



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: SEE BELOW

DATE: August 22, 2022

Approved

Date

9/2/2022

COUNCIL DISTRICT: 9

SUBJECT: CAMBRIAN NO. 37. ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 19.92-GROSS ACRE PORTION OF SANTA CLARA COUNTY TERRITORY CONSISTING OF TWO LOTS, LOCATED ON THE SOUTHEAST CORNER OF UNION AVENUE AND CAMDEN AVENUE AND ADJACENT STREETS INCLUDING 735.44 FEET OF UNION AVENUE AND 948.32 FEET OF CAMDEN AVENUE ALONG THE PROJECT FRONTAGE

RECOMMENDATION

Adopt a resolution ordering the annexation of territory designated as Cambrian No. 37 which involves the annexation to the City of San José of approximately 19.92-gross acres of land located on the southeast corner of Union Avenue and Camden Avenue (APNs 419-08-012 and 419-08-013) and adjacent streets including 735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage, and the detachment of the same from the appropriate special districts including County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District.

OUTCOME

Upon completion of the annexation proceedings, the territory designated as Cambrian No.37 will be annexed into the City of San José and eligible to receive City services.

BACKGROUND

On August 9, 2022, the City Council certified the Environmental Impact Report, approved Ordinance No. 30808, a pre-zoning (File No. PDC17-040) to the CP(PD) Planned Development Zoning District for the subject property, and scheduled the date of September 13, 2022, to consider a resolution ordering the annexation of Cambrian No. 37. The pre-zoning designation is a required process prior to the approval of annexation, and the zoning becomes effective upon the annexation of the property into the City.

The City Council voted unanimously 11-0 on August 9, 2022, to adopt Resolution No. 80648 to initiate the annexation. In accordance with Section 5.20.070 of the Santa Clara County Zoning Ordinance, properties are subject to annexation when they are (1) located within the Urban Service Area of a city, (2) contiguous to property within the city, and (3) the proposed development of said property requires a development permit. These criteria of the Santa Clara County Zoning Ordinance align with Santa Clara County Local Agency Formation Commission (LAFCO) goals to focus on development in urban areas and ensure the logical and reasonable development of local agencies, pursuant to California Government Code Section 56301.

Site and Surrounding Land Uses

The annexation area is located at the southeast corner of Union Avenue and Camden Avenue and includes the subject two parcels, as well as 735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage, both major commercial thoroughfares. Land uses surrounding the site on the west side, across Union Avenue, are primarily commercial. A commercial strip mall extends from Camden Avenue south to Woodard Road that includes a donut shop, restaurants, martial arts studios, a tobacco shop, a massage business, a liquor store, a hair salon, and a shoe store. From Woodard Road south to Chelsea Drive, there is a gas station, a medical supply store, and single-family residences at the Chelsea Drive intersection. There is a commercial center located at the northwest corner of Union Avenue and Camden Avenue, to the northwest of the project site. The center has two major anchor tenants – a chain drug store and a supermarket. Other tenants in the center include restaurants, a video game store, a bank, and a payday loan establishment. To the north of the site, at the northeast corner of the intersection, is a fast-food establishment. The rest of the Camden Avenue frontage across from the site contains single-family homes. Adjacent uses along the southeast boundary of the site include a commercial office at the corner of Camden Avenue and Bercaw Lane, single-family homes, and a child daycare center. Multifamily residential buildings are located adjacent to the southerly tip of the project site, fronting Union Avenue.

ANALYSIS

The annexation area is within the Urban Service Area of the City of San José and is also contiguous to properties to the north, east, and west that are within City limits. The parcels shown in white on the attached Zoning Map (Attachment 1) are located within unincorporated Santa Clara County. The parcels to be annexed are currently developed with an existing retail shopping center totaling 170,427 square feet and surface parking lots with a total of 764 existing parking

spaces. The commercial area is comprised of multiple storefronts located within a central single-story building and additional retail businesses located within separate single-story buildings along the Camden Avenue street frontage.

LAFCO requested the annexation boundary to include the adjacent streets (735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage) with a total area of 19.92 acres, in order to comply with LAFCO's street annexation policies. These policies require an annexation to be designed to include a continuous section of roadway sufficient in length to allow maintenance and policing of the street by a single jurisdiction. The Public Works Department has reviewed and agreed to this annexation boundary. Attachment 2 includes the annexation boundary certified by the County of Santa Clara Surveyor.

A Planned Development Permit, File No. PD20-007 and a Vesting Tentative Map, File No. PT21-007, are currently on file. These two applications will be heard separately after the annexation has been certified by LAFCO, pursuant to Section 20.120.300 of the Zoning Code at a Planning Directors Hearing. The Planned Development Permit and Vesting Tentative Map applications request the demolition of 168,460 square feet of existing commercial strip mall and surface parking lot, and the development of the project site with the following components:

- Building 1 - 50,990 square feet of retail/restaurant use on the ground floor and 305 multifamily residential units on the upper floors
- Building 2 - 229 hotel rooms and 4,610 square feet of commercial use
- Building 3 - 125,740 square feet of assisted living (110 beds) and 50 senior independent living units
- 25 townhouse residential units and 48 single-family homes, including 27 accessory dwelling units (ADUs)
- 4.0 acres of privately owned public open space

The annexation proceedings are being conducted under provisions of the California Government Code Section 56757, which grants the City Council authority as the decision-making body on the annexation and allows the completion of reorganization in Santa Clara County without a LAFCO hearing process. Pursuant to this code section, the City Council is required to make certain findings as listed below. Staff's analysis follows each finding.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.

The territory is located within the City's Urban Service Area as shown on the Envision San Jose 2040 General Plan Land Use/Transportation Diagram.

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 certified the boundaries of the annexation as definite and certain on October 5, 2018, as shown in Attachment 2.

3. The proposal does not split lines of assessment or ownership.

The annexation will not split lines of assessment or ownership.

4. The proposal does not create islands or areas in which it would be difficult to provide municipal services.

The annexation area is contiguous to the City of San José territory to the north, east, and west. The annexation would not result in islands in which it would be difficult to provide municipal services. The annexation would expand the existing City boundary south, east, and west in a contiguous manner, and help incrementally reduce the size of a larger existing County territory island in which it is currently located.

5. The proposal is consistent with the City's adopted General Plan.

The annexation is consistent with the Envision San José 2040 General Plan goals and policies in that it directs urban development to areas within the Urban Service Area and within city boundaries, and the subject site is within the Urban Service Area and Urban Growth Boundary.

The annexation site has a Neighborhood/Community Commercial land use designation within the 2040 General Plan Land Use/Transportation Diagram, which does not allow mixed-use residential/commercial projects to be developed unless the project meets Policy IP-5.10 for Signature Projects. The project was analyzed for consistency with Policy IP-5.10, and the analysis is contained is included in the July 13, 2022 [memorandum](#) to the Planning Commission. The project is consistent with the General Plan and the Signature Project Policy.

6. The territory is contiguous to existing City limits.

The area proposed for annexation is contiguous to the City limits along the north, east, and west boundaries as shown in Attachment 2, the Certified Annexation Boundary.

7. The City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's Urban Service Area as follows:

On January 8, 2018, the City of San José informed LAFCO of its intent to annex the subject territory. During the review process, the annexation boundary was modified pursuant to LAFCO's request to include the adjacent streets to comply with LAFCO's Street Annexation Policy. Since then, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on October 21, 2020, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District. To date, the City has received no objections from said districts to the proposed annexation.

CONCLUSION

Upon completion of the annexation proceedings, the territory designated as Cambrian No. 37 will be annexed into the City of San José and eligible to receive City services.

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 annexation, the approximately 19.92-gross acre area of unincorporated Santa Clara County designated as Cambrian No. 37 will be within the incorporated area of the City of San José and eligible to receive City services.

PUBLIC OUTREACH

This item is being conducted in accordance with Section 56662(a) of the California Government Code for annexations that have the consent of all landowners and for which no public hearing or notice is required. However, in accordance with the City Council Public Outreach Policy 6-30, a notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the subject property and posted on the City website. A sign was posted on the subject site. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with Santa Clara County LAFCO and the City Attorney's office.

HONORABLE MAYOR AND CITY COUNCIL

August 22, 2022

Subject: Cambrian No. 37 Annexation

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CEQA

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the annexation is consistent with the Cambrian Park Mixed-Use Village Project Environmental Impact Report (EIR) (Resolution No. 80647).

/s/

Christopher Burton

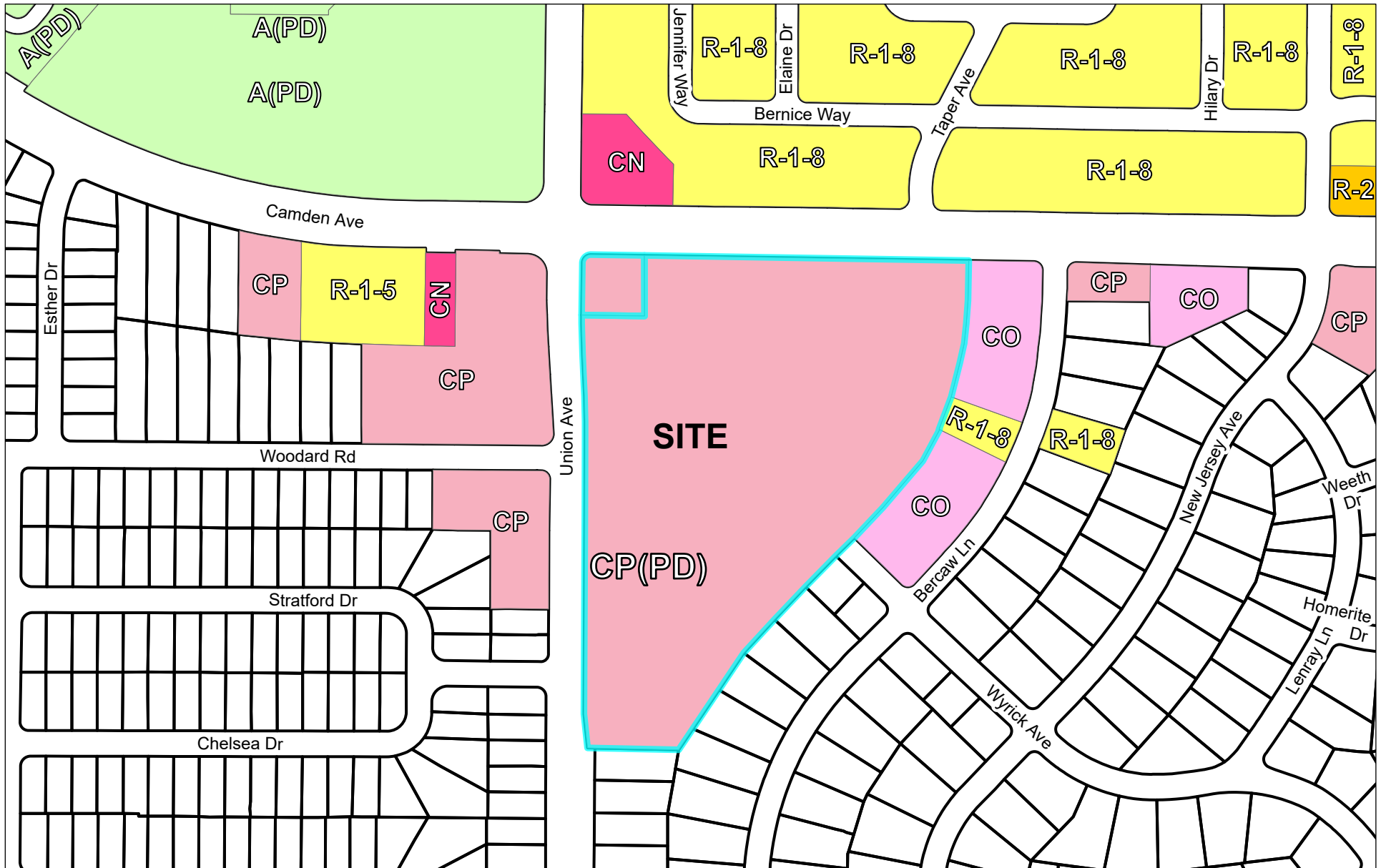
Planning, Building and Code Enforcement

For questions, please contact Robert Manford, Deputy Director, at 408-535-7900.

Attachments: Attachment 1 – Existing Zoning Map

Attachment 2 – Cambrian No. 37 County Surveyor Certified Annexation Boundary

Attachment 3 – Cambrian No. 37 Ordering Resolution



File No: PDC17-040 & PD20-007
District: 9

PROPOSED ZONING



Prepared by the Department of Planning,
 Building and Code Enforcement
 6/13/2022

County of Santa Clara

Planning and Development

Office of the County Surveyor

County Government Center

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

San Jose, California 95110

(408) 299-5730



October 5, 2018

Jennifer Piozet
Project Manager
City of San Jose
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113

SUBJECT: **Cambrian No. 37**

Dear Ms. Piozet,

The attached description and map dated September 28, 2018 of territory proposed for annexation to the City of San Jose entitled **Cambrian No. 37** 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.

August Hanks, PLS
Acting County Surveyor

Date: 10/5/18



attachment: description/map

cc: LAFCO Executive Officer (w/attachment), Assessor's Office (w/attachment)

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

EXHIBIT "A"
CAMBRIAN NO. 37
ANNEXATION TO THE CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA BEING A PORTION OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MDB&M, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT PARCEL DESIGNATED AS "LANDS OF SHAEFFER LANDS, INC." ON THAT CERTAIN TRACT MAP ENTITLED "TRACT NO. 542 CAMBRIAN PARK UNIT NO. 1", FILED FOR RECORD DECEMBER 6, 1948 IN BOOK 20 OF MAPS AT PAGE 48, OFFICIAL RECORDS OF SAID SANTA CLARA COUNTY AND ALSO PORTIONS OF CAMDEN AVENUE, UNION AVENUE AND WYRICK AVENUE (ALL PUBLIC STREETS), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF SAID CAMDEN AVENUE AND UNION AVENUE ON THE EXISTING CITY LIMITS ESTABLISHED BY THE WILLOW GLEN NO. 10 ANNEXATION;

- 1.) THENCE EASTERLY ALONG SAID CENTERLINE OF CAMDEN AVENUE AND EXISTING CITY LIMITS SOUTH 89° 33' 00" EAST FOR A DISTANCE OF 948.32 FEET TO THE EDGE OF THE CITY LIMITS ESTABLISHED BY THE CAMBRIAN NO. 8 ANNEXATION;
- 2.) THENCE SOUTHERLY ALONG SAID CITY LIMITS SOUTH 00° 26' 30" WEST FOR A DISTANCE OF 143.26 FEET;
- 3.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 04° 02' 10" WEST FOR A DISTANCE OF 88.40 FEET;
- 4.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 11° 13' 30" WEST FOR A DISTANCE OF 88.40 FEET;
- 5.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 18° 24' 50" WEST FOR A DISTANCE OF 88.40 FEET;
- 6.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 25° 36' 10" WEST FOR A DISTANCE OF 88.40 FEET;
- 7.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 32° 47' 30" WEST FOR A DISTANCE OF 88.40 FEET;
- 8.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 39° 58' 50" WEST FOR A DISTANCE OF 88.40 FEET;

- 9.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 43° 34' 30" WEST FOR A DISTANCE OF 130.00 FEET TO A POINT ON THE CENTERLINE OF SAID WYRICK AVENUE;
- 10.) THENCE SOUTHEASTERLY ALONG SAID CENTERLINE AND CITY LIMITS SOUTH 46° 25' 30" EAST FOR A DISTANCE OF 255.00 FEET TO THE EDGE OF THE CITY LIMITS ESTABLISHED BY THE CAMBRIAN NO. 27 ANNEXATION;
- 11.) THENCE LEAVING SAID CITY LIMITS AND HEADING SOUTH 43° 34' 30" WEST FOR A DISTANCE OF 30.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00;
- 12.) THENCE WESTERLY ALONG SAID CURVE, FROM WHICH A RADIAL POINT BEARS NORTH 43° 34' 30" EAST, THROUGH A CENTRAL ANGLE OF 90° 00' 00", AN ARC DISTANCE OF 31.42 FEET;
- 13.) THENCE NORTH 46° 25' 30" WEST FOR A DISTANCE OF 60.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00;
- 14.) THENCE NORTHERLY ALONG SAID CURVE, FROM WHICH A RADIAL POINT BEARS SOUTH 46° 25' 30" EAST, THROUGH A CENTRAL ANGLE OF 90° 00' 00", AN ARC DISTANCE OF 31.42 FEET;
- 15.) THENCE NORTH 46° 25' 30" WEST FOR A DISTANCE OF 155.00 FEET;
- 16.) THENCE SOUTH 43° 34' 30" WEST FOR A DISTANCE OF 204.21 FEET;
- 17.) THENCE SOUTH 42° 00' 00" WEST FOR A DISTANCE OF 106.70 FEET;
- 18.) THENCE SOUTH 33° 14' 28" WEST FOR A DISTANCE OF 268.56 FEET;
- 19.) THENCE NORTH 89° 58' 30" WEST FOR A DISTANCE OF 313.82 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID UNION AVENUE;
- 20.) THENCE NORTHERLY ALONG SAID WESTERLY BOUNDARY NORTH 00° 01' 30" EAST FOR A DISTANCE OF 123.81 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;
- 21.) THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89° 54' 00", AN ARC DISTANCE OF 31.38 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF STRATFORD DRIVE (PUBLIC STREET);
- 22.) THENCE NORTH 00° 02' 30" WEST FOR A DISTANCE OF 60.00 FEET TO THE NORTHERLY BOUNDARY OF SAID STRATFORD DRIVE AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;
- 23.) THENCE NORTHEASTERLY ALONG SAID CURVE, FROM WHICH A RADIAL POINT BEARS SOUTH 00° 07' 30" WEST, THROUGH A CENTRAL ANGLE OF

90° 06' 00", AN ARC DISTANCE OF 31.45 FEET TO A POINT ON SAID WESTERLY BOUNDARY OF UNION AVENUE;

- 24.) THENCE CONTINUING NORTHERLY ALONG SAID WESTERLY BOUNDARY NORTH 00° 01' 30" EAST FOR A DISTANCE OF 104.12 FEET TO THE EDGE OF THE CITY LIMITS ESTABLISHED BY THE PARKER NO. 12 ANNEXATION;
- 25.) THENCE CONTINUING ALONG SAID CITY LIMITS SOUTH 89° 52' 30" EAST FOR A DISTANCE OF 30.00 FEET TO THE CENTERLINE OF SAID UNION AVENUE;
- 26.) THENCE CONTINUING NORTHERLY ALONG SAID CITY LIMITS AND CENTERLINE OF UNION AVENUE NORTH 00° 01' 30" EAST FOR A DISTANCE OF 183.45 FEET TO THE EDGE OF THE CITY LIMITS ESTABLISHED BY THE PARKER NO. 5 ANNEXATION;
- 27.) THENCE CONTINUING NORTHERLY ALONG SAID CITY LIMITS AND CENTERLINE OF UNION AVENUE NORTH 00° 01' 30" EAST FOR A DISTANCE OF 687.56 FEET TO **THE POINT OF BEGINNING.**

CONTAINING 19.92 ACRES OF LAND, MORE OR LESS

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE PART HEREOF.

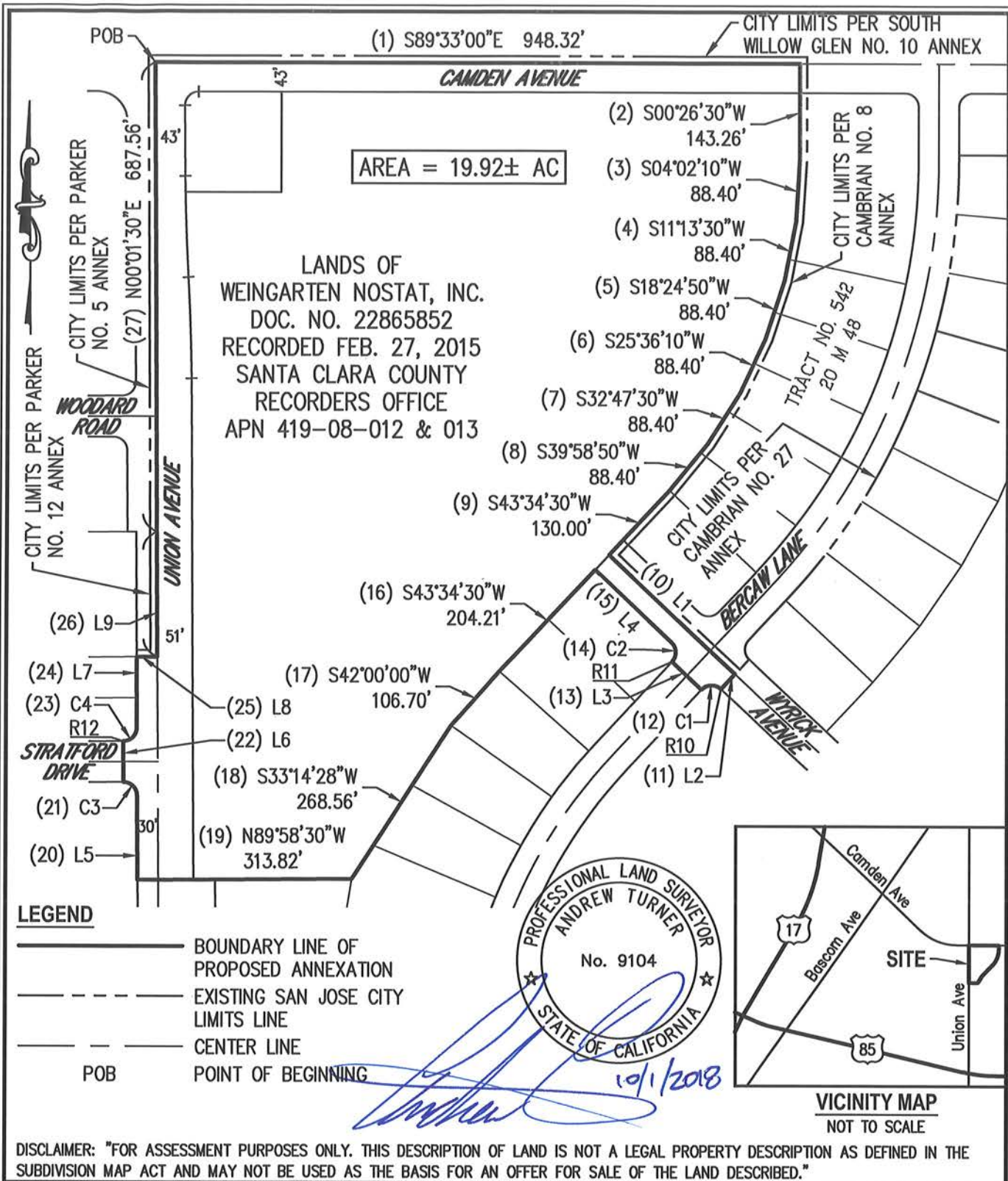
THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED BY ME OR PREPARED UNDER MY DIRECTION.

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.


ANDREW TURNER
P.L.S. 9104
CIVIL ENGINEERING ASSOCIATES, INC.



10/1/2018
DATE



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."

EXHIBIT "B" - PROPOSED ANNEXATION - PLAT TO ACCOMPANY DESCRIPTION
BEING A PORTION OF SECTION 1, T8S, R1W, MDB&M
TO CITY OF SAN JOSE
ENTITLED CAMBRIAN NO. 37



**Civil
Engineering
Associates**

Civil Engineers • Planners • Surveyors

2055 Gateway Place Suite 550
San Jose, CA 95110
T: (408) 453-1066

BY: CH

DATE: 9/28/2018

SCALE: 1"=200'

JOB NO. 17-114

1 OF 2
SHT.NO.

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S46°25'30"E	255.00'
L2	S43°34'30"W	30.00'
L3	N46°25'30"W	60.00'
L4	N46°25'30"W	155.00'
L5	N00°01'30"E	123.81'
L6	N00°02'30"W	60.00'
L7	N00°01'30"E	104.12'
L8	S89°52'30"E	30.00'
L9	N00°01'30"E	183.45'

RADIAL BEARING TABLE	
NO.	BEARING
R10	N43°34'30"E
R11	S46°25'30"E
R12	S00°07'30"W

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	20.00'	90°00'00"	31.42'
C3	20.00'	89°54'00"	31.38'
C4	20.00'	90°06'00"	31.45'

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."

**EXHIBIT "B" - PROPOSED ANNEXATION - PLAT TO ACCOMPANY DESCRIPTION
BEING A PORTION OF SECTION 1, T8S, R1W, MDB&M
TO CITY OF SAN JOSE
ENTITLED CAMBRIAN NO. 37**



**Civil
Engineering
Associates**

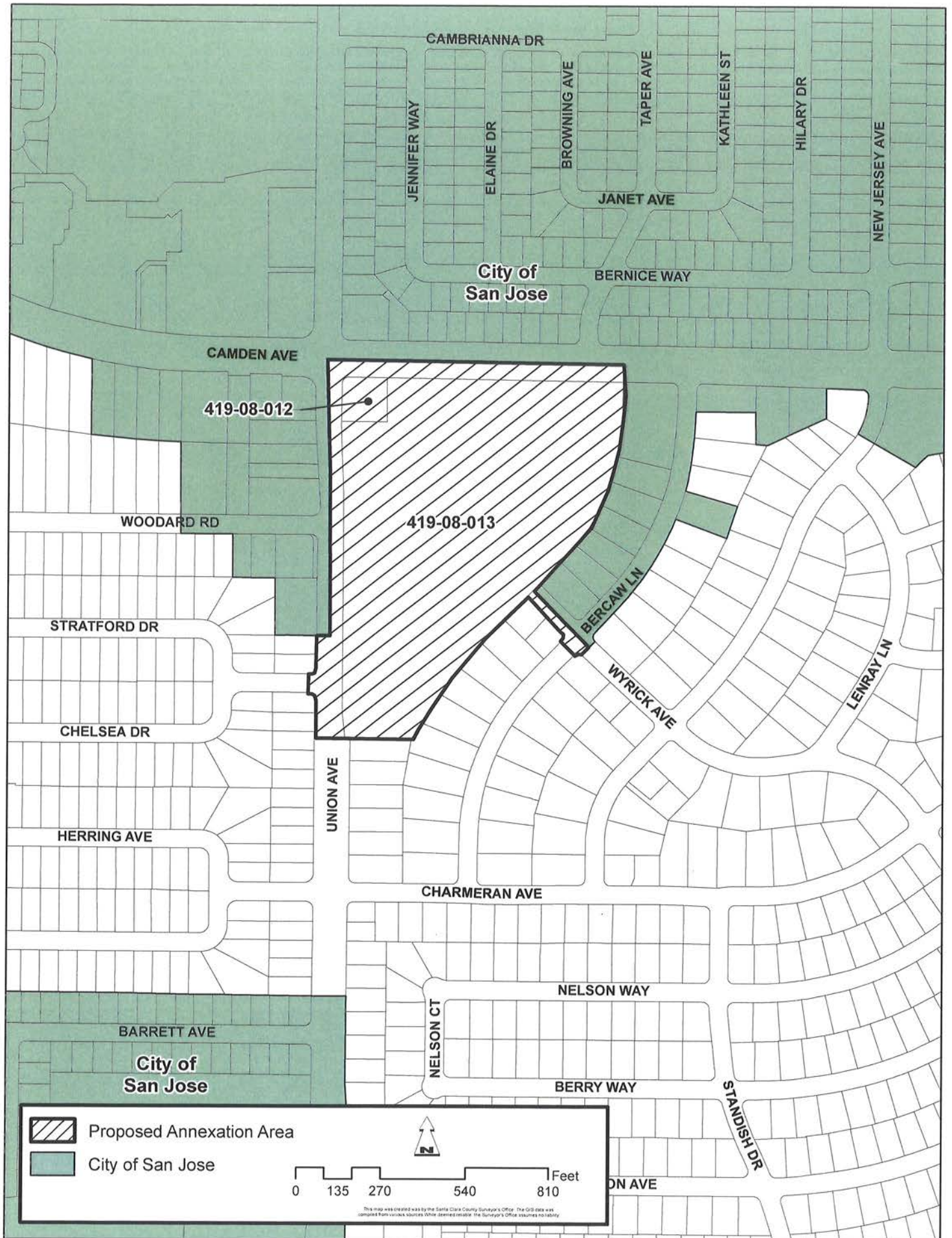
Civil Engineers • Planners • Surveyors

2055 Gateway Place Suite 550
San Jose, CA 95110
T: (408) 453-1066

BY: CH
DATE: 9/28/2018
SCALE: 1"=200'
JOB NO. 17-114

2 OF 2
SHT.NO.

Cambrian No. 37



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ORDERING THE ANNEXATION OF CERTAIN UNINCORPORATED TERRITORY DESIGNATED AS CAMBRIAN NO. 37, SUBJECT TO LIABILITY FOR GENERAL INDEBTEDNESS OF THE CITY

WHEREAS, the City of San José desires to order proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, as the same may be amended from time to time, of the annexation of territory designated as Cambrian No. 37 to the City of San José, and the detachment of certain territory from County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District; and

WHEREAS, this proposal includes an annexation to the City of San José of certain unincorporated territory located within the County of Santa Clara and within the Urban Service Area of said City which is not subject to review by the Local Agency Formation Commission as provided under Section 56757 of the California Government Code; and

WHEREAS, such territory is known by the short form designation of “**Cambrian No. 37**,” 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; 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 subject real property, comprising of approximately 19.92-gross acres located on the southeast corner of Union Avenue and Camden Avenue (APNs 419-08-

012 and 419-08-013) and includes the adjacent streets including 735.44 feet of Union Avenue and 948.32 feet of Camden Avenue along the project frontage, and is contiguous to the City of San José and is within the City's Urban Service Area; and

WHEREAS, the subject property currently is receiving or will receive the following benefits from the City, to wit: all municipal services, including but not limited to street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, and fire protection; and

WHEREAS, this territory was considered for pre-zoning to CP(PD) Planned Development Zoning District (under File No. PDC17-040) on August 9, 2022 (Ordinance No. 30808) and will be so zoned upon its annexation to the City of San José in accordance with Section 20.120.300 of the Zoning Ordinance (Title 20 of the San José Municipal Code); and

WHEREAS, the City of San José is the Lead Agency for environmental review for the reorganization known as "**Cambrian No. 37**" under the California Environmental Quality Act of 1970, as amended ("CEQA"); and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the annexation is consistent with the Cambrian Park Mixed-Use Village Project Environmental Impact Report (EIR) (Resolution No. 80647); and

WHEREAS, the County Surveyor of Santa Clara County has found the real property description of the subject property and the map of the subject property (Exhibits "A" and "B," respectively) to be in accordance with California Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with the County's Local Agency Formation Commission's annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City of San José shall be the conducting authority for a reorganization to the City, and the City Council by this resolution is proposing the reorganization described in this Resolution; and

WHEREAS, all owners of land included in this proposal have consented to this annexation; and

WHEREAS, Government Code Section 56662 provides that if a proposal for an annexation is accompanied by proof that all owners of land within the affected territory have given their written consent the City Council may approve or disapprove the annexation without public hearing; and

WHEREAS, this proposal is consistent with the sphere of influence of the City of San José; and

WHEREAS, the reason for the proposed reorganization is as follows: to annex the subject territory and detach the same from special districts to eliminate a duplication of services; and

WHEREAS, evidence pertaining to the proposed reorganization was presented to the City Council at the City Council's public hearings on this matter; and

WHEREAS, the following facts pertain to the findings required by the Council in accordance with Government Code Section 56757:

1. The unincorporated territory proposed for reorganization is within the City's Urban Service Area, as adopted by the Santa Clara Local Agency Formation Commission.

2. The County Surveyor has determined the boundaries of the proposed reorganization to be definite and certain, and in compliance with the Santa Clara County Local Agency Formation Commission's road annexation policies.
3. The annexation does not split lines of assessment or ownership in that all affected parcels are being organized in their entirety.
4. The annexation does not create islands or areas in which it would be difficult to provide municipal services in that the completion of reorganization proceedings would result in the reduction in size of a county pocket of unincorporated territory.
5. The proposal is consistent with the City's adopted General Plan in that existing and future urban development should be located within cities.
6. The territory is contiguous to existing City limits.
7. The City has complied with all conditions imposed by the Local Agency Formation Commission for inclusion of the territory in the City's Urban Service Area as follows: On January 8, 2018, the City of San José informed LAFCO of its intent to annex the subject territory. During the review process, the annexation boundary was modified per LAFCO's request to include the adjacent streets to comply with LAFCO's Street Annexation Policy. Since then, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on October 21, 2020, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District. To date, the City has received no objections from said districts to the proposed annexation.
8. The pre-zoning designation on the subject territory is CP(PD) Planned Development Zoning District (File No. PDC17-040) inasmuch as the City Council on August 9, 2022 approved an ordinance and adopted said ordinance on August 16, 2022 pre-zoning the subject territory (Ordinance No. 30808).

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

1. That it is the conducting authority pursuant to Section 56757 of the California Government Code for the annexation of property designated "**Cambrian No. 37,**" more particularly described in Exhibit "A" and more particularly shown upon that

certain map attached hereto as Exhibit “B”, both of which exhibits are incorporated herein by this reference;

2. That the following findings are made by the City Council for the City of San José:
 - a. That said territory is occupied by an existing retail shopping center totaling 170,427 square feet and surface parking lots with a total of 764 existing parking spaces (per California Government Code Section 65046, territory within which fewer than 12 registered voters reside) and comprises approximately 19.92 gross acres.
 - b. That the annexation is consistent with the orderly annexation of territory within the City's urban service area and is consistent with the City policy for annexation when providing City services.
 - c. The City of San José has determined that the proposed annexation is consistent with the Cambrian Park Mixed-Use Village Project Environmental Impact Report (EIR) (Resolution No. 80647)..
 - d. That the subject territory will be zoned CP(PD) Planned Development Zoning District within the City of San José immediately upon annexation in accordance with Section 20.120.300 of Title 20 (Zoning Ordinance) of the San José Municipal Code.
 - e. That the territory is within the City's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
 - f. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Local Agency Formation Commission's road annexation policies.
 - g. That the proposed annexation does not split lines of assessment or ownership.
 - h. That the proposed annexation is consistent with the City's General Plan.
 - i. That the territory to be annexed is contiguous to existing City limits.
 - j. That the City has complied with all conditions imposed by the Local Agency Formation Commission for inclusion of the territory in the City's urban service area. On January 8, 2018, the City of San Jose informed LAFCO of its intent to annex the subject territory. During the review process, the annexation

boundary was modified per LAFCO's request to include the adjacent streets to comply with LAFCO's Street Annexation Policy. Since then, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on October 21, 2020, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District. To date, the City has received no objections from said districts to the proposed annexation.

- 3 That all affected local agencies that will gain or lose territory as a result of this reorganization have not submitted written opposition to the waiver of protest proceedings.
4. That all property owners have been provided written notice of this proceeding and no opposition has been received.
5. That said annexation is hereby ordered without any further protest of these reorganization proceedings pursuant to Section 56662(c) and (d) and is subject to the following additional terms and conditions: None.

BE IT FURTHER RESOLVED that upon completion of these reorganization proceedings, the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness, and that the City Council hereby takes the additional following actions:

1. The City Council hereby orders the territory designated as **Cambrian No. 37** reorganized to include the following changes of organization: (a) the designated territory **Cambrian No. 37** is detached from County Lighting District, Central Fire Protection District, West Valley Sanitation District, and Santa Clara County Library District; and (b) the designated territory **Cambrian No. 37** is annexed into the City of San José. The City of San José, as conducting authority, reorganized such territory as indicated above, it being found and concurred in that the territory involved in the reorganization is uninhabited and all the owners of land within the territory have filed a written petition for the City Council to initiate said reorganization.
2. 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.

ADOPTED this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk