COUNCIL AGENDA: 6/25/19
FILE: 19-543
ITEM: 4.1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: **SEE BELOW**

DATE: June 4, 2019

Approved D:DSyL Date 6/14/19

COUNCIL DISTRICT: 10

SUBJECT: SNELL NO. 31. REORGANIZATION/ANNEXATION TO THE CITY OF SAN JOSE OF AN APPROXIMATELY 30.9 GROSS ACRES PORTION OF COUNTY TERRITORY CONSISTING OF ONE LOT GENERALLY SURROUNDED BY MARTIAL COTTLE PARK TO THE NORTH AND THE WEST, CHYNOWETH AVENUE TO THE SOUTH, AND SNELL AVENUE TO THE EAST.

RECOMMENDATION

Adopt a resolution ordering the reorganization of territory designated as Snell No. 31 which involves the annexation to the City of San José of approximately 30.9 gross acres of land generally surrounded by Martial Cottle Park to the north and west, Chynoweth Avenue to the south, and Snell Avenue to the east, 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 30.9 gross acre parcel of unincorporated Santa Clara County designated as Snell No. 31 will be within the incorporated area of the City of San José.

BACKGROUND

In October 2003, the County of Santa Clara, in accordance with the conditions for accepting the donated lands designated as Martial Cottle Park, entered into a Joint Powers Operating Agreement with the State of California to prepare plans to design and maintain approximately 290-gross acre site as a historic agricultural, educational, and recreational

public resource. The County of Santa Clara Parks and Recreation Department and State of California Department of Parks and Recreation engaged in an extensive public planning process from 2007 to 2010 that involved several public workshops and committee meetings. The final product, the Martial Cottle Park State Park General Plan and County Park Master Plan ("Park Plan") and its Environmental Impact Report were approved by the County of Santa Clara Board of Supervisors on February 8, 2011, and approved by the State of California Parks and Recreation Commission on March 2, 2011.

Implementation of the Park Plan included annexation of an approximately 259.1-gross acre portion of the 290-acre site to the City of San Jose in 2013 (File No. Snell 30, adopted by City Council on June 18, 2013, with Resolution No. 76734, indicated by hatching in Figure 1 below) to obtain municipal services, including sewer line connections. A portion of the area (subject parcel, APN 464-06-021) totaling about 30.9 gross acres, shown in red in Figure 1 below, was not included in this annexation because it was encumbered by the Life Estate of Mr. Martial Cottle Lester. The life estate expired in 2015, and the County of Santa Clara now proposes to complete the initial annexation. To that end, an application to annex the subject site to the City of San José was submitted by the County of Santa Clara on February 1, 2016. The application contains the consent and signatures of all property owners (the County of Santa Clara and the State of California). Additionally, there are no inhabitants on the subject site, which constitutes uninhabited territory (California Government Code Section 56046 defines uninhabited territory as territory with 11 or fewer residents).



Figure 1: Site Plan

Per Santa Clara County Local Area Formation Commission (LAFCO) guidance, the parcel would detach from Central Fire Protection and Area No. 01 (Library Services) County Service special districts upon annexation to the City of San Josè. By operation of the City's Zoning Ordinance Section 20.120.310, upon annexation into the City, the property will be zoned A Agricultural Zoning District, which is consistent with the zoning for the remainder of the park, and is also a conforming zoning district for the City's General Plan designation of Open Space Parklands and Habitat designation for the site.

ANALYSIS

The proposed annexation is within the City's Urban Service Boundary and would facilitate improvements to the site as outlined in Martial Cottle Park State Park General Plan and County Park Master Plan. The proposal will also facilitate the County of Santa Clara's compliance with their legal obligation to plan, develop, and maintain the subject site as a historic agricultural public resource. The proposed automatic A Agricultural Zoning District designation conforms with the City's General Plan designation of Open Space, Parklands and Habitat pursuant to the City of San José Municipal Code Section 20.120.110.

The reorganization is defined as 100 percent consent, since all the property owners of the annexed territory are signatories on the application for annexation (i.e. County of Santa Clara and State of California). The site totals 30.9 acres and is completely surrounded by City territory.

Proceedings are being conducted under provisions of the California Government Code Section 56757, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) review provided the proposed annexation is located within the City's Urban Service area and the City Council adopts a resolution initiating the resolution. Pursuant to Section 56757, the City Council adopted a resolution on June 18, 2019, initiating the annexation.

Before approving the reorganization proposal pursuant to Section 56757, the City Council is required to make certain findings as listed below. Staff comments follow each finding in italics.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO and set forth in the City's General Plan.

   The site is located within the City's Urban Service Area as adopted by LAFCO and set forth in the City's General Plan.

2. The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.

   The County Surveyor has certified the boundaries of the reorganization as definite and certain on February 17, 2017 (Amended Report of the County Assessor dated April 16, 2019).

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

   All affected parcels are being reorganized in their entirety. No lines of assessment or ownership will be split.

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

   No such islands are being created as the subject site is almost entirely surrounded by City of San José territory.

5. The proposal is consistent with the City's General Plan 2040.

The proposed annexation is consistent with the City's adopted Envision San Jose 2040 General Plan. In accordance with City of San Jose Municipal Code Section 20.120.110, A Agricultural zone is a conforming zoning district under the General Plan designation. Additionally, the proposed use of the subject site as a public park closely aligns with the City's General Plan designation of the site as Open Space, Parklands and Habitat.

6. The territory to be annexed is contiguous to existing City limits.

   The area proposed for reorganization is contiguous to the City limits along the majority of sides as shown on the attached annexation map (Exhibit C).

7. The City has complied with all conditions imposed by the Commission, if any, for inclusion of the territory in the City's urban service area.

   On December 7, 2016, the City of San Jose informed LAFCO of its intent to annex the subject territory. To date, the City has received no conditions of approval from LAFCO with respect to the subject annexation. Furthermore, on December 15, 2016, the City advised the following applicable special districts, from which the territory would be detached, of its intent to annex the subject property: Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1.) To date, the City has received no objections from said districts to the proposed annexation. The area proposed for reorganization is within the urban service area of the City of San José. A written and signed consent form, dated April 19, 2019, to the waiver of protest proceedings has been provided by the Parks Department of the County of Santa Clara.

EVALUATION AND FOLLOW UP

Upon completion of LAFCO's annexation/reorganization proceedings, the approximately 30.9 gross acre area of unincorporated Santa Clara County designated as Snell No. 31 will be within the incorporated area of the City of San José and eligible to receive City services. If the City Council orders the annexation at the hearing on June 25, 2019, the annexation is effective immediately. This territory would then be eligible to connect to City infrastructure and services.

PUBLIC OUTREACH/INTEREST

This item is being conducted in accordance with Sections 56662 and 56757 of the California Government code for annexations that have consent of all landowners and for which no public hearing or notice is required. In accordance with section 56662, the City shall give any affected agency notification of initiation proceedings. The affected agencies have 10 days from the date of mailing to file a written request for notice and hearing prior to the City making determinations. If no written demand is filed, the City may make determinations without notice and hearing. This condition was clearly stated in the hearing notice provided to the affected agencies. Notices were sent to the affected agencies on May 20, 2019, and the 10-day filing period ended on June 7, 2019, at 5:00 p.m. While noticing of neighboring

residents is not required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, notices were voluntarily provided to residents within a 500 foot radius of the perimeter of the territory proposed for annexation at least 10 days in advance of the hearing date in accordance with the City of San Jose's Council adopted Public Outreach Policy. The notice was also published in the San Jose Post Record.

Prior to submitting the initial reorganization to the City of San Jose, the County of Santa Clara Parks and Recreation Department and State of California Department of Parks and Recreation engaged in an extensive public planning process in preparation of the Park Plan from 2007 to 2010 through workshops and committee meetings that involved representatives of local and state agencies as well as the general public.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action

COORDINATION

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

CEQA

The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011, and addenda thereto; and Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

/s/
ROSALYNN HUGHEY, Director
Planning, Building and Code Enforcement

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

Attachments: Exhibit A – Legal Description
Exhibit B – Plat Map
Exhibit C– Proposed Annexation Map

24-99045
10/15/03
THM

LEGAL DESCRIPTION
PARCEL 1 - LESTER LIFE ESTATE
30.9 +/- ACRE PARCEL

All that certain real property situate in the County of Santa Clara, State of California described as follows:

BEGINNING at a point on the centerline of Snell Avenue distant thereon North 0°15' West 153.00 feet from the intersection thereof with the centerline of Chynoweth Avenue as shown on that certain map of Tract No. 4926 Montecito which map was filed for record in Book 282 of Maps, at Pages 20, 21 and 22, Santa Clara County Records;

Thence, leaving said **POINT OF BEGINNING** and said centerline of Snell Avenue, South 89°50'46" West 1105.03 feet;

Thence, North 03°08'53" West, 205.93 feet;

Thence, North 00°03'29"East 996.78 feet;

Thence, North 88°54'31" East 1110.20 feet to a point on said centerline of Snell Avenue;

Thence, along said centerline, South 00°15'00" East 1220.58 feet to the **POINT OF BEGINNING.**

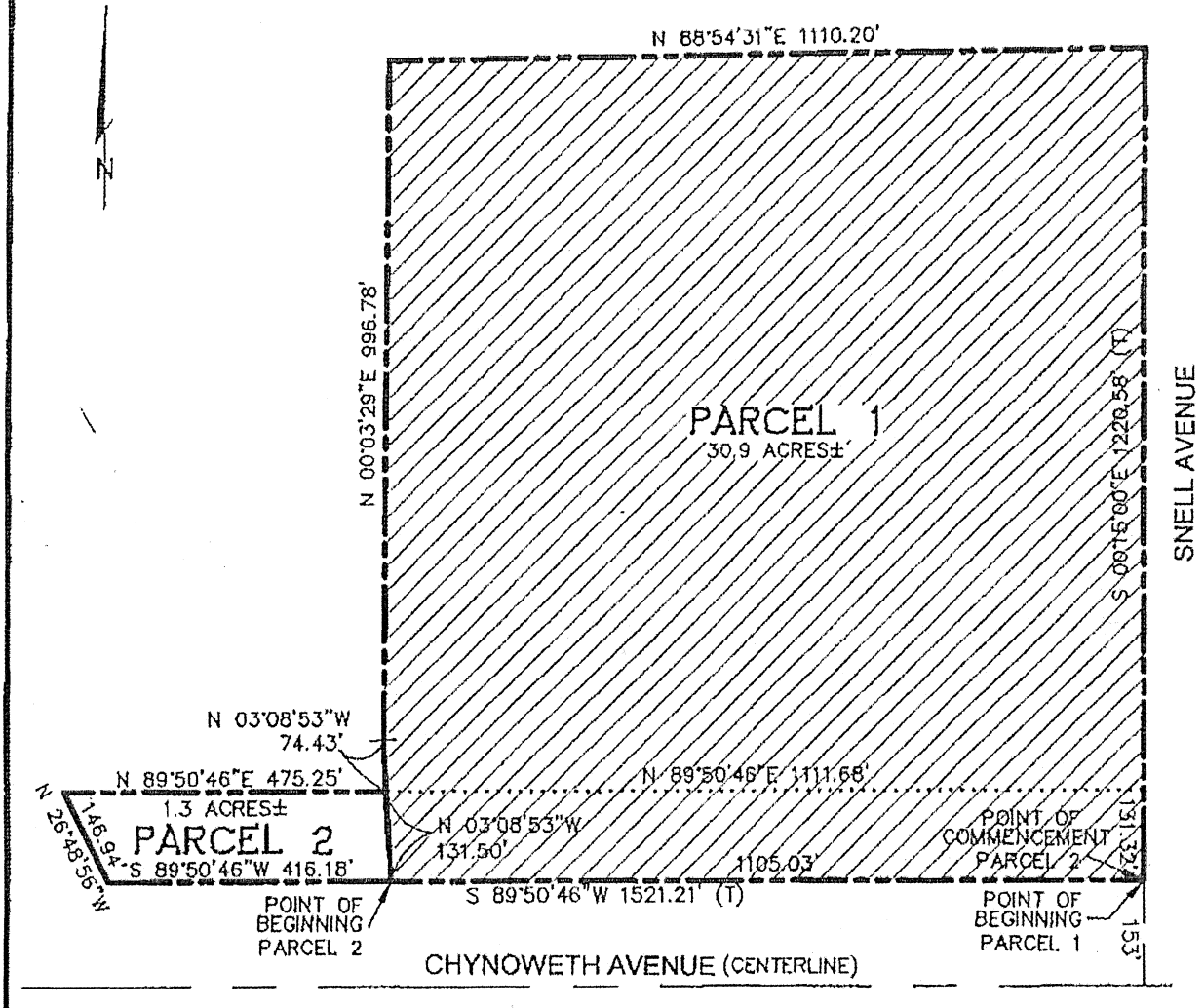
Containing 30.94 acres of land, more or less.

MARK THOMAS & COMPANY, INC.

Tom H. Milo — L.S No. 6438
Expiration Date — 12/31/2006

LICENSED LAND SURVEYOR
TOM H. MILO
EXPIRES 12/31/06
6438
STATE OF CALIFORNIA

CITY OF SAN JOSE
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA



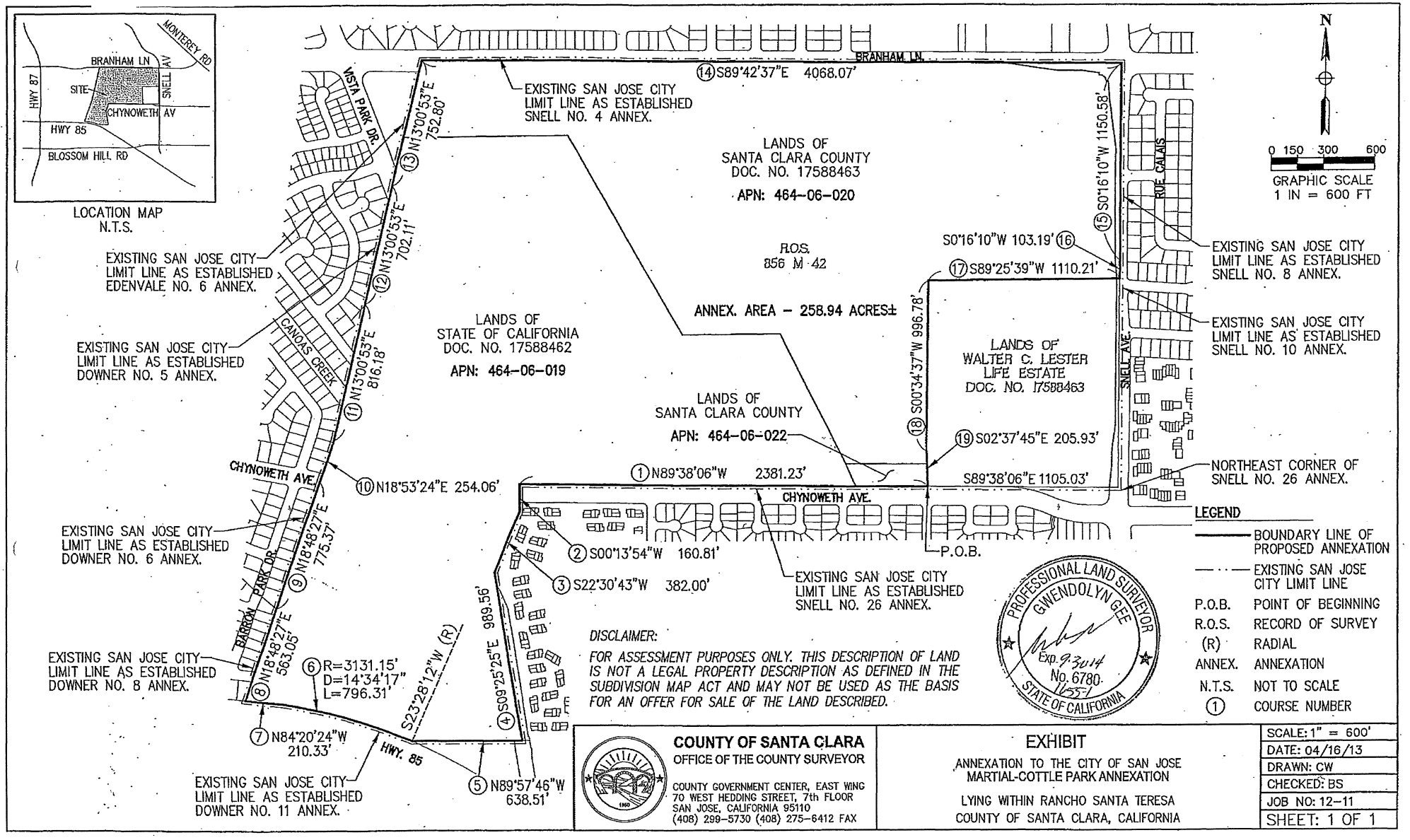


PLAT TO ACCOMPANY DESCRIPTION OF
PARCEL 1 LESTER LIFE ESTATE

MARK THOMAS & COMPANY, INC.
Providing Engineering, Surveying, and Planning Services
90 ARCHER ST
SAN JOSE, CA. 95112 (408) 453-5373

DESIGNED BY DCJ	APPROVED ON 10-15-03	JOB NO. 24-99046	SHEET 1
CKD. BY THH	BY TOM H. MILO		OF 1
DATE 10/15/2003	L.S. NO.6438 EXP. 12/31/'06	FILE NO. #	
SCALE 1"=250'			

EXHIBIT "C" (Snell No. 31; APN 464-06-021)



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.

COUNTY OF SANTA CLARA
OFFICE OF THE COUNTY SURVEYOR
COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 7th FLOOR
SAN JOSE, CALIFORNIA 95110
(408) 299-5730 (408) 275-6412 FAX

EXHIBIT

ANNEXATION TO THE CITY OF SAN JOSE
MARTIAL-COTTLE PARK ANNEXATION

LYING WITHIN RANCHO SANTA TERESA
COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 600'
DATE: 04/16/13
DRAWN: CW
CHECKED: BS
JOB NO: 12-11
SHEET: 1 OF 1