



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** May 9, 2012

Approved

Date

5/9/12

**COUNCIL DISTRICT: 6**

**SUBJECT: HAMILTON NO. 60. ANNEXATION OF APPROXIMATELY 0.44 GROSS ACRES FROM THE COUNTY INTO THE CITY OF SAN JOSE**

## RECOMMENDATION

Adopt a resolution initiating proceedings and setting June 19, 2012, at 1:30 p.m. for a public hearing to order the reorganization of territory designated as Hamilton No. 60, which involves the annexation to the City of San José of approximately 0.44 gross acres of land generally located at the southwest corner of Bascom Avenue and Maywood Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting, and Area No. 01 (Library Services) County Service.

## OUTCOME

Upon completion of LAFCO's annexation/reorganization proceedings, the approximately 0.44 gross acre area of unincorporated Santa Clara County designated as Hamilton No. 60 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 a public hearing on June 19, 2012, the annexation is effective.

## BACKGROUND

On March 22, 2011, the City Council approved a Prezoning (File No. C08-046) of the subject property to CP Commercial Pedestrian in preparation for annexation.

The subject site is developed with several small one-story commercial buildings with shared circulation and parking on three legal lots.

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Upon annexation to the City of San José the lots would be detached from the following special districts: Central Fire Protection, West Valley Sanitation, County Lighting, and Area No. 01 (Library Services) County Service.

### ANALYSIS

The proposed annexation will allow commercial uses consistent with the approved rezoning to the CP – Commercial Pedestrian Zoning District.

### PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, Outreach will occur consistent with Council Policy 6-30: Public Outreach for Pending Land Use and Development Proposals. A notice of the public hearing was distributed to the owners and tenants of all properties located within 300 feet of the project site and posted on the City website. This staff report has been posted on the City's website, and staff has been available to respond to questions from the public.

### COORDINATION

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

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**CEQA**

The environmental impacts of this project were addressed by a Final EIR entitled, "Envision San José 2040 General Plan," and adopted by Resolution No. 76041 on November 1, 2011, by the City of San José City Council.

/s/

JOSEPH HORWEDEL, DIRECTOR

Planning, Building and Code Enforcement

For questions please contact John W. Baty, Project Manager, at 408-535-7894.

Attachment

**USE OF A PROGRAM EIR  
 ENVISION SAN JOSE 2040 GENERAL PLAN FINAL EIR**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San Jose may take action on the project as being within the scope of the Final EIR.

**PROJECT DESCRIPTION AND LOCATION**

**Hamilton No. 60.** Reorganization/Annexation to the City of San José of a 0.44 gross acre site pre-zoned CP – Commercial Pedestrian Zoning District (File No. C08-046) located on the southwest corner of South Bascom and Maywood Avenues.  
 Council District 6. County Assessor's Parcel Number 282-10-073, -074

The environmental impacts of this project were addressed by a Final EIR entitled, "Envision San Jose 2040 General Plan," and findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San Jose General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIR:

Transportation	Geology and Soils	Noise and Vibration
Population & Housing	Hazardous Materials & Hazards	Land Use
Utilities & Service Systems	Air Quality	Aesthetics
Energy	Public Facilities & Services	Hydrology & Water Quality
Greenhouse Gas Emissions	Biological Resources	Cultural & Paleontological Resources

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

John W. Baty  
 Project Manager

Date

5/1/2012

Joseph Horwedel, Director  
 Planning, Building and Code Enforcement

Deputy

John Dinkon

**Disclaimer:**

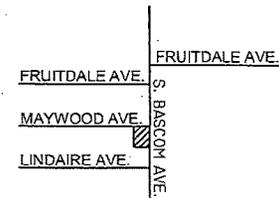
"For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described"

**LEGEND**

-  SAN JOSE CITY LIMITS
-  PROPOSED ANNEXATION LIMITS
-  STREET CENTERLINE

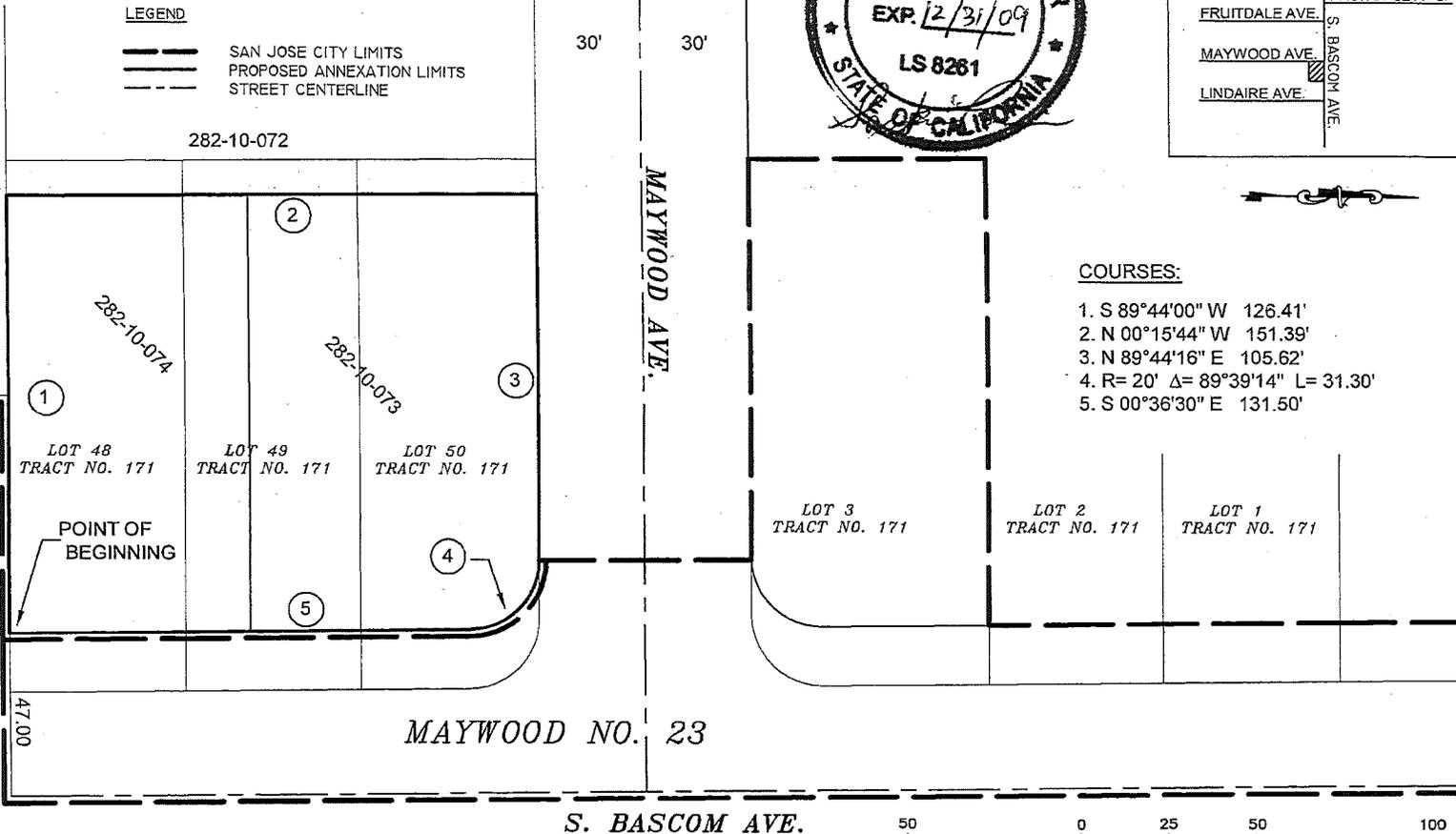


**LOCATION MAP**  
NOT TO SCALE



**COURSES:**

1. S 89°44'00" W 126.41'
2. N 00°15'44" W 151.39'
3. N 89°44'16" E 105.62'
4. R= 20' Δ= 89°39'14" L= 31.30'
5. S 00°36'30" E 131.50'



HAMILTON NO. 7-A

282-10-033

282-10-032

47.00

30' 30'

MAYWOOD AVE.

MAYWOOD NO. 23

S. BASCOM AVE.



**HAMILTON NO. 60**  
BEING A PORTION OF N.E. ¼ OF SECTION 23,  
TOWNSHIP 7 SOUTH, RANGE 1 WEST,  
MOUNT DIABLO MERIDIAN

ASSESSOR'S PARCEL NUMBERS 282-10-073 & 282-10-074	DATE: 10-2008	SCALE: 1"=50'	ACREAGE: 0.436
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POLARIS SURVEYORS, INC.  
1082 QUAIL CREEK CIRCLE  
SAN JOSE, CA 95120  
PH (408) 691-8891

ANNEXATION TO THE CITY OF SAN JOSE

HAMILTON NO. 60

GEOGRAPHIC DESCRIPTION

All that certain real property, situate in portion of the northeast ¼ of section 23, Township 7 South, Range 1 West, Mount Diablo base and Meridian, in the County of Santa Clara, State of California, described as follows:

**Beginning** at the point of intersection of the westerly line of South Bascom Avenue with the southerly line of the Annexation to the City of San Jose, as defined by the Annexation titled "Maywood No. 23".

Thence along the Annexation line of City of San Jose, as defined by the Annexation titled "Hamilton No.7-A" and along the southerly line of Lot 48, as shown upon that certain Map entitled, "Tract No. 171, Melrose Tract", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, in book 5 of Maps, at page 30,

(1) S. 89°44'00" W. 126.41 feet to the southeasterly corner of that certain parcel of land described in the Deed from Charles W. Dewelt, et ux, to Glen Winfrey, et ux, dated April 8, 1946 and recorded April 16, 1946 in Book 1332 of Official Records, at page 336, Santa Clara County Records;

Thence northerly along the easterly line of the land so described in the Deed to Glen Winfrey, et ux, (2) N. 00°15'44 W., 151.39 feet to the southerly line of Maywood Avenue (60 feet wide) as shown upon above-mentioned Tract Map;

Thence, along the southerly line of said Maywood Ave., (3) N. 89°44'16" E., 105.62 feet to the beginning of a curve to the right, said curve being on the City Limits as established by City of San Jose Annexation Maywood No. 23;

Thence along said curve to the right and along said Annexation, (4) having a radius of 20.00 feet, through a central angle of 89°39'14" , an arc length of 31.30 feet, to the westerly line of South Bascom Avenue.

Thence along said line of Bascom Avenue and the Annexation line of City of San Jose, as defined by the Annexation titled "Maywood No. 23", (5) S. 00°36'30" E., 131.50 feet to the **Point of beginning** and containing 0.436 acre, 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.*



*Sarkiss Parvin*

Date: 10/22/2008

# County of Santa Clara

Department of Planning and Development  
Development Services Office

County Government Center, East Wing  
70 West Hedding Street, 7th Floor  
San Jose, California 95110  
(408) 299-5700 FAX (408) 279-8537

RECEIVED

NOV 19 2008

CITY OF SAN JOSE  
DEVELOPMENT SERVICES



November 12, 2008

Suparna Saha  
Project Manager  
City of San Jose  
Planning Department  
200 East Santa Clara Street, 3<sup>rd</sup> floor  
San Jose, CA 95113

Dear Ms. Saha:

**SUBJECT: Annexation of Hamilton No. 60**

The attached revised map and description dated October 22, 2008 of territory proposed to be annexed to the City of San Jose entitled **Hamilton No. 60** 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.

*Jack Schepan*  
Per

Gwendolyn Gee, LS  
County Surveyor

Attachment

c: LAFCO Executive Director (w/ attachment)

**County of Santa Clara**  
**Office of the County Assessor**

County Government Center  
70 West Hedding Street  
San Jose, CA 95110-1771  
Fax (408) 298-9446



Lawrence E. Stone, Assessor

**REPORT OF THE COUNTY ASSESSOR**

Date Report Prepared: **October 16, 2008**

Title of Proposal: **Hamilton No. 60**

Type of Application: **Anx/Detach to City**

Conducting Authority: **City of San Jose**

**1. Review of Proposal**

- a. Location: 0.436 AC +/- at SW corner of S Bascom & Maywood Avenues
- b. Assessor's Parcel Numbers: 282-10-073 & 282-10-074
- c. Respective Net value of assessed parcels as of last July 1: \$816,000 & \$784,000

**2. Conformity to Lines of Assessment or Ownership**

- Boundaries of proposal conform.
- Boundaries of proposal fail to conform to lines of assessment per attached map.
- Upon annexation, lines of assessment will no longer be split by TRA lines within this proposal.

**3. Special Districts**

Special districts within the proposed area include:

TRA 62-014

062-014 63 CAMPBELL UNION ELEM. SCHOOL  
062-014 133 CAMPBELL UNION HIGH SCHOOL  
062-014 203 WEST VALLEY JT(43,44) COMM. COLLEGE  
062-014 215 BAY AREA JT(1,7,21,28,38,41,43,48,49,57) AIR QUALITY  
MGMT.  
062-014 219 CENTRAL-ZONE No. 01 FIRE PROTECTION  
062-014 306 WEST VALLEY SANITATION  
062-014 313 CO LIGHTING COUNTY SERVICE  
062-014 322 SANTA CLARA VALLEY COUNTY WATER  
062-014 326 SANTA CLARA VALLEY ZONE C-1 COUNTY WATER  
062-014 335 SANTA CLARA COUNTY IMPORTATION WATER-MISC  
062-014 376 SANTA CLARA VALLEY-ZONE W-4 COUNTY WATER  
062-014 377 AREA NO. 01, LIBRARY BENEFIT ASSESSMENT  
COUNTY SERVICE  
062-014 378 AREA NO. 01 (LIBRARY SERVICES) COUNTY SERVICE

Prepared By:

**Anita Badger, Property Identification & Title Technician**  
**(408) 299-5506**  
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