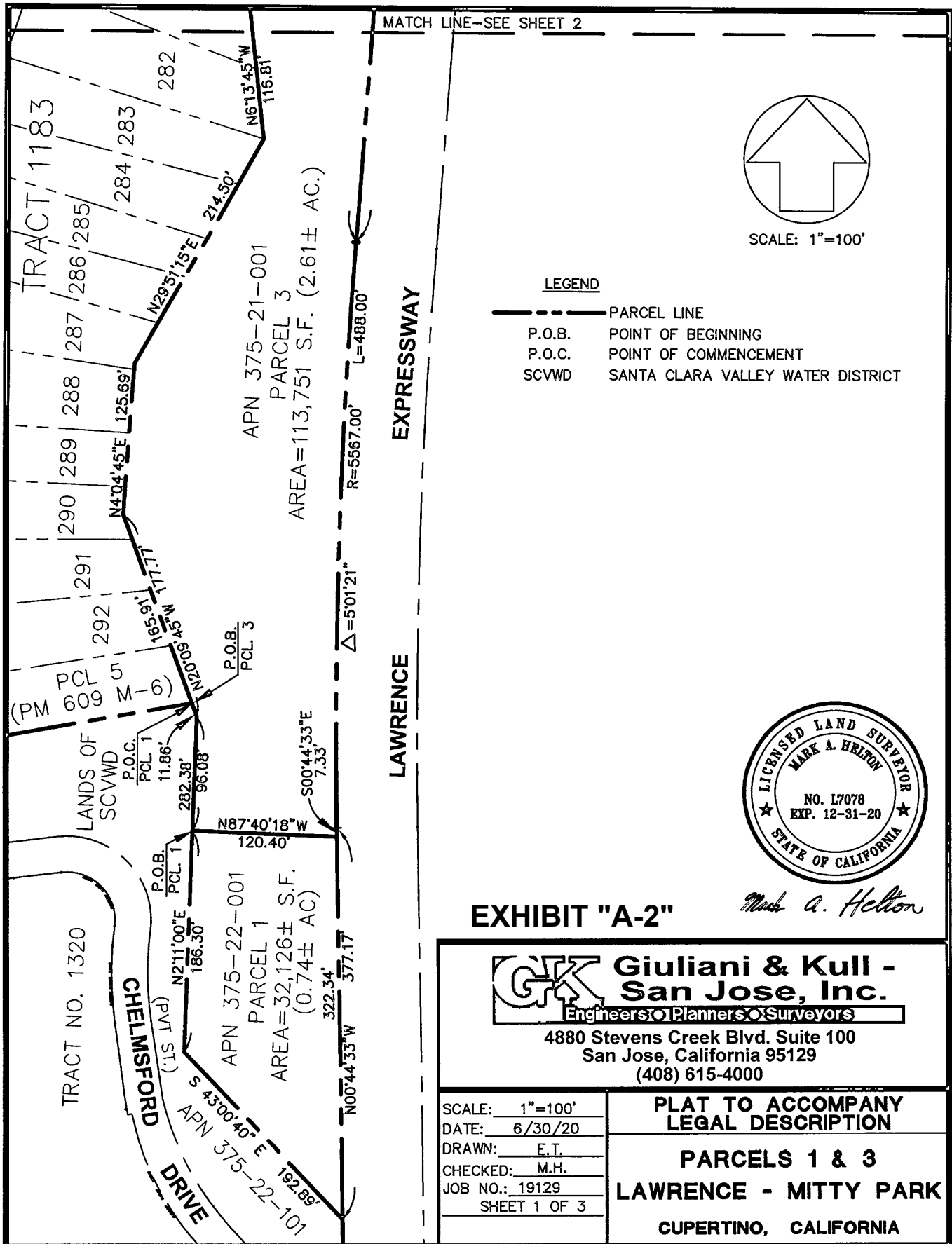
Thence, leaving the westerly line of Lawrence Expressway, North 87°40'18" West, 120.40 feet to the easterly line of the "Lands of Santa Clara Valley Water District", as shown on said Parcel Map (Book 609Maps page 6);

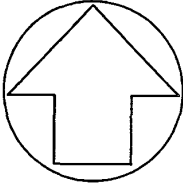
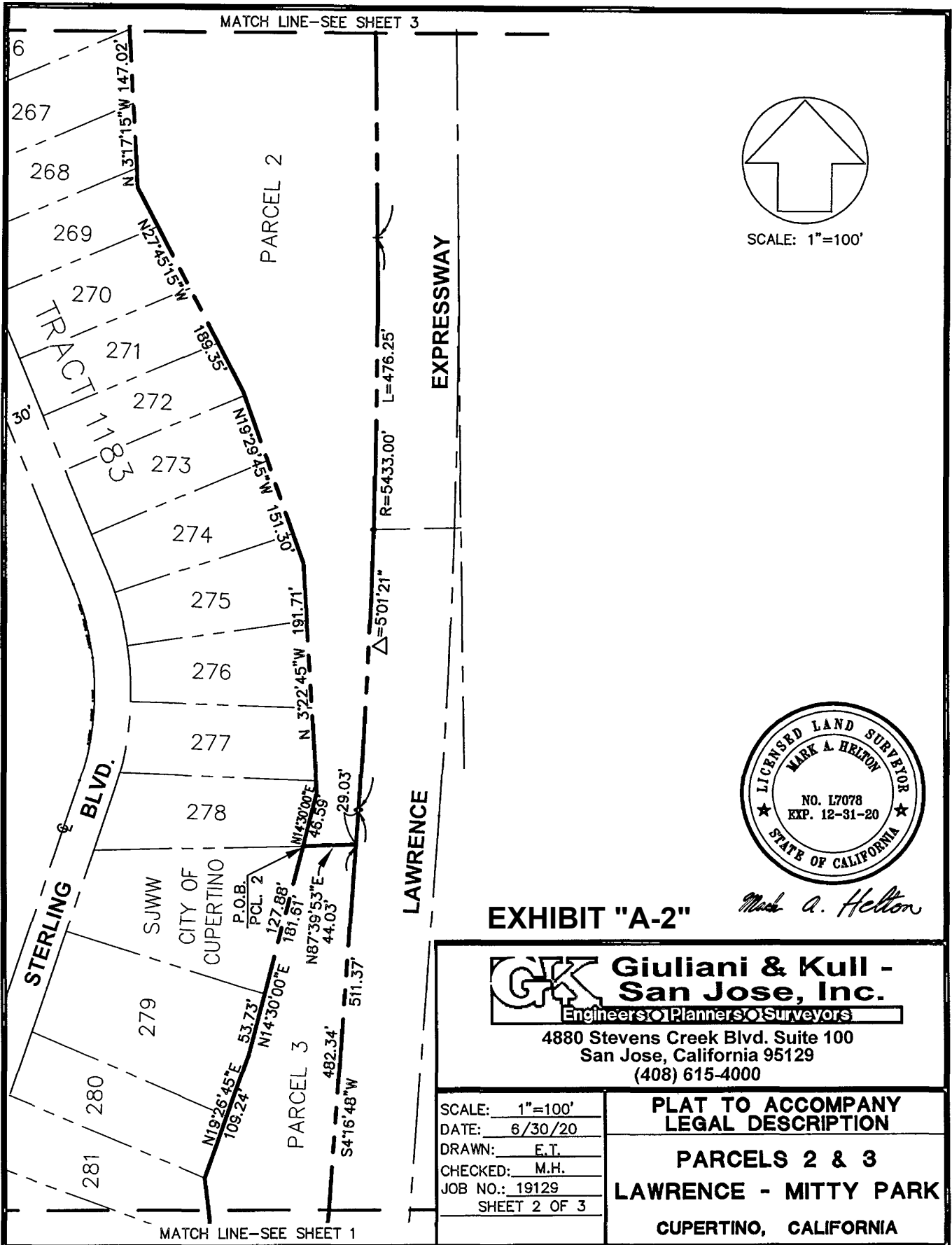
Thence North 02°11'00" East along said easterly line of said "Lands of Santa Clara Valley Water District", 96.08 feet and North 20°09'45" West, 11.86 feet to said southeast corner of Parcel 5 (PM 609 M6) and the **POINT OF BEGINNING**.

Containing an area of 113,751 square feet, (2.61 ± acres), more or less.

End of Description.







SCALE: 1"=100'



Mark A. Helton

EXHIBIT "A-2"

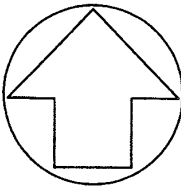
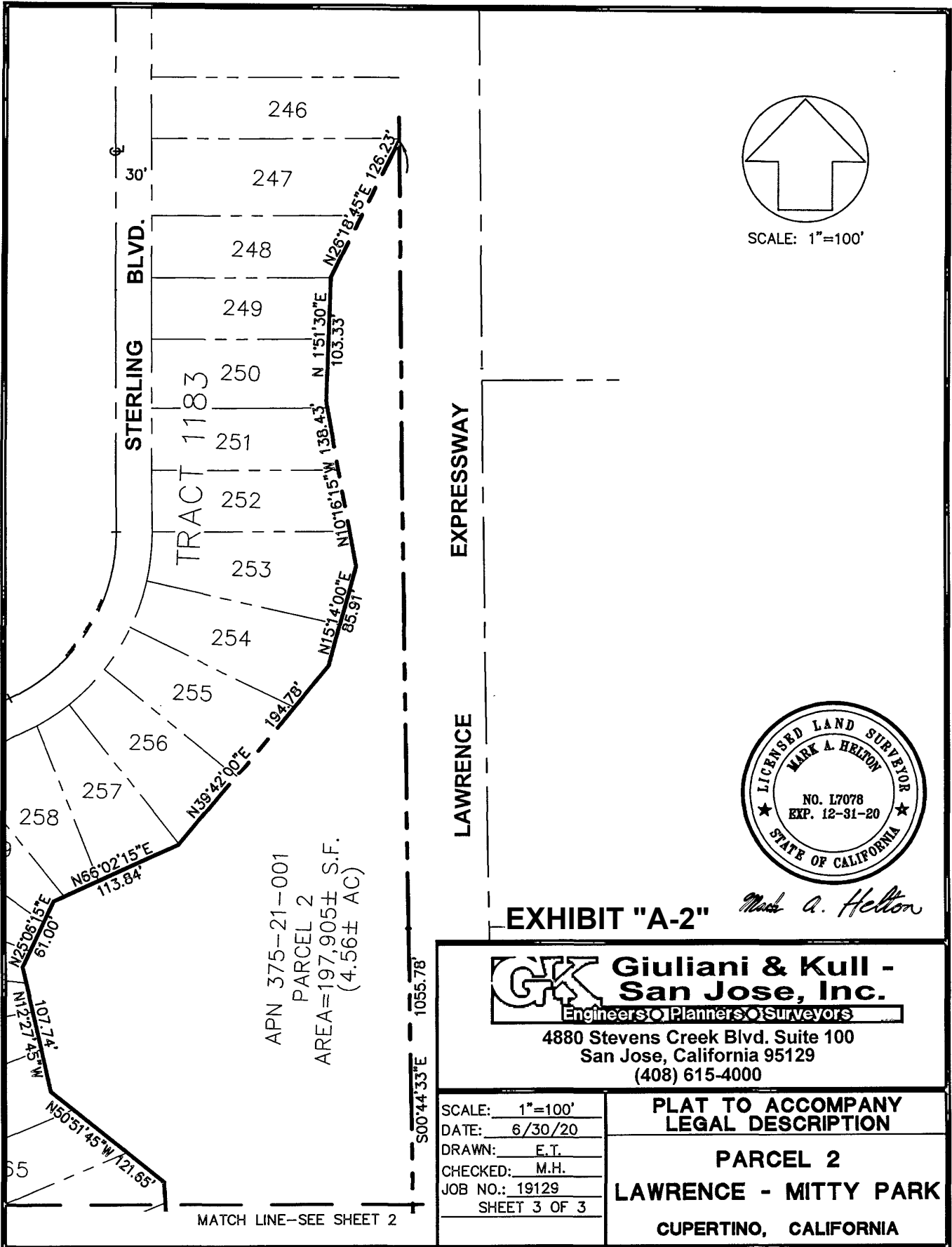
GK Giuliani & Kull - San Jose, Inc.
 Engineers | Planners | Surveyors

4880 Stevens Creek Blvd. Suite 100
 San Jose, California 95129
 (408) 615-4000

SCALE: 1"=100'
 DATE: 6/30/20
 DRAWN: E.T.
 CHECKED: M.H.
 JOB NO.: 19129
 SHEET 2 OF 3

**PLAT TO ACCOMPANY
 LEGAL DESCRIPTION**

PARCELS 2 & 3
LAWRENCE - MITTY PARK
CUPERTINO, CALIFORNIA



SCALE: 1"=100'



EXHIBIT "A-2" *Mark A. Helton*

GK Giuliani & Kull -
San Jose, Inc.
Engineers | Planners | Surveyors

4880 Stevens Creek Blvd. Suite 100
San Jose, California 95129
(408) 615-4000

SCALE: 1"=100'
DATE: 6/30/20
DRAWN: E.T.
CHECKED: M.H.
JOB NO.: 19129
SHEET 3 OF 3

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

PARCEL 2
LAWRENCE - MITTY PARK
CUPERTINO, CALIFORNIA

MATCH LINE—SEE SHEET 2

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUPPORTING REORGANIZATION (DETACHMENT) OF CERTAIN TERRITORY DESIGNATED AS DOYLE NO. 7 FROM THE CITY OF SAN JOSE TO THE CITY OF CUPERTINO

WHEREAS, the subject real property, comprising approximately 9.56-gross acres consisting of two (2) parcels in the City of San José located at the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road, with APN's 375-21-001 and 375-22-001, annexed as "Doyle No. 7" in January 1958; and

WHEREAS, the subject property is known by the short form designation of "**Doyle No. 7,**" and a description of the boundaries of this territory is set forth in Exhibit "A" attached hereto and incorporated herein by this reference, which description is subject to correction or revision as required (hereinafter "Doyle No. 7" or "Territory"); and

WHEREAS, a map showing the location of such Territory is attached hereto as Exhibit "B" and incorporated herein by this reference; and

WHEREAS, the City of Cupertino purchased Doyle No. 7 with the intent of creating public open space/park land; and

WHEREAS, on March 20, 2007, the Cupertino City Council adopted Ordinance No. 07-1998, pre-zoning (Application Z-2006-04) Doyle No. 7 to Pre-PR (Public Park or Recreational Zoning District); and

WHEREAS, on February 19, 2021, the City of San José received a request for a reorganization of the Territory from the legal owners of Doyle No. 7, with the intent of reorganization including detachment of Doyle No. 7 from the City of San Jose and

annexation of Doyle No. 7 by the City of Cupertino (hereinafter “The Reorganization”);
and

WHEREAS, pre-zoning is required by state law prior to the approval of The Reorganization; and

WHEREAS, the zoning by the City of Cupertino will take effect upon the effective date of The Reorganization; and

WHEREAS, the City Council held a public hearing on January 25, 2022, on The Reorganization request and received and considered all evidence presented at said hearing, including the City Council report; and

WHEREAS, a City of San José resolution of support is necessary for the City of Cupertino to initiate reorganization proceedings with the Santa Clara County Local Agency Formation Commission (LAFCO); and

WHEREAS, The Reorganization will not impact the provision of services to the Territory because there are currently no special districts providing services to the Territory; there is currently no utility service (gas, electric, water, sewer, stormwater) to the Territory; and the provision of all emergency services by the City of Cupertino upon the effective date of The Reorganization is a condition of the City of San Jose’s consent to The Reorganization.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The above recitals are incorporated herein by reference.
2. The Reorganization will not affect the delivery of necessary services to the Territory.

3. The Reorganization will not affect the delivery of necessary services to other properties in the City of San José.
4. The Reorganization will not enable development or land uses incompatible with other properties in the area, since the City of Cupertino has pre-zoned the Territory as public open space/park land.
5. This action is categorically exempt from the California Environmental Quality Act (CEQA) because the Reorganization consists of minor alterations in land use limitations in area with an average slope of less than twenty (20) percent, which does not result in any changes in land use or density, consistent with Section 15305 ("Minor alterations in land use limitations) of the CEQA Guidelines.

BE IT FURTHER RESOLVED by the City Council of the City of San José as follows:

1. The City Council further hereby describes the exterior boundaries of the Territory reorganized as all that real property in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B," attached hereto and incorporated herein by this reference.
2. The City Council hereby indicates its support for and does not oppose consideration of The Reorganization on the following conditions:
 - a. The Reorganization shall be scheduled for consideration by LAFCO on or before January 25, 2024; and
 - b. The Territory no longer shall receive any City of San José services, including, but not limited to, emergency services (Police, Fire, Paramedic, ambulance) and utility services (gas, electric, water, sewer, stormwater) upon the effective date of The Reorganization removing the Territory from the City of San Jose's Sphere of Influence and Urban Service Area.
3. The City Council authorizes the City of San José Director of Planning, Building, and Code Enforcement to prepare and/or sign on behalf of the City of San José any materials needed to complete The Reorganization and enter into any necessary agreements with the City of Cupertino for separation from all City of San José services.

//

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ADOPTED this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk