



CITY COUNCIL STAFF REPORT

| | |
|--|---|
| File No. | C19-025; Parker No. 28 |
| Applicant/Owner | Mahnaz Elbrahimia & Hossein Javinani |
| Location | Northeast corner of Woodard Road and Calico Avenue (15415 Woodard Road) and adjacent streets |
| Existing Zoning | Unincorporated |
| General Plan Land Use Designation | Residential Neighborhood |
| Council District | 9 |
| Historic Resource | N/A |
| Annexation Date | N/A |
| CEQA | Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. |

APPLICATION SUMMARY:

Conforming prezoning of Santa Clara County unincorporated territory totaling 0.28 gross acres to the City of San José R-1-8 Single- Family Residence Zoning District, and annexation of subject property and the adjacent streets totaling 1.36 acres to the City of San José.

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve an ordinance prezoning an approximately 0.28-gross acre site in Santa Clara County unincorporated territory designated as a portion of Parker No. 28 to the R-1-8 Single-Family Residence Zoning District.
2. Adopt a resolution initiating proceedings and setting May 18, 2021, for City Council consideration of the reorganization of territory designated as Parker No. 28, which involves the annexation to the City of San José of approximately 1.36-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

PROJECT DATA

| GENERAL PLAN CONSISTENCY | | | |
|--------------------------|--------------------------|--|---------------------------|
| General Plan Designation | | Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent | |
| Consistent Policies | | Implementation Policies FS-3.9, IP-1.1, IP-1.7, and IP-8.2 | |
| SURROUNDING USES | | | |
| | General Plan Land Use | Zoning | Existing Use |
| North | Residential Neighborhood | R-1-8 Single-Family Residence | Single family residential |
| South | Residential Neighborhood | Unincorporated | Single family residential |
| East | Residential Neighborhood | R-1-8 Single-Family Residence | Single family residential |
| West | Residential Neighborhood | Unincorporated | Single family residential |

PROJECT DESCRIPTION

On September 11, 2019, the property owner, Mahnaz Elbrahimia, submitted a request to prezone an approximately 0.28-gross acre site in Santa Clara County unincorporated territory located at the northeast corner of Woodard Road and Calico Avenue (APN: 414-27-018) to the R-1-8 Single-Family Residence Zoning District. The applicant concurrently submitted a request to annex the subject property to the City of San José, including detachment from the appropriate special districts including the Central Fire Protection District, West Valley Sanitation District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services.

In January 2020, Santa Clara Local Agency Formation Commission (LAFCO) requested to expand the annexation boundary to include the adjacent streets (120 feet of Calico Avenue at the project frontage and 661.3 feet of Woodard Road to the east of Calvin Avenue) with a total area of 1.36 acres, in order to comply with LAFCO's street annexation policies. LAFCO's street annexation policies require the City to annex entire street sections whenever possible. The policies also 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. Annexation of full-width sections normally shall be made in increments of not less than one thousand feet. The increment of Woodard Avenue is less than 1,000 feet (661.3 feet), and it extends to connect to the intersection of Calvin Avenue and Woodard Road which is currently within the City limits. The Public Works Department has reviewed and agreed with the revised annexation boundary. See attachment 1 for the annexation boundary certified by Santa Clara County Surveyor.

Site Description and Surrounding Uses

The prezoning site is located at the northeast corner of Woodard Road and Calico Avenue (APN: 414-27-018) (see Figure 1). The site is occupied by a single-family residence and is surrounded by single-family residential uses.

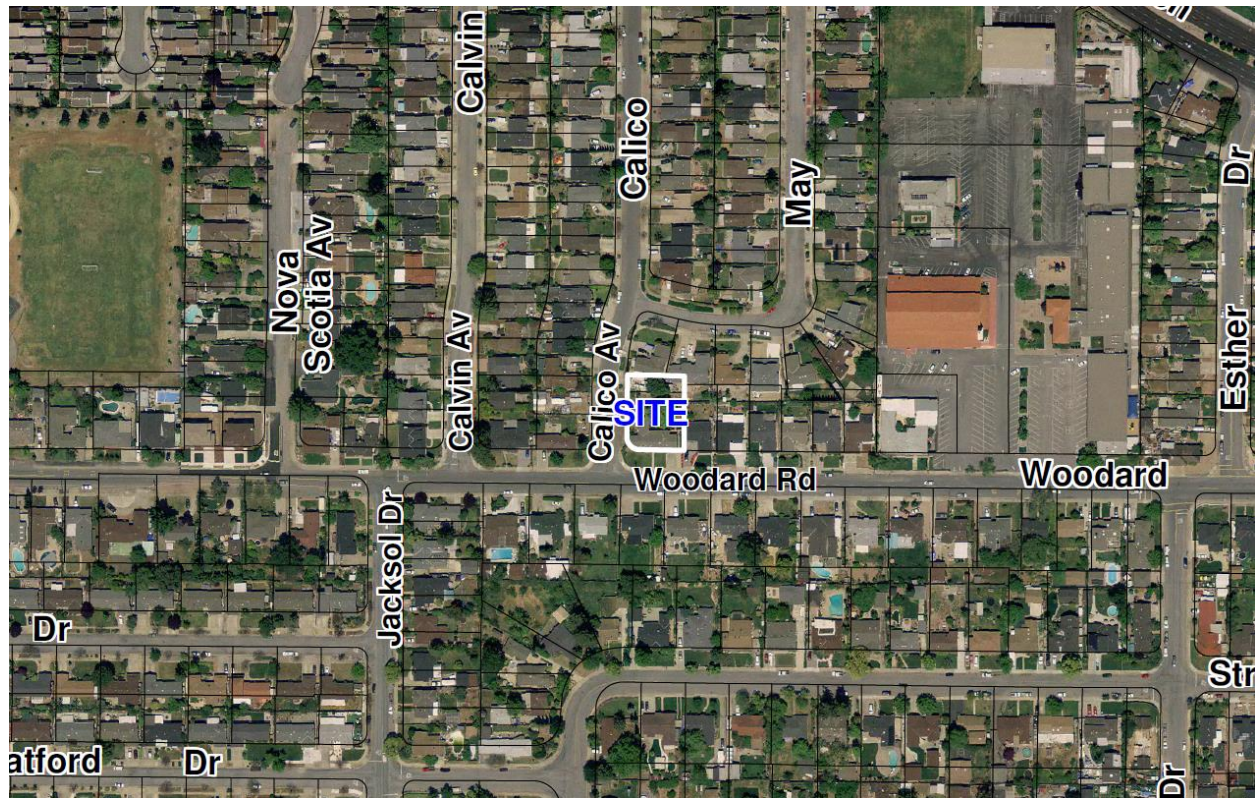


Figure 1: Aerial image of the subject site

Background

The subject site is adjacent to the City to the north and the east. See Figure 2 below. The area in yellow is currently within the City Limits. As discussed previously, LAFCO requested to expand the annexation area to include the full-width of Calico Avenue at the project frontage and approximately 663.1 feet of Woodward Road to the east of Calvin Drive. The streets to be annexed are within the red lines in Figure 2.

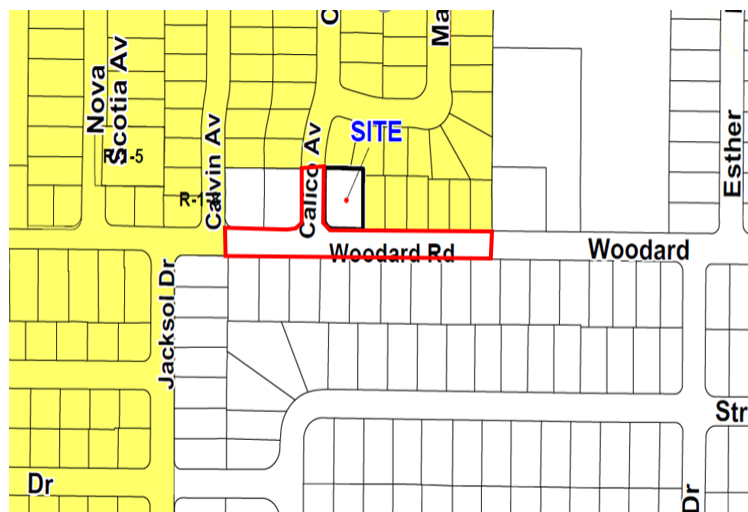


Figure 2: Annexation Area

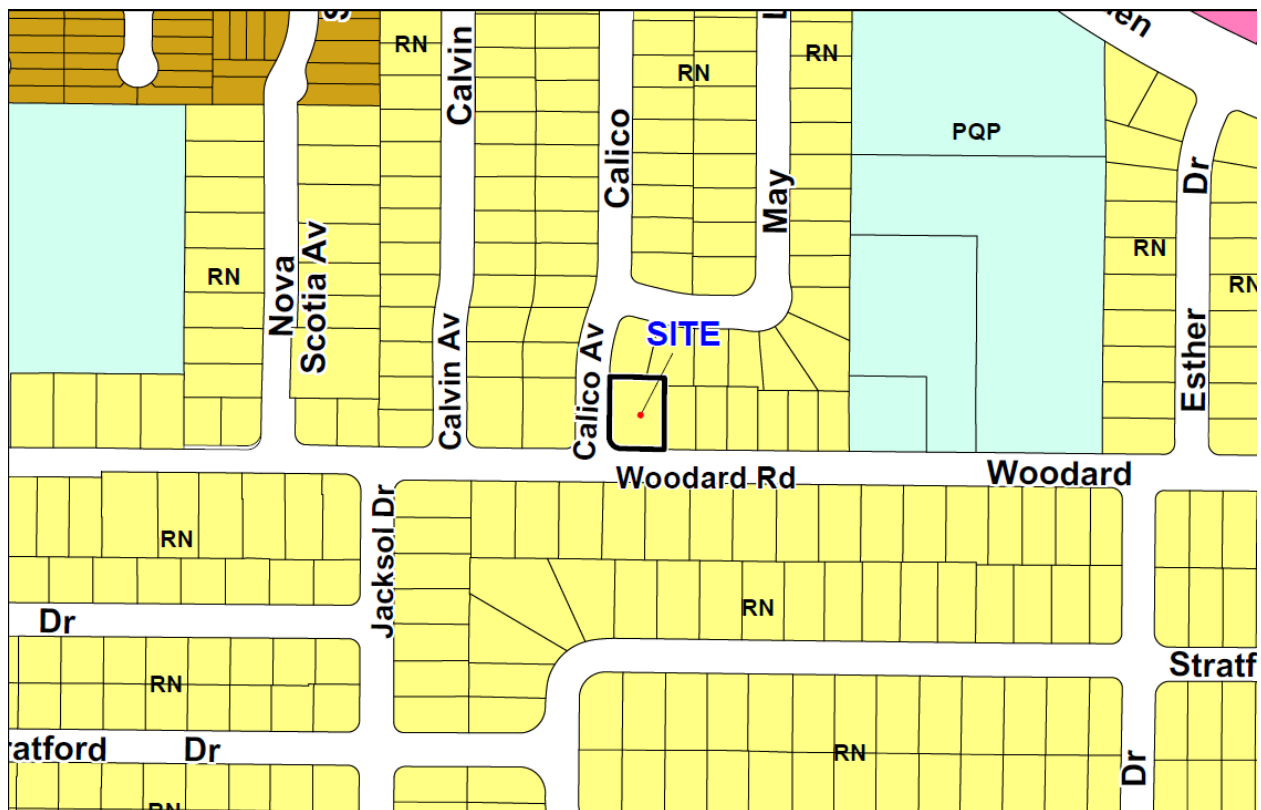
The rezoning site is currently occupied by a single-family residence. The site has direct access from Woodard Road and Calico Avenue. The applicant has requested a conforming rezoning to the R-1-8 Single-Family Residence Zoning District, which is a conforming district with the Residential Neighborhood General Plan Land Use Designation. No development applications are on file for this site.

ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the *Envision San José 2040 General Plan*, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site has an *Envision San José 2040 General Plan* Land Use/Transportation Diagram land use designation of Residential Neighborhood (see Figure 3).

**Figure 3: General Plan Land Use/Transportation Diagram**

The Residential Neighborhood designation is applied broadly throughout the city to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects

which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

The proposed rezoning is consistent with the following General Plan policies:

1. Fiscally Sustainable Land Use Framework Policy FS-3.9: Per City, County and LAFCO policy, locate existing and future urban development within city boundaries. Implement this policy through San José's existing agreement with Santa Clara County which requires that unincorporated properties within the Urban Service Area either annex to the City, if possible, or execute a deferred annexation agreement prior to approval of development.
2. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
3. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance *Envision General Plan* vision, goals and policies.
4. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis:

The subject property is within the City's Urban Growth Boundary and Urban Service Area and is connected to parcels that are within the boundary of the City of San José. In accordance with the General Plan land use designation, any subdivision would be required to conform to the prevailing neighborhood character, as defined by density, average lot size, and neighborhood form and pattern. Given the approximately 0.28-acre size of the rezoning site and the surrounding prevailing density of the block, a maximum of two single-family homes could potentially be developed on the site. Pursuant to Table 20-270 of the Zoning Ordinance, the R-1-8 Single-Family Residence Zoning District is

listed as a conforming district for the General Plan Land Use Designation of Residential Neighborhood. The proposed rezoning allows for single-family residences with an allowed density up to eight dwelling units per acre, consistent with the underlying General Plan land use designation.

Zoning Ordinance Conformance

The proposed rezoning would prezone Santa Clara County unincorporated territory to the R-1-8 Single-Family Residence Zoning District (See Figure 3). This proposed rezoning conforms with Table 20-270 of the Zoning Ordinance, which identifies the R-1-8 Single-Family Residence Zoning District as a conforming district to the Residential Neighborhood General Plan Land Use/Transportation Diagram land use designation.

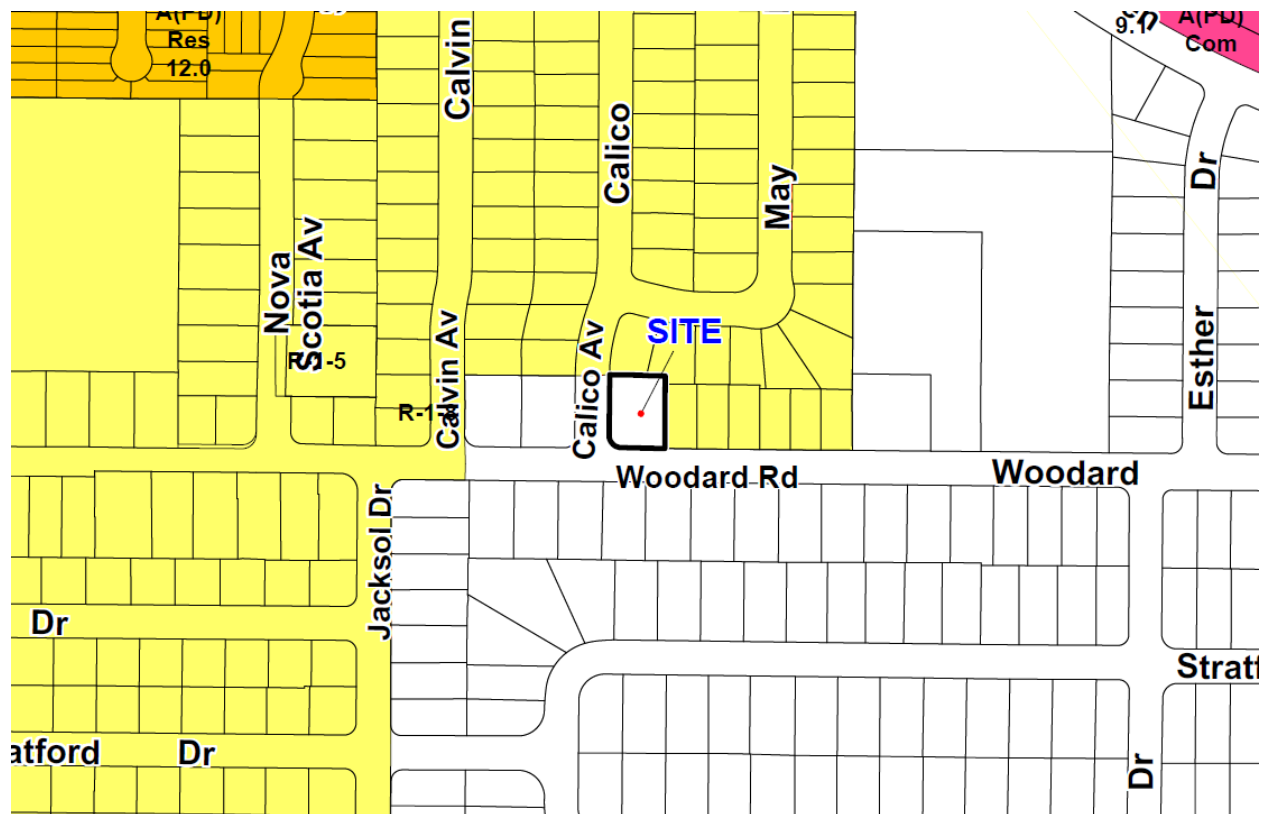


Figure 4: Zoning Map

The R-1-8 Single-Family Residence Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-50, including single-family residential residences with an allowed density up to eight dwelling units per acre. The property is currently occupied by a single-family house. As discussed previously, the property could potentially be subdivided into two lots, with a resulting density of 7.14 dwelling units per acre, which would be consistent with the General Plan Residential Neighborhood land use designation.

The project proposes annexation of the approximately 1.36 gross acres of unincorporated Santa Clara County to the City of San José, including detachment from the Central Fire Protection

District, West Valley Sanitation District, Santa Clara Lighting Service Areas and Santa Clara County Library Services. Upon completion of the annexation proceedings, the subject site would be eligible to connect to City infrastructure and services, and the aforementioned R-1-8 zoning would be effective.

The annexation proceedings are being conducted pursuant to California Government Code Section 56757, which designates the City Council of the City of San José as the conducting authority. A full report regarding the proposed annexation will be provided to the City Council for the May 25, 2021 hearing.

Development Standards

The minimum lot size, building setback and height requirements for the R-1-8 Single-Family Residence Zoning District are presented below.

**Development Standards
R-1-8 Single-Family Residence Zoning District**

| Structure | Setbacks |
|------------------------|-------------------|
| Front | 20 feet |
| Interior Side | 5 feet |
| Street Side | 12.5 feet |
| Rear | 20 feet |
| Maximum Allowed Height | 35 feet |
| Minimum Lot Size | 5,445 square feet |

Source: Section 20.30.200, Table 20-60

The property is currently developed with a single-family house, and no development applications are currently on file for this site. Future land subdivision or development would be evaluated for conformance with these development standards and all other municipal code regulations, City policies, and guidelines.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015. The FPEIR and SEIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR) and Supplemental EIR (SEIR) have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR and SEIR been identified.

PUBLIC HEARING NOTIFICATION

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A sign was posted on the project site. 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.

/s/

ROSALYNN HUGHEY, Director

Planning, Building and Code Enforcement

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

Attachments: Attach 1 - Parker No. 28 County Surveyor Certified Annexation Boundary

Attach 2 - Draft Rezoning Ordinance

Attach 3 - Draft Annexation Initiating Resolution

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



January 6th, 2021

Mrs. Angela Wang
Planner
City of San Jose
Planning Division
200 E. Santa Clara Street, 3rd Floor
San Jose, CA. 95113

SUBJECT: Parker No. 28 Annexation

Dear Mrs. Wang,

The attached revised description and map dated December 9th, 2020 of territory proposed for annexation to the City of San Jose, entitled **Parker No. 28** 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.

Sincerely,

August Hanks, PLS 9274
County Surveyor
amh



Attachment

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

EXHIBIT "A"
PARKER NUMBER 28
ANNEXATION TO CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

All that real property, situated in the unincorporated area of the County of Santa Clara, State of California, in Section 2, Township 8 South, Range 1 West, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the most southeasterly corner of the Parker No. 2A Annexation, said corner also being the most southeasterly corner of Lot 113 of that certain Map entitled, "Tract No. 2209, Calico Homes Unit No. 2", recorded in the Office of the Recorder, Santa Clara County, in Book "97" of maps, at page 41, said point also lying on the northerly line of Woodard Road (60.00 feet wide);

- (1) Thence leaving said annexation and at right angles of said northerly line of Woodard Road South $0^{\circ}06'40''$ West 60.00 feet to a point on the southerly line of Woodard Road as shown on that certain Map entitled, "Tract No. 392, Camden Gardens", recorded in the Office of the Recorder, Santa Clara County, in Book "12" of maps, at page 45,
- (2) Thence along said southerly line of Woodard Road North $89^{\circ}53'20''$ West 661.30 feet to the most southeasterly corner of the Parker No. 22 Annexation;
- (3) Thence along the easterly line of said Parker No. 22 Annexation North $0^{\circ}06'40''$ East 60.00 feet to the northerly line of said Woodard Road;
- (4) Thence along the northerly line of Woodard Road South $89^{\circ}53'20''$ East 174.07 feet to the intersection of the westerly line of Calico Avenue (60.00 feet wide) and the northerly line of Woodard Road (60.00 feet wide);
- (5) Thence along the westerly line of said Calico Avenue North $0^{\circ}05'40''$ West 125.00 feet to the southerly line of the Parker No. 2A Annexation to the City of San Jose;

Thence along the southerly and westerly lines of the Parker No. 2A Annexation, the following four (4) courses.

- (6) North $89^{\circ}53'20''$ East 60.00 feet;
- (7) South $89^{\circ}53'20''$ East 97.00 feet;
- (8) South $0^{\circ}05'40''$ East 125.00 feet;
- (9) South $89^{\circ}53'20''$ East 330.22 feet to the POINT OF BEGINNING and containing 59,304 S.F., more or less.

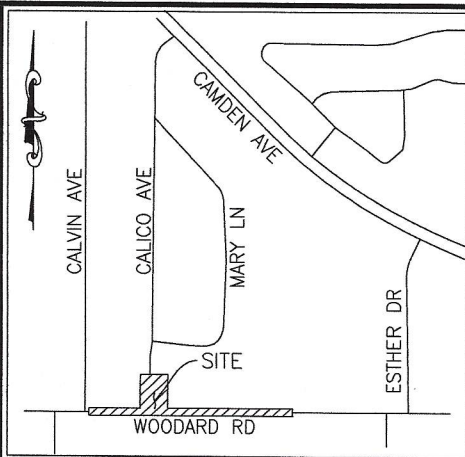
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



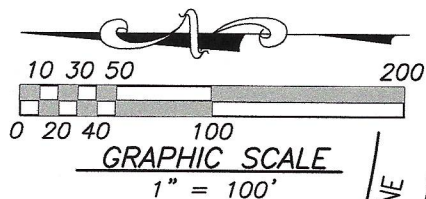
Porfirio Oscar Osuna
President
Osuna Engineering Inc.
PLS 8921



1-08-21



VICINITY MAP
N.T.S.



EXISTING CITY
OF SAN JOSE
LIMITS

APN 414-27-020
DOC.#21978541

APN 414-27-019
DOC.#24293289

N89°53'20"W
(6) 60.00'

TRACT NO. 2209
ANNEXATION PARKER NO. 2A

APN 414-27-012
DOC.# 24371577

APN 414-27-013
DOC.#22091882

APN 414-27-014
DOC.#22628413

APN 414-27-015
DOC.# 24331122

APN 414-27-016
DOC.# 23658070

APN 414-27-017
DOC.# 24032252

SUBJECT LOT:
APN 414-27-018
DOC.#23914830

CALICO AVENUE

APN 414-28-028
DOC.#21445686

APN 414-28-029
DOC.#19954607

ANNEXATION PARKER NO. 2A

ANNEXATION PARKER NO. 22

CALVIN AVE

(1)
60.00'
S0°06'40"W

APN 421-04-061
DOC.#21208258

APN 421-04-060
DOC.#24207474

APN 421-04-059
DOC.#14228860

ANNEXATION TO
THE CITY OF SAN
JOSE HEREON
AREA: 59,304±
SF OR 1.361± AC

APN 421-04-058
DOC.#19504037

APN 421-04-057
DOC.# 24065508

APN 421-04-056
DOC.#23230605

APN 421-04-055
DOC.# 23474359

APN 421-04-069
DOC.# 23847874

APN 421-04-068
DOC.#15305343

APN 421-04-052
DOC.#22010707

N0°06'40"E
60.00'(3)

APN 421-04-051
DOC.#19599102

JACKSON DR

WOODARD ROAD

TRACT NO. 392

NOTES:

1. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY. THE AREA WITHIN THE DISTINCTIVE BOUNDARY IS 59,299 SF OR 1.361 ACRES

LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- EXISTING CITY OF SAN JOSE LIMIT LINE
- CENTERLINE

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" PARKER NUMBER 28 PLAT MAP

SAN JOSE,

CALIFORNIA

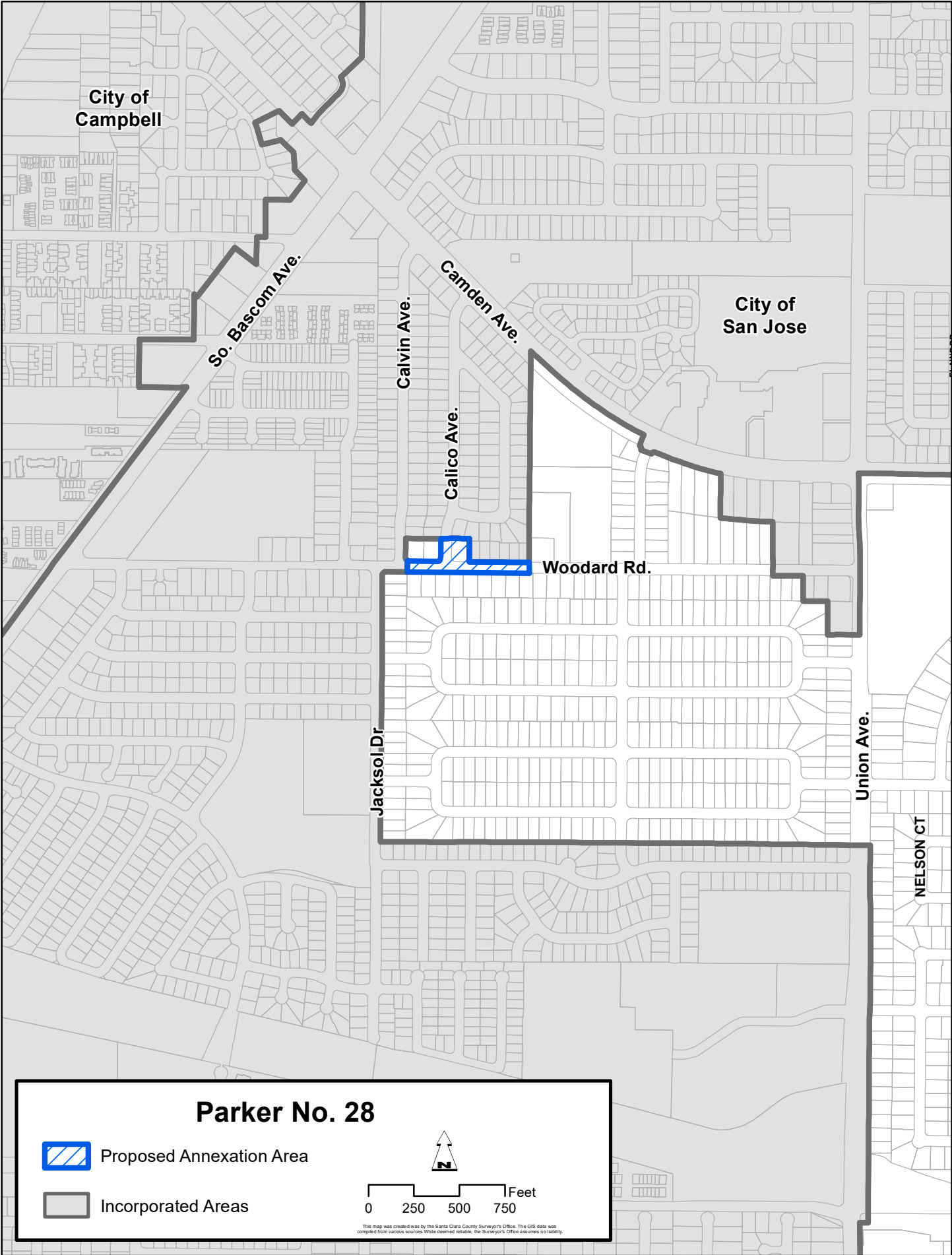
DATE: 1/08/21
SCALE: 1"=100'
DRAWN BY: O.O.
CHECKED BY: O.O.
JOB NO.: 1723

OSUNA ENGINEERING, INC.

117 BERNAL RD., #70-336
SAN JOSE, CALIFORNIA
PH. (408) 721-2100

PLS NO. 8921
PORFIRIO OSCAR OSUNA

1-08-21



City of
Campbell

So. Bascom Ave.

Calvin Ave.

Camden Ave.

Calico Ave.

City of
San Jose

Woodard Rd.

Jacksoll Dr.

Union Ave.

NELSON CT

Parker No. 28



Proposed Annexation Area



Incorporated Areas



0 250 500 750 Feet

This map was created by the Santa Clara County Surveyor's Office. The GIS data was compiled from various sources. While deemed reliable, the Surveyor's Office assumes no liability.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE PREZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.28 GROSS ACRE, SITUATED ON THE NORTHEAST CORNER OF WOODARD ROAD AND CALICO AVENUE (15415 WOODARD ROAD) (APN: 414-27-018) FROM UNINCORPORATED TERRITORY WITHIN THE COUNTY OF SANTA CLARA TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed prezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject prezoning to the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the

SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan;

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

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned R-1-8 Single-Family Residence Zoning District.

The subject property referred to in this section is all that real property situated 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.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C19-025 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR PREZONING PURPOSES

All that real property, situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

BEGINNING at the most southwesterly corner of Lot 108 of that certain Map entitled, "Tract No. 2209, Calico Homes Unit No. 2", Santa Clara County, California, of record in the Office of the County Recorder of the County of Santa Clara, State of California, in Book "97" of maps, at page 41, more particularly described as follows:

- (1) Thence along the westerly line of said Lot 108, North $0^{\circ}05'40''$ West 125.00 feet to a point on the southerly line of Lot 106 of said Map;
- (2) Thence along the southerly line of Lot 106 and Lot 107 of said Tract No. 2209, North $89^{\circ}53'20''$ West 97.00 feet to a point on the easterly line of Calico Avenue (60 feet width);
- (3) Thence along said easterly line of Calico Avenue, South $0^{\circ}05'40''$ East 105.07 feet;
- (4) Thence on a tangent curve to the left, with a radius of 20 feet, through a central angle of $89^{\circ}47'40''$, for an arc distance of 31.34 feet;
- (5) Thence along the northerly line of Woodard Road (60 feet width) South $89^{\circ}53'20''$ East 77.07 feet to the POINT OF BEGINNING.

Containing 12,040 S.F., more or less.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Porfirio O. Osuna
President
Osuna Engineering Inc.
PLS 8921



4-01-21

NOTES:

1. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY. THE AREA WITHIN THE DISTINCTIVE BOUNDARY IS 12,040 SF OR 0.2764 ACRES

LEGEND

- BOUNDARY OF PROPERTY SURVEYED
 --- CENTERLINE

LOT 107 PER R1

LOT 106 PER R1

LANDS OF KOCHANSKI
 APN: 414-27-019

LANDS OF CHOI
 APN: 414-27-020

PARKER NO. 2A
 ANNEXATION

PARKER NO. 2A
 ANNEXATION

(2) N89°53'20"W 97.00' BNDRY.

CITY OF
 SAN JOSE
 LIMITS

30

30

CALICO AVENUE

N0°05'40"W 160.00' R1

(3) S0°05'40"E 105.07' BNDRY.

SUBJECT LOT

12040 SF
 0.276 AC

LANDS OF JAVINANI
 APN: 414-27-018

(1) N0°05'40"W 125.00' BNDRY.

PARKER NO. 2A ANNEXATION

LANDS OF OFIR

APN: 414-27-017

LOT 108 PER R1

N0°05'40"W 109.26'

POINT OF
 BEGINNING

(4) L=31.34' R=20.00'
 $\Delta=89^{\circ}47'40''$

(5) S89°53'20"E 77.07' BNDRY.

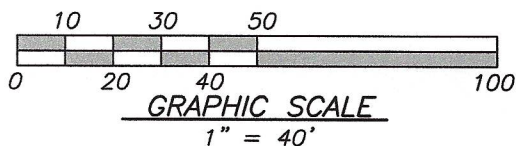
S89°53'20"E R1

30

FOUND CITY
 MONUMENT

WOODARD ROAD

30



BASIS OF BEARINGS

THE BEARING NORTH 68°55'50" EAST OF THE MONUMENT LINE OF WOODWARD ROAD AND MAY LANE AS CALCULATED ON THAT MAP OF TRACT NO 2209 FILED FOR RECORD IN BOOK 97 OF MAPS PAGES 41, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARING FOR THIS SURVEY.

REFERENCES:

R1 TRACT NO. 2209 97-M-41



4-01-21

EXHIBIT "B"
PLAT MAP
FOR PREZONING PURPOSES
15415 WOODARD RD

SAN JOSE,

CALIFORNIA

DATE: 04/01/2021
 SCALE: 1"=40'
 DRAWN BY: 0.0.
 CHECKED BY: 0.0.
 JOB NO.: 1723

OSUNA ENGINEERING, INC.

117 BERNAL RD., #70-336
 SAN JOSE, CALIFORNIA
 PH. (408) 721-2100

PORFIRIO OSCAR OSUNA, RCE NO. 70829

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE INITIATING REORGANIZATION PROCEEDINGS FOR THE ANNEXATION AND DETACHMENT OF CERTAIN TERRITORY DESIGNATED AS PARKER NO. 28, DESCRIBED MORE PARTICULARLY HEREIN, AND SETTING THE DATE, TIME AND PLACE FOR CONSIDERATION OF SUCH REORGANIZATION

WHEREAS, the City of San José desires to initiate 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 Parker No. 28 to the City of San José, and the detachment of certain territory from the Santa Clara County Central Fire Protection District, West Valley Sanitation District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services; 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 Santa Clara County 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 “**Parker No. 28,**” and a description of the boundaries of this territory is set forth in Exhibit “A,” entitled “Parker No. 28, Annexation to City of San José, Geographic Description,” 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” entitled “Parker No. 28 Plat Map” and incorporated herein by this reference; and

WHEREAS, the subject real property, comprising approximately 1.36 acres located on the northeast corner of Calico Avenue and Woodard Road (APN 414-27-018) and covers the adjacent streets including Calico Avenue at the project frontage and approximately 661.3 feet of Woodard Road to the east of Calvin Avenue, 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, not limited to street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, and fire protection; and

WHEREAS, on _____, 20____, the City Council adopted Ordinance No. _____ approving the pre-zoning of a portion of the territory (APN 414-27-018) to the R-1-8 Single-Family Residence Zoning District (under File No. C19-0May) 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 "**Parker No. 28**" under the California Environmental Quality Act of 1970, as amended ("CEQA"); and

WHEREAS, the environmental impacts of this project were addressed by a Final Program Environmental Impact Report entitled, "Envision San José 2040 General Plan," under Planning File No. PP09-011 and findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report for the Envision San José, 2040 General Plan, Greenhouse Gas Reduction Strategy, under Planning File No. PP15-060 and findings were adopted by City Council Resolution No. 77617 on December 15, 2015, and Addenda thereto; 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 Santa Clara 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 initiated by resolution of the City Council, 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;

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

That the City Council of the City of San José hereby initiates proceedings for the proposed reorganization of the designated territory described herein and sets April 20th, 2021 at 1:30 p.m., via a virtual City Council meeting, as the date, time and place for consideration of such reorganization. This Council is hereby designated as the conducting authority of said proceedings.

ADOPTED this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
PARKER NUMBER 28
ANNEXATION TO CITY OF SAN JOSE
GEOGRAPHIC DESCRIPTION

All that real property, situated in the unincorporated area of the County of Santa Clara, State of California, in Section 2, Township 8 South, Range 1 West, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the most southeasterly corner of the Parker No. 2A Annexation, said corner also being the most southeasterly corner of Lot 113 of that certain Map entitled, "Tract No. 2209, Calico Homes Unit No. 2", recorded in the Office of the Recorder, Santa Clara County, in Book "97" of maps, at page 41, said point also lying on the northerly line of Woodard Road (60.00 feet wide);

- (1) Thence leaving said annexation and at right angles of said northerly line of Woodard Road South $0^{\circ}06'40''$ West 60.00 feet to a point on the southerly line of Woodard Road as shown on that certain Map entitled, "Tract No. 392, Camden Gardens", recorded in the Office of the Recorder, Santa Clara County, in Book "12" of maps, at page 45,
- (2) Thence along said southerly line of Woodard Road North $89^{\circ}53'20''$ West 661.30 feet to the most southeasterly corner of the Parker No. 22 Annexation;
- (3) Thence along the easterly line of said Parker No. 22 Annexation North $0^{\circ}06'40''$ East 60.00 feet to the northerly line of said Woodard Road;
- (4) Thence along the northerly line of Woodard Road South $89^{\circ}53'20''$ East 174.07 feet to the intersection of the westerly line of Calico Avenue (60.00 feet wide) and the northerly line of Woodard Road (60.00 feet wide);
- (5) Thence along the westerly line of said Calico Avenue North $0^{\circ}05'40''$ West 125.00 feet to the southerly line of the Parker No. 2A Annexation to the City of San Jose;

Thence along the southerly and westerly lines of the Parker No. 2A Annexation, the following four (4) courses.

- (6) North $89^{\circ}53'20''$ East 60.00 feet;
- (7) South $89^{\circ}53'20''$ East 97.00 feet;
- (8) South $0^{\circ}05'40''$ East 125.00 feet;
- (9) South $89^{\circ}53'20''$ East 330.22 feet to the POINT OF BEGINNING and containing 59,304 S.F., more or less.

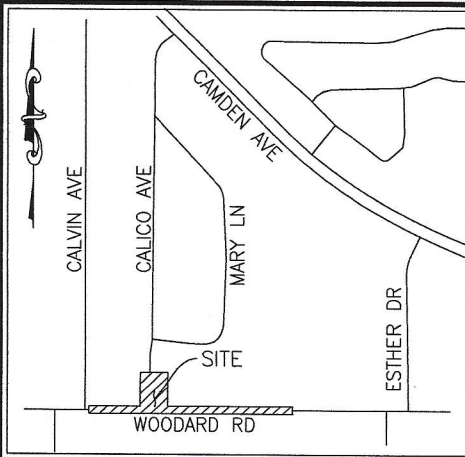
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



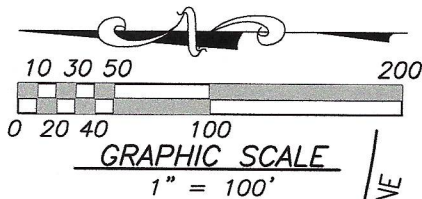
Porfirio Oscar Osuna
President
Osuna Engineering Inc.
PLS 8921



1-08-21



VICINITY MAP
N.T.S.



EXISTING CITY
OF SAN JOSE
LIMITS

APN 414-27-020
DOC.#21978541

APN 414-27-019
DOC.#24293289

N89°53'20"W
(6) 60.00'

TRACT NO. 2209
ANNEXATION PARKER NO. 2A

APN 414-27-012
DOC.#24371577

APN 414-27-013
DOC.#22091882

APN 414-27-014
DOC.#22628413

APN 414-27-015
DOC.#24331122

APN 414-27-016
DOC.#23658070

APN 414-27-017
DOC.#24032252

SUBJECT LOT:
APN 414-27-018
DOC.#23914830

CALICO AVENUE

125.00' (5)
N0°05'40"W

APN 414-28-028
DOC.#21445686

APN 414-28-029
DOC.#19954607

ANNEXATION PARKER NO. 2A

ANNEXATION PARKER NO. 22

CALVIN AVE

(1)
60.00'
S0°06'40"W

APN 421-04-061
DOC.#21208258

APN 421-04-060
DOC.#24207474

APN 421-04-059
DOC.#14228860

ANNEXATION TO
THE CITY OF SAN
JOSE HEREON
AREA: 59,304±
SF OR 1.361± AC

APN 421-04-058
DOC.#19504037

APN 421-04-057
DOC.#24065508

APN 421-04-056
DOC.#23230605

APN 421-04-055
DOC.#23474359

APN 421-04-069
DOC.#23847874

APN 421-04-068
DOC.#15305343

APN 421-04-052
DOC.#22010707

N0°06'40"E
60.00' (3)

APN 421-04-051
DOC.#19599102

JACKSON DR

WOODARD ROAD

N89°53'20"W 661.30' (2)

N89°53'20"W 661.30' (2)

S89°53'20"E 174.07' (4)

S89°53'20"E 174.07' (4)

S89°53'20"E 174.07' (4)

TRACT NO. 392

NOTES:

1. DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY. THE AREA WITHIN THE DISTINCTIVE BOUNDARY IS 59,299 SF OR 1.361 ACRES

LEGEND

- BOUNDARY LINE OF PROPOSED ANNEXATION
- EXISTING CITY OF SAN JOSE LIMIT LINE
- CENTERLINE

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" PARKER NUMBER 28 PLAT MAP

SAN JOSE, CALIFORNIA

DATE: 1/08/21
SCALE: 1"=100'
DRAWN BY: O.O.
CHECKED BY: O.O.
JOB NO.: 1723

OSUNA ENGINEERING, INC.
117 BERNAL RD., #70-336
SAN JOSE, CALIFORNIA
PH. (408) 721-2100
PORFIRIO OSCAR OSUNA, PLS NO. 8921

1-08-21