



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** June 1, 2012

Approved

Date

6/5/12

**COUNCIL DISTRICT:** 6

**SUBJECT: HAMILTON NO. 60. ANNEXATION OF APPROXIMATELY 0.44 GROSS ACRES FROM THE COUNTY INTO THE CITY OF SAN JOSE LOCATED AT THE SOUTHEAST CORNER OF BASCOM AVENUE AND MAYWOOD AVENUE.**

## RECOMMENDATION

Adopt a resolution ordering 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 the 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.

## BACKGROUND

On March 22, 2011, the City Council approved Rezoning (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.

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.

The proposed reorganization and annexation of the subject site conforms overall to the City's General Plan strategies and policies and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities. 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) approval.

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

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

*The site is located within the City's Urban Service Area.*

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

*On November 12, 2008, the County Surveyor certified the boundaries of the reorganization.*

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

*All affected parcels are being reorganized in their entirety.*

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

*No such islands are being created. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory and are accessible to municipal services.*

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

*The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development should be located within cities.*

6. The territory is contiguous to existing City limits.

*The area proposed to be reorganized is contiguous to the City limits along two sides as shown on the attached map.*

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

*No such conditions have been imposed.*

### **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.

HONORABLE MAYOR AND CITY COUNCIL

June 1, 2012

**Subject: Hamilton No. 60**

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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, at 408-535-7894.

Attachments: Site Location Map  
Santa Clara County Surveyor's Report

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 tux, 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

**Disclaimer:**

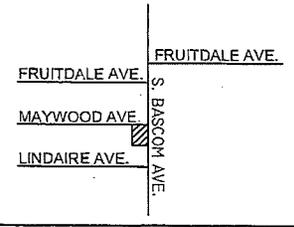
"For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described"

**LEGEND**

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

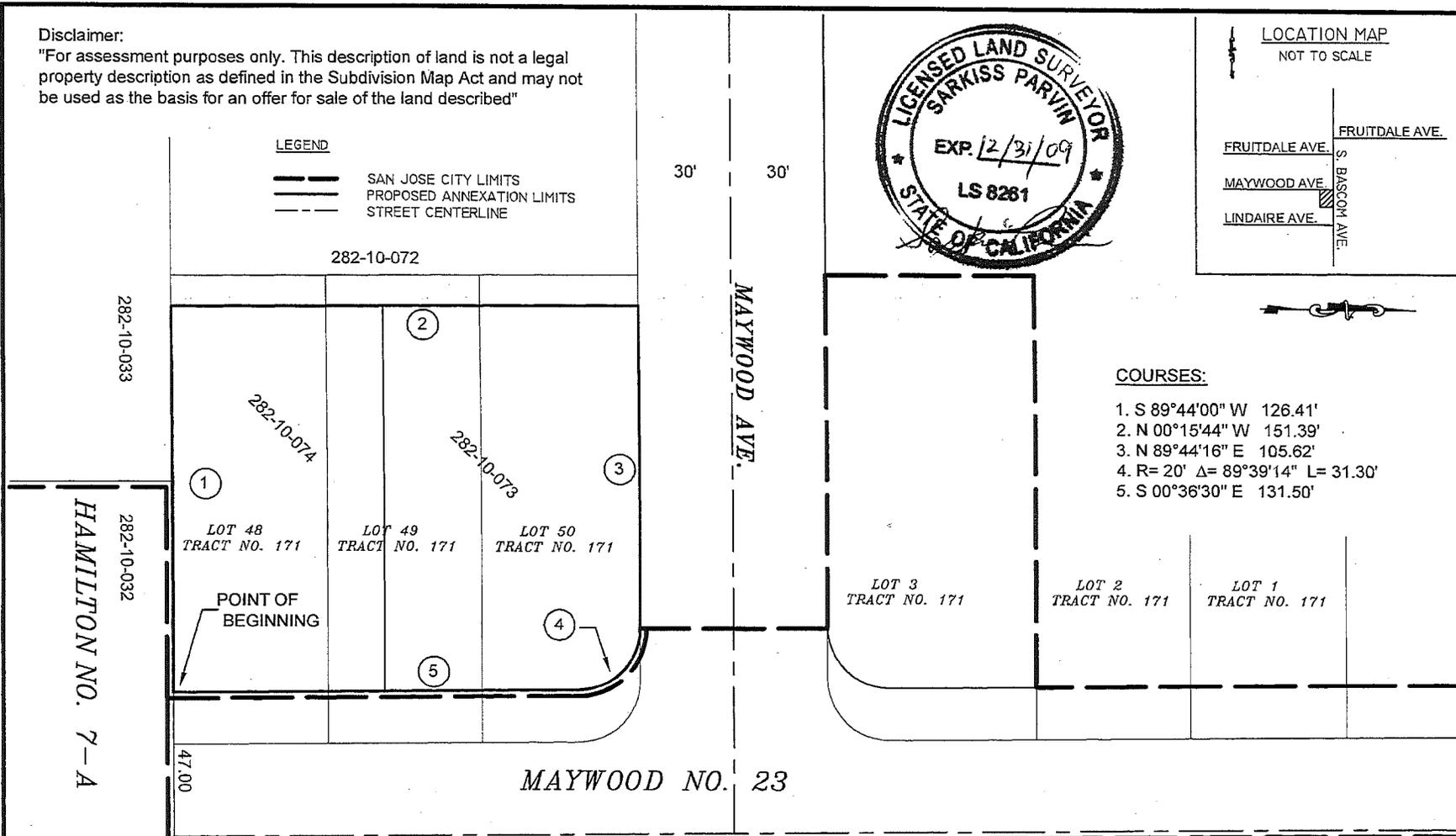


**LOCATION MAP**  
NOT TO SCALE

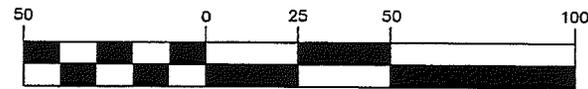


**COURSES:**

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'



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

# 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 Schyman*  
for

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**  
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