

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE 2.85 GROSS ACRES FROM THE EXISTING 10.0-GROSS ACRE PARCEL TO CREATE 24 PARCELS, INCLUDING 21 SINGLE-FAMILY PARCELS, TWO PRIVATE STREET PARCELS, AND THE CAMBRIAN SCHOOL DISTRICT PARCEL ON AN APPROXIMATELY 10.0-GROSS ACRE SITE SITUATED ON THE NORTH SIDE OF CAMBRIANNA DRIVE, APPROXIMATELY 150 FEET WESTERLY OF TAPER AVENUE (1975 CAMBRIANNA DRIVE)

FILE NO. PT21-034

WHEREAS, pursuant to the provisions of Chapter 19.12 of Title 19 of the San José Municipal Code, on April 15, 2021, a concurrent application (File No. PT21-034) was filed by applicant Mark Robson of Robson Homes, LLC, on behalf of the owner, Cambrian School District, with the City of San José for a Vesting Tentative Map to subdivide 2.85 gross acres from one existing 10-acre parcel to create 24 parcels, including 21 single-family residential parcels, two private street parcels, and the Cambrian School District parcel, on an approximately 10.0-gross acre site, on that certain real property situated in the R-1-8(PD) Planned Development Zoning District and located on the north side of Cambrianna Drive, approximately 150 feet westerly of Taper Avenue (1975 Cambrianna Drive, San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A", entitled “Legal Description,” and depicted in Exhibit "B," entitled “Parcel Map,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the

San José Municipal Code, the Planning Commission conducted a hearing on said concurrent applications on July 27, 2022, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this City Council received and considered the reports and recommendations of the Planning Commission and the City's Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled "Vesting Tentative Map Cambrianna Drive", dated May 19, 2022, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested, and is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

WHEREAS, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

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

After considering all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this Vesting Tentative Map:

1. **Site Description and Surrounding Uses.** The Project Site is located on the north side of Cambrianna Drive, approximately 150 feet westerly of Taper Avenue (1975 Cambrianna Drive). The approximately 2.85-gross acre site is currently dirt, grass area and gravel parking lot along the eastern boundary of the school campus. Existing access to the site is from one gated driveway along Cambrianna Drive, east of Browning Avenue. The project site is located within the eastern portion of a larger, approximately 10.00-acre parcel that is owned by the Cambrian School District and partially developed as the Metzler Elementary School. While the elementary school is no longer operating, the facility is used by the California Sports Center and two preschools (7 Magic Flowers Bilingual Montessori and ATLC).

Surrounding land uses include single-family residences to the north, east, and south. The former school site, currently used by two preschools and a sports center, is adjacent to the project site on the west.

2. **Project Description.** The project consists of a Vesting Tentative Map to allow the subdivision of 2.85 gross acres from one existing 10-acre parcel to create 24 parcels, including 21 single-family residential parcels, two private street parcels, and the Cambrian School District parcel, located on the north side of Cambrianna Drive, approximately 150 feet westerly of Taper Avenue (1975 Cambrianna Drive).

In conjunction with the Vesting Tentative Map, the project also includes a Planned Development Rezoning, File No. PDC20-021, and a Planned Development Permit, File No. PD20-012. The Planned Development Rezoning rezones the site from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District, and the Planned Development Permit is to allow the removal of three ordinance-size trees and the construction of 21 single-family residences and 14 accessory dwelling units, including four affordable units, on an approximately 2.85-gross acre site, including extended construction hours beyond Monday thru Friday 7 a.m. to 7 p.m. to include Saturday 8 a.m. to 5 p.m.

3. **Envision San José 2040 General Plan and Stevens Creek Boulevard Urban Village Plan Consistency.** The project is within the Residential Neighborhood land use designation in the Envision San José 2040 General Plan Land Use/

Transportation Diagram Map. The land use designation is for established, single-family residential neighborhoods. The Residential Neighborhood designation provides for a density of typically 8 du/ac or to match the existing neighborhood character.

New infill development within the Residential Neighborhood land use designation should improve and/ or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. 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.

Analysis: The prevailing density of the neighborhood at this location is 6.7 du/ac. The project proposes 21 dwelling units on 2.74 gross acres, which results in 7.7 du/ac. The project is proposing 19% of the base units (4 units) as affordable to low-income residents, which allows a 33.5% density bonus. This results in an allowed density of 7.97 du/ac. The project is therefore consistent with the density requirement of the land use designation. See the Density Bonus Consistency section below for additional information.

As to the General Plan requirement to complete the existing street network with average lot size, orientation, and form consistent with adjacent properties, the project is requesting a Density Bonus incentive to create a private cul-de-sac instead of continuing Browning Avenue through the project to complete the existing street network. The project has been deemed eligible for Density Bonus under State Law (Government Code Section 65915). Therefore, the cul-de-sac is allowed as an incentive as described in the Density Bonus Section below.

- 4. Zoning Ordinance Consistency.** The project site was rezoned from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District. The surrounding uses are all zoned R-1-8 Single-Family Residence.

Land Use

The R-1-8 Single-Family Residential base zoning for the proposed Planned Development Zone is intended to support compatibility with the surrounding single-family residential neighborhoods. The R-1-8 Single-Family Residential District also allows accessory dwelling units where appropriate and is designed to support the residential goals and policies of the general plan. Per the project conditions of previously approved General Plan Amendment GP20-003, the project includes four affordable housing units.

Development Regulations

Below is a comparison of the R-1-8 Single-Family Residence Zoning District per Section 20.30.200 of the Zoning Code and the project's Planned Development Zoning District development standards. Per Section 20.60.040.B of the Zoning Code, when a PD permit has been implemented, the provisions of the permit prevail over the regulations of the base district zoning of the property.

Standard	R-1-8 Zoning District Requirements	R-1-8(PD) Planned Development Zoning District Development Standards (Proposed)	Provided by Project
Minimum Lot Area	5,445 square feet	Detached: 4,100 square feet Attached: 2,580 square feet	Detached: 4,237 square feet Attached: 2,581 square feet
Minimum Front Setback	20 feet	Lots 1 thru 9 and 14 thru 21: Seven feet Lots 10 and 13: 15 feet Lots 11 and 12: 20 feet	Lots 1 thru 9 and 14 thru 21: 7.83 feet Lots 10 and 13: 15 feet Lots 11 and 12: 20 feet
Minimum Side Setback (interior)	5 feet	Detached: Five feet* Attached: <ul style="list-style-type: none"> • Zero feet between Lots 1 and 2 and between Lots 6 and 7 • Minimum 6.5 feet to adjacent lot line Detached Garage/ADU: Minimum four feet from structure and three feet from eave	Detached: 5 feet Attached: Zero between lots and 6.5 feet to adjacent lot line Detached Garage/ ADU: 3.25 feet to eave
Minimum Side Setback (corner)	12.5 feet	10 feet	Lot 1: 10 feet
Minimum Rear Setback	20 feet	20 feet, except 10 feet for attached ADUs, provided that such ADU shall not occupy more than thirty	20 feet 10 feet for lots with attached ADUs

		percent of the rear yard Detached Garage/ADU: Three feet, as measured from the property line to and wall or architectural projection, including eaves	Detached Garage/ ADU: 4.25 feet
Maximum Height	35 feet	No change	27.7 feet

*With up to two feet allowed for architectural projections

Analysis: As shown on the Planned Development Permit PD21-012 Plan Set (Exhibit I), the project conforms with all required setback standards pursuant to the proposed General Development Plan of the Planned Development Zoning District. The setbacks of the PD Zoning Development Standards, compared to the standard R-1-8 Single-Family Residential Zoning District, would allow the project to achieve a density consistent with the General Plan Land Use Designation of Urban Village, as well as provide flexibility to better suit the project site.

Vehicle Parking:

The following table shows a comparison of the parking standards of the Zoning Code, and the parking requirements of the PD Zoning Development Standards:

Parking	Zoning Code	R-1-8(PD) Planned Development Zoning District Development Standards (Proposed)	Provided by Project
Single Family Detached	Two covered spaces per unit	No change	Two covered spaces per unit (34 spaces)
Single Family Attached	Two covered spaces per unit	One covered space per unit	One covered space per unit (4 spaces)

Analysis: The project provides parking ratios consistent with the Planned Development Zoning Standards. The Zoning Code would require a greater number of parking spaces than provided. The rezoning allows the project to minimize the amount of land dedicated to parking, as well as encourage transit ridership at the nearby but stops for Routes 37, 61 and Express 101. Single-family residential uses are not required to provide any bicycle, motorcycle, or loading spaces.

5. **Subdivision Ordinance Consistency.** Vesting Tentative Maps must be consistent with Title 19 – Subdivisions of the San Jose Municipal Code. The project is analyzed for consistency with the Subdivision Ordinance below:

Section 19.12.030 – Information to be shown

- A. The commercial name of the proposed subdivision and the subdivision tract number, if any has been assigned, placed in the lower right-hand corner of the map;
- B. The date and scale of the map, north point, and the approximate dimensions of the boundary of the subdivision;
- C. Sufficient description to permit the property embraced by the map to be located on the ground, including a key map drawn to a scale of 500 feet to the inch, showing the property in relation to the adjacent land and adjacent public streets and freeways;
- D. The names and addresses of the record owner, the subdivider and the civil engineer or land surveyor under whose direction the map was prepared, including the registration number and telephone number of the engineer or surveyor;
- E. The names and/or numbers of adjacent subdivisions and the names of the record owners of unsubdivided property adjoining the proposed subdivision;
- F. The proposed use of the property being subdivided;
- G. A statement regarding existing and proposed zoning of the property being subdivided;
- H. The location of potentially dangerous areas within and adjacent to the proposed subdivision, including areas subject to stormwater overflow, inundation, flood hazard or geological hazard, the location, width and direction of flow of all watercourses and flood-control channels, the location of culverts, and all natural or man-made drainage devices within and adjacent to the proposed subdivision;
- I. The approximate location of all existing buildings on the property proposed to be subdivided which are to be retained in the subdivision;
- J. The approximate location of any existing well or wells on the property proposed to be subdivided;
- K. The approximate location and description of significant natural vegetation and trees, rock outcroppings, general slopes, natural drainage courses and other natural features within the proposed subdivision, together with an indication as to whether such features may be retained in the subdivision;
- L. The approximate radius of each centerline or right-of-way line for streets in the proposed subdivision;
- M. The approximate lot layout, the approximate dimensions of each lot, and an identifying number of each lot in the proposed subdivision;

- N. The angle of intersecting streets if such angle deviates from a right angle by more than four degrees;
- O. The width, purpose and approximate location of all existing easements or rights-of-way (other than for freeways, streets and alleys), whether public or private, within the proposed subdivision;
- P. The location, name (if existing), width and approximate grade of existing and proposed easements or rights-of-way for freeways, streets and alleys, whether public or private and pedestrian ways within the proposed subdivision, together with typical cross-sections showing the proposed construction of proposed streets within the proposed subdivision, whenever such proposed construction does not accord with the standard cross-sections for right-way widths, roadway widths, sidewalk widths, planting strip widths and median widths for various streets contained in Section 19.36.030;
- Q. If any streets or alleys shown on the tentative map are proposed to be private streets or alleys, they shall be clearly indicated, and there shall be submitted supplemental information to the city to show why such private streets or alleys should be approved by the city;
- R. The source of water supply for domestic purposes and fire protection for the proposed subdivision;
- S. The proposed method of sewage disposal and drainage for the proposed subdivision;
- T. Contour lines showing one-foot contours for ground slopes of less than five feet vertical distance, and 100 feet horizontal distance; and five-foot contours for ground slopes in excess of five feet vertical distance, and 100 feet horizontal distance. Contours of land adjacent to the proposed subdivision shall also be shown whenever the surface features of such land affect the design and/or improvement of the proposed subdivision. The source of contours shown on the map shall also be supplied;
- U. Sufficient space, at least eight inches by eleven inches, for certificates, approvals, etc., shall be supplied; provided, however, that if it is impracticable to place upon the tentative map any matter required by this section, such matter or information shall be furnished in a written statement which shall be submitted with such map in the same number of copies as the tentative map; and
- V. Proposed public areas, such as school sites and park sites, within the proposed subdivision and on lands immediately adjacent thereto.

Analysis: The required information shown above is provided on the Vesting Tentative Map and is consistent with the requirements.

Chapter 19.36 – Design Requirements

Section 19.36.020 – New streets in new subdivisions shall be designed to make provisions for the continuation of the existing streets adjacent to such new streets into such new subdivisions and for the proper projection of such new streets over adjacent undeveloped property. Such new streets in new subdivisions shall normally be of a width at least as great as the existing streets adjacent to such new streets.

Analysis: The project is required by this section to continue Browning Avenue through the project site to intersect with Cambrianna Drive. However, the project applicant has requested a Density Bonus Incentive to eliminate this requirement. The project has been deemed eligible for Density Bonus under State Law (Government Code Section 65915). Therefore, the cul-de-sac included as part of the project development is allowed as an incentive as described in the Density Bonus Section below.

Section 19.36.180 – The director may permit the reduction of the six thousand square foot minimum lot area prescribed in Section 19.36.170 of all or some of the lots in a proposed subdivision if the director shall, in the exercise of reasonable judgment, deem such reduction advisable in view of the character of the neighborhood in which the subdivision is to be located, the quality or kinds of development to which the area is best adapted, the size, use or physical or other conditions of the property proposed to be subdivided, neighborhood and general planning, or safety and general welfare of the public and of the lot owners in the proposed subdivision, provided that in no event shall any lot contain a minimum area of less than five thousand square feet.

Analysis: The project is required by San José Municipal Code section 19.36.180 to have a minimum lot size of 5,000 square feet. However, the project applicant has requested a Density Bonus Incentive to reduce this requirement to 4,100 square feet for the detached single-family lots and 2,580 square feet for the attached single-family lots. The project has been deemed eligible for Density Bonus under State Law (Government Code Section 65915). Therefore, the cul-de-sac included as part of the project development is allowed as an incentive as described in the Density Bonus Section below.

6. State Density Bonus Law Consistency (Government Code Section 65915)

The project includes four units of affordable housing subject to the State Density Bonus Law. Of the total 21 units included in the project, four units (19% of total) are reserved for low-income households, with income limits as defined in California Code Section 65915. The project is therefore eligible for the provisions of the State Density Bonus Law.

Density Bonus

The land use designation of the project site is Residential Neighborhood, which limits the density of new developments to 8 du/ac or the prevailing neighborhood density. The prevailing density of the neighborhood at this location is 6.7 du/ac. The project proposes 21 dwelling units on 2.74 gross acres, which results in 7.7 du/ac. The project

is proposing 19% of the base units (4 units) as affordable to low-income residents, which allows a 33.5% density bonus. This results in an allowed density of 7.97 du/ac. The project is therefore consistent with the General Plan land use designation with the application of the State Density Bonus.

Incentives

Projects that are eligible for a density bonus are also eligible to pursue incentives and concessions, such as reductions in development standards to facilitate the economically viable construction of affordable housing. Based on the percentage of affordable units provided, the project qualifies for two incentives. The project has requested two incentive, as follows:

Incentive 1: Exemption from Section 19.36.020 of the San Jose Municipal Code.

The San Jose Municipal Code requires new streets in new subdivisions to be designed to make provisions for the continuation of the existing streets adjacent to such new streets into such new subdivisions and for the proper projection of such new streets over adjacent undeveloped property. This is a request to exempt the project from the requirement to continue Browning Avenue through the project site to intersect with Cambrianna Drive to the south, instead constructing a private cul-de-sac for access to the development.

As described in the Density Bonus Request letter from the applicant dated December 22, 2021, if required to continue Browning Avenue, additional land is needed for the public right-of-way and street design (5,444 square feet). The reduced net residential area results in 18 units, or a loss of three units. Additionally, the larger street section and impervious area increases construction costs for the pavement and stormwater facilities. The requested concession would therefore reduce the average cost per unit from \$2,127,057 to \$1,891,620, resulting in a total reduction of \$235,437 per unit. Without the requested concession, the project is not viable and cannot be constructed.

As a result of the decreased costs, the project would be viable and can be constructed. Cost savings will go toward the affordability of the units. Therefore, the incentive request to increase the height of the project results in actual and identifiable cost reductions and can be granted.

Incentive 2: Exemption from Section 19.36.180 of the San Jose Municipal Code.

The San Jose Municipal Code requires a minimum lot size of 6,000 square feet for each new lot created within a subdivision. The lot size may be reduced from the 6,000 square foot minimum lot area in all or some of the lots in a proposed subdivision as long as no lots contain a minimum area of less than 5,000 square feet. This is a request to reduce the minimum lot size to 4,100 square feet for the detached single-family lots and 2,580 square feet for the attached single-family lots.

As described in the Density Bonus Request letter from the applicant dated December 22, 2021, the requirement for a minimum lot size of 5,000 square feet results in fewer

lots on each side of the proposed private street and would result in a loss of four units. The use of smaller lots in key locations decreases the cost per unit that enables construction of affordable homes, while providing back yards, privacy and desirable home sites. The requested concession would therefore reduce the average cost per unit from \$2,234,588 to \$1,891,620, resulting in a total reduction of \$342,968 per unit. Without the requested concession, the project is not viable and cannot be constructed.

As a result of the decreased costs, the project would be viable and can be constructed. Cost savings will go toward the affordability of the units. Therefore, the incentive request to increase the height of the project results in actual and identifiable cost reductions and can be granted.

7. City Council Policy Consistency

City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals

Under City Council Policy 6-30, the project is a standard development. Standard development projects are required to provide Early Notification by website, email, postcard mailed to property owners and tenants within a 1,000-foot radius, and by on-site signage. Following City Council Policy 6-30, the required on-site sign has been posted at the site since May 18, 2021, to inform the neighborhood of the project. A community meeting was held to discuss the project on January 6, 2022 via Zoom webinar. Approximately 13 members of the public were in attendance for the meeting. Comments received during the community meeting and project review are discussed below. Public Notices of the community meeting and public hearing were distributed to the owners and tenants of all properties located within 1,000 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.

8. California Environmental Quality Act.

The City of San José, as the Lead Agency, has prepared this Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2022050629, for the 1975 Cambrianna Drive Residential Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California. The Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

The Initial Study, including responses to comments received during the public review period, can be found at the following link: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/cambrianna-drive>.

The project site is located at 1975 Cambrianna Drive in the City of San José. The project site is located within the eastern portion of a larger, approximately 10.00-acre parcel (Assessor's Parcel Number 414-21-062) that is owned by the Cambrian School District and partially developed as the Metzler Elementary School. While the elementary school is no longer operating, the facility is used by the California Sports Center and two preschools (7 Magic Flowers Bilingual Montessori and ATLC). The project site is approximately 2.85-acres and consists of a vacant dirt, grass area and gravel parking lot along the eastern boundary of the school campus. The project site does not contain any existing structures.

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan) and is zoned Single Family Residential (R-1-8). The intent of the Residential Neighborhood designation is to preserve the existing character of residential 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 R-1-8 zoning allows up to eight dwelling units (DU) per acre. The project would reserve 19 percent of units for low-income households and therefore would qualify for a density bonus of 33.5 percent under the California State Density Bonus Law (California Government Code Sections 65915 – 65918), which equates to a maximum of 30 residential units.

The project was rezoned to Planned Development and would be redevelop with 21 single-family homes, which would include four affordable units. Fourteen out of the 21 homes would also include an accessory dwelling unit (ADU). The single-family homes would be two-stories, approximately 26 to 28 feet in height, and would be between 1,600 square-feet (sf) and 3,500 sf in size. All but four of the single-family homes would be detached. The remaining four would be attached in two pairs. Four of the 14 ADUs would be attached to the single-family homes, and nine would be located above detached garages in the rear yards. The project would have a net density of 8.64 DU per acre. A State Density Bonus is proposed to secure the additional units, which would allow a 33.5% density increase, or a total of 8 additional dwelling units if the project builds 4 low-income units on-site. The project requests two Density Bonus incentives. The first incentive pertains to San José Municipal Code 19.36.020, which requires the continuation of street that can be continued, whereas Browning Street is proposed to be a cul-de-sac. The second incentive pertains to Municipal Code 19.36.180, which requires minimum 5,000 square foot lot sizes, whereas the project would have lot sizes less than 5,000 square feet.

Mitigation measures were developed for the approved project to lessen the following impacts to less than significant levels: exposure of sensitive receptors to toxic air contaminants during construction, disturbance and/or destruction of nesting migratory birds during construction, and exposure of sensitive receptors to construction noise

and vibration.

Standard Permit Conditions and Conditions of Approval are also required to ensure no impacts occur during construction or operation of the project. These Standard Permit Conditions include best management practices for construction related air quality impacts, removal of existing trees on the site, protection of unknown subsurface cultural resources and human remains, compliance with the California Building Code for seismic safety of the proposed building, and erosion control during construction activities, water quality impacts during construction and operation, and best management practices to control noise during construction and achieving an interior noise level of less than 45 dBA DNL after construction.

9. **Vesting Tentative Map Findings.** In accordance with San José Municipal Code (SJMC) Sections 19.12.130 and 19.12.220 and California Government Code Section 66474, the City Council of the City of San José, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if the Council makes any of the following findings:
- a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Based on review of the subdivision, a Vesting Tentative Map to subdivide 2.85 gross acres from one existing 10-acre parcel to create 24 parcels, including 21 single-family residential parcels, two private street parcels, and the Cambrian School District parcel, the Council of the City of San José does not make any such findings to deny the subject subdivision. The project is consistent with the General Plan goals, policies, and land use designation, as analyzed above. The project site is physically suitable for the project and proposed intensity in that single-family residential development is allowed up to 7.97 du/ac. Furthermore, the project site does not contain historic resources or sensitive habitats or wildlife.

Additionally, the site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year flood plain. The project site is currently vacant with a gravel driveway and a maintained grass lawn area, and the surrounding area is developed with structures. The project site does not provide a natural habitat for either fish or wildlife. The project will be required to construct curb, gutter, and sidewalks along the Cambrianna Avenue project frontage and provide street trees to the satisfaction of the City Arborist.

In accordance with the findings set forth above, a Tentative Map to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. This City Council expressly declares that it would not have granted this permit and determination except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Vesting Tentative Map.** Per Section 19.12.230, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
 - a. Acceptance of the Vesting Tentative Map by the Subdivider; and
 - b. Agreement by the Subdivider to be bound by, to comply with, and to do all things required of or by the Subdivider pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Vesting Tentative Map.
2. **Expiration of Vesting Tentative Map.** This Vesting Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the City Council. The date of issuance is the date this Vesting Tentative Map is approved by the City Council.
3. **Development Rights - Vesting on Approval of Vesting Tentative Map.**
 - a. Per San José Municipal Code Section 19.13.070, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
 - b. Notwithstanding subsection 3.a., above, any permit, including a building permit,

approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

- i. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
- ii. The condition or denial is required, in order to comply with state or federal law.
- c. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 19.13.060. If the final map is approved, these rights shall last for the following periods of time:
 - i. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Section 19.13.060 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
 - ii. The initial time period set forth in 3.c.i. shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds thirty days from the date a complete application is filed.
 - iii. A Subdivider may apply to the director for a one-year extension at any time before the initial time period set forth in 3.c.i expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.
 - iv. If the Subdivider submits a complete application for a building permit during the periods of time specified in 3.c.i. through 3.c.iii., above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
4. **Conformance to Plans.** The development of the site shall conform to the approved plans entitled, "Vesting Tentative Map Cambrianna Drive," dated May 19, 2022, on file with the Department of Planning, Building and Code Enforcement, as may be amended subject to City's approval, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "Approved Vesting Tentative Map Plan Set."
5. **Compliance with Subdivision Ordinance.** The final map shall comply with all of the requirements for final maps in Chapter 19.16 of the San José Municipal Code and shall show and contain all of the data required by San José Municipal Code Section 19.16.110.
6. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit File No. PD21-012 and as may be amended, on which such Vesting Tentative Map is based. Approval of said Vesting Tentative Map shall automatically expire with respect to any portion of the lands

covered by such Vesting Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Planned Development Permit for such lands automatically expires or for any reason ceases to be operative.

7. **Homeowner's Association and/or Maintenance District.** A Homeowner's Association or Maintenance District shall be established for maintenance of all common areas, including but not limited to, private streets, pedestrian walkways, easements, landscaping, and landscaping in the public right-of-way that is not already in a maintenance district. The Permittee shall provide to the Homeowners Association a copy of the Vesting Tentative Map Permit, the accompanying Plan Set, any approved Amendments or Adjustments to the Development Permit, and a complete set of approved building and all improvement plans within 30 days of completion of each construction phase.
8. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
9. **Improvement Contract.** In the event the Subdivider has not completed the improvements required for the proposed subdivision at the time the final map is presented for approval, Subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code and shall provide the bonds and insurance mentioned therein.
10. **Public Use Easements.** The Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
11. **Conveyance of Easements.** Prior to recordation of the Final Map, the Subdivider shall offer to the City of San José a Covenant of Easement for joint use and emergency access purposes, in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, across lots as applicable as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall inure to, all successors in interest to the affected real property.
12. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the

San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination 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 on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

13. **Regulatory Agreement.** The project is required to provide a minimum of four dwelling units reserved for Low-Income Households on the Project Site. The four units include attached single-family on lots 1, 2, 6 and 7. Prior to the issuance of any building permits or approval of any final map, whichever occurs first, permittee shall enter into a Regulatory Agreement with the City for the affordable units. Such Regulatory Agreement shall be recorded in the Santa Clara County Clerk-Recorder's Office. The Regulatory Agreement shall be in a form approved by the City Attorney and Director of Planning, Building and Code Enforcement.
14. **Housing Conditions of Approval.** The permittee has submitted an Affordable Housing Compliance Plan Application ("Plan") and processing/application fees. Permittee will provide four dwelling units reserved for Low-Income Households (as defined by CA Health and Safety Code 50079.5). The four units include attached single family lots 1, 2, 6 and 7. Homes are approved under San Jose Municipal Code section 5.08.610 F and therefore are waived from San Jose Municipal Code section 5.08.470 F.
 - a. The permittee must execute and record their City Affordable Housing Agreement memorializing the IHO obligations against the property and any contiguous property under common ownership and control prior to earliest of: issuance of any building permits, or approval of any final map.
 - b. Permittee must strictly comply with each requirement of the approved Affordable Housing Compliance Plan, the Affordable Housing Agreement, and any other applicable requirements of the IHO.
 - c. No building permit may issue until the Affordable Housing Agreement is recorded against the property. No building permit may issue except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.

- d. Temporary Certificate of Occupancy, Certificate of Occupancy, and Notice of Completion for any units shall be issued in accordance with all requirements of the IHO and Affordable Housing Agreement.
15. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to issuance of Public Works clearance.
16. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the "Formula for Dedication of Land" and/or "Schedule of Fees and Credits" contained within in the chapter.
17. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
18. **Conformance to Mitigation Monitoring and Reporting Program.** This Project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program (MMRP) approved for this development by City Council Resolution No. _____.
19. **Standard Environmental Conditions.** The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
 - a. **Air Quality**
 - i. Water active construction areas at least twice daily or as often as needed to control dust and emissions.
 - ii. All trucks hauling soil, sand, and other loose material shall be covered and all trucks shall maintain at least two feet of freeboard.
 - iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
 - vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - vii. Replant vegetation in disturbed areas as quickly as possible.
 - viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- ix. Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- x. Maintain and properly tune construction equipment in accordance with manufacturer’s specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

b. Biological Resources

- i. **Tree Removal and Replacement.** The trees removed by the project shall be replaced according to tree replacement ratios required by the City as provided in Table 3.4 2 below. Three non-native ordinance-size trees onsite would be removed. Three trees shall be replaced at a 4:1 ratio. The total number and size of replacement trees required to be planted is 12 trees, and each replacement tree shall be a minimum size of 15 gallons.

Table Error! No text of specified style in document.-1: Tree Replacement Requirements				
Diameter of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
12.1 inches or more ³	5:1	4:1	3:1	15-gallon container
6.1 – 12.1 inches	3:1	2:1	None	15-gallon container
Less than 6.1 inches	1:1	1:1	None	15-gallon container
¹ As measured 4.5 feet above ground level ² x:x = tree replacement to tree loss ratio ³ Ordinance-sized trees Notes: Trees greater than or equal to 12.1 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size. A 38-inch tree is 12.1 inches in diameter. 1 24-inch box tree = 2 15-gallon trees.				

If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be

implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.

- 1) The size of a 15-gallon replacement may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
 - 2) Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the following off-site tree replacement fee(s) to plant trees at alternative sites.
- ii. **Santa Clara Valley Habitat Plan.** The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The permittee shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building, and Code Enforcement or Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>
- c. **Cultural Resources.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The permittee shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
- i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - ii. The MLD identified fails to make a recommendation; or
 - iii. The landowner or his authorized representative rejects the recommendation of

the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

d. Geology and Soils.

- i. To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- v. The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- vi. Prior to issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and approval. The project shall implement the recommendations in the investigation to minimize impacts from expansive soils. Options to address these conditions may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, lime treat soils, and to design and construct improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.
- vii. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is

not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The permittee shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee

- e. **Hydrology and Water Quality.** Measures shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction, including, but not limited to, the following:
 - i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
 - ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
 - iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
 - iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
 - v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
 - vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
 - vii. Vegetation in disturbed areas shall be replanted as quickly as possible.
 - viii. All unpaved entrances to the site shall be filled with rock to remove mud from truck tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
 - ix. The permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- f. **Noise.** Pursuant to General Plan Policy EC-1.7, project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:
 - i. Pile Driving is prohibited.
 - ii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses if the project's solid sound wall and good neighbor fence are not constructed first.
 - iii. Equip all internal combustion engine-driven equipment with intake and exhaust

- mufflers that are in good conditions and appropriate for the equipment.
- iv. Prohibit unnecessary idling of internal combustion engines.
 - v. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
 - vi. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - vii. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - viii. Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to adjacent land uses and nearby residences.
 - ix. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
 - x. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- g. Interior Noise.** The permittee shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The permittee shall conform with any special building construction techniques requested by the City’s Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.
- 20. Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the Subdivider will be required to have satisfied all of the following Public Works conditions as described in the Planned Development Permit (PD21-012).
- 21. Revocation, Suspension, Modification.** This Vesting Tentative Map is subject to revocation, suspension or modification for violation of any of its provisions or condition.

In accordance with the findings set forth above, a Vesting Tentative Map Permit to use the subject property for said purpose specified above, subject to conditions, is hereby **approved**.

APPROVED and issued this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

ion 1094.6.

MARCH 11, 2021

JOB NO. 20-139

EXHIBIT "A"
LEGAL DESCRIPTION
PARCEL 1 - RESIDENTIAL PARCEL

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOT 57 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE SUBDIVISION OF THE WARE TRACT" FILED FOR RECORD FEBRUARY 10, 1888 IN BOOK C OF MAPS, PAGE 45 OF SAID SANTA CLARA COUNTY. HEREIN COLLECTIVELY REFERRED TO AS THE "PARCEL 1 - RESIDENTIAL PARCEL" AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWESTERLY CORNER OF SAID LOT 57 AND ALSO BEING A POINT ON THE CENTERLINE OF UNION AVENUE (PUBLIC STREET) SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED "TRACT 1394 – CAMBRIAN PARK ESTATES UNIT NO. 3" FILED FOR RECORD MAY 17, 1955 IN BOOK 57 OF MAPS, PAGES 26-27;

THENCE DEPARTING FROM SAID NORTHWESTERLY CORNER AND HEADING EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID LOT 57, SOUTH 89° 56' 47" EAST, A DISTANCE OF 627.52 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING EASTERLY ALONG SAID NORTHERLY BOUNDARY, SOUTH 89° 56' 47" EAST, A DISTANCE OF 256.26 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 57;

THENCE HEADING SOUTHERLY FROM SAID NORTHEASTERLY CORNER ALONG THE EASTERLY BOUNDARY OF SAID LOT 57, SOUTH 00° 24' 30" EAST, A DISTANCE OF 493.17 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 57 AND BEING A POINT ON THE NORTHERLY BOUNDARY OF CAMBRIANNA DRIVE (PUBLIC STREET). SAID PUBLIC STREET ALSO BEING SHOWN ON SAID SUBDIVISION MAP;

THENCE HEADING WESTERLY ALONG SAID NORTHERLY BOUNDARY, NORTH 89° 57' 03" WEST, A DISTANCE OF 255.33 FEET;

THENCE, DEPARTING FROM SAID NORTHERLY BOUNDARY, NORTH 00° 24' 30" WEST, A DISTANCE OF 171.13 FEET;

THENCE, NORTH 89° 35' 30" EAST, A DISTANCE OF 12.74 FEET;

THENCE, NORTH 00° 24' 30" WEST, A DISTANCE OF 166.00 FEET;

THENCE, SOUTH 89° 35' 30" WEST, A DISTANCE OF 13.67 FEET;

THENCE, NORTH 00° 24' 30" WEST, A DISTANCE OF 156.07 FEET TO THE
TRUE POINT OF BEGINNING.

CONTAINING 123,950 SQUARE FEET (2.846 ACRES) OF LAND, MORE
OR LESS

BASIS OF BEARINGS: THE BEARING NORTH 00°25'00" WEST ON THE
CENTERLINE OF UNION AVENUE BETWEEN TWO FOUND MONUMENTS, AS
SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 554 OF MAPS
AT PAGES 12-13 AND THAT CERTAIN RECORD OF SURVEY FILED FOR
RECORD IN BOOK 761 OF MAPS AT PAGE 55, SANTA CLARA COUNTY
RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN.

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

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



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

03/11/2021

DATE

LEGEND

- — — — — DISTINCTIVE BOUNDARY
- - - - - RIGHT-OF-WAY LINE
- — — — — EXISTING LOT LINE
- — — — — CENTER LINE
- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING

REFERENCES

- [1] 554 M 12-13
- [2] 761 M 55
- [3] 65 M 26

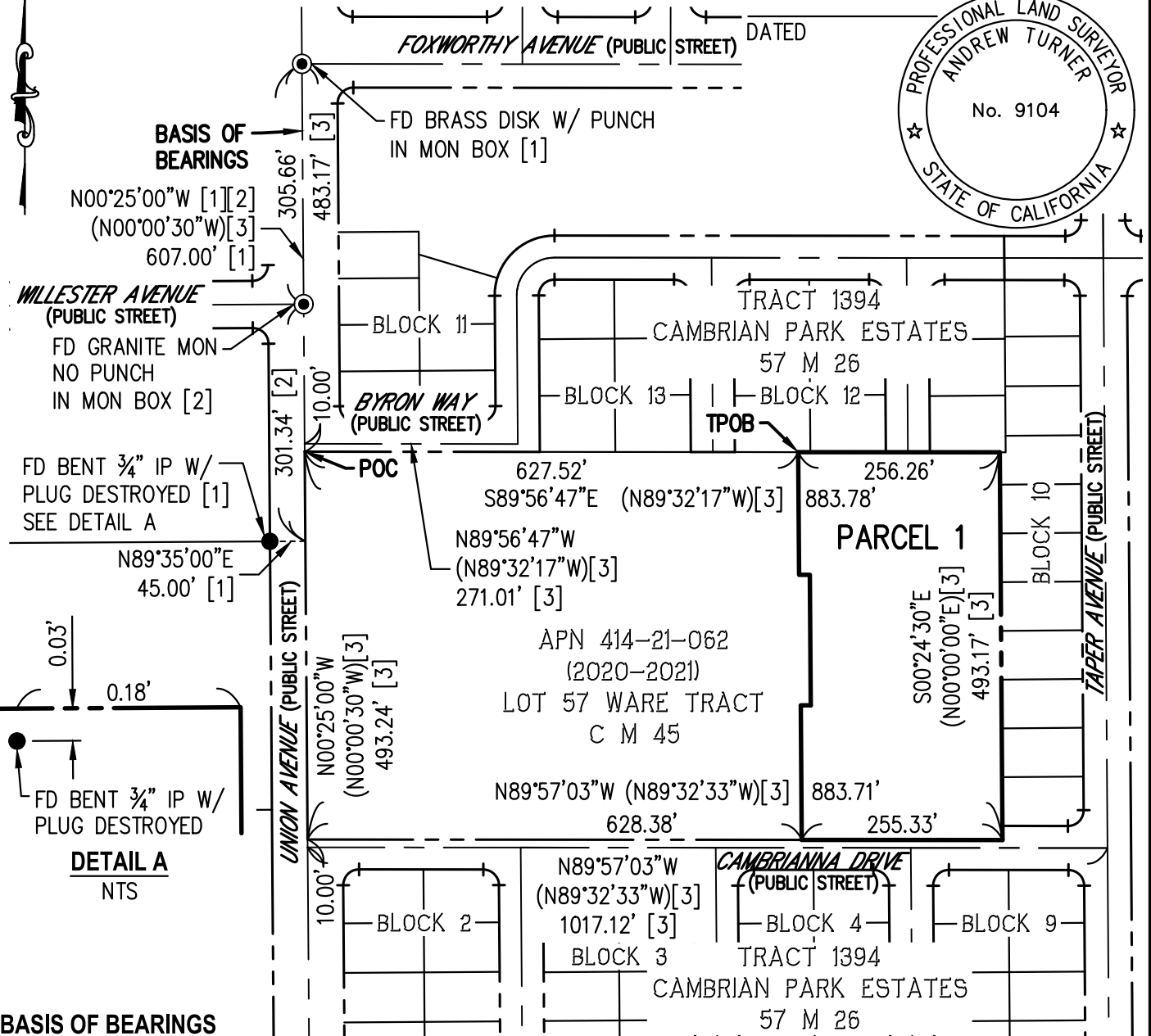
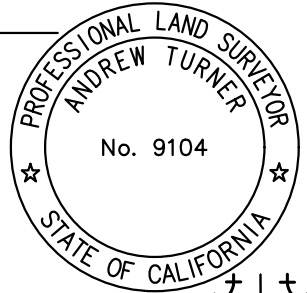
SURVEYOR'S STATEMENT

THIS SITE PLAN WAS PREPARED BY ME OR UNDER MY DIRECTION.

ANDREW TURNER, P.L.S.

03/11/2021

DATED



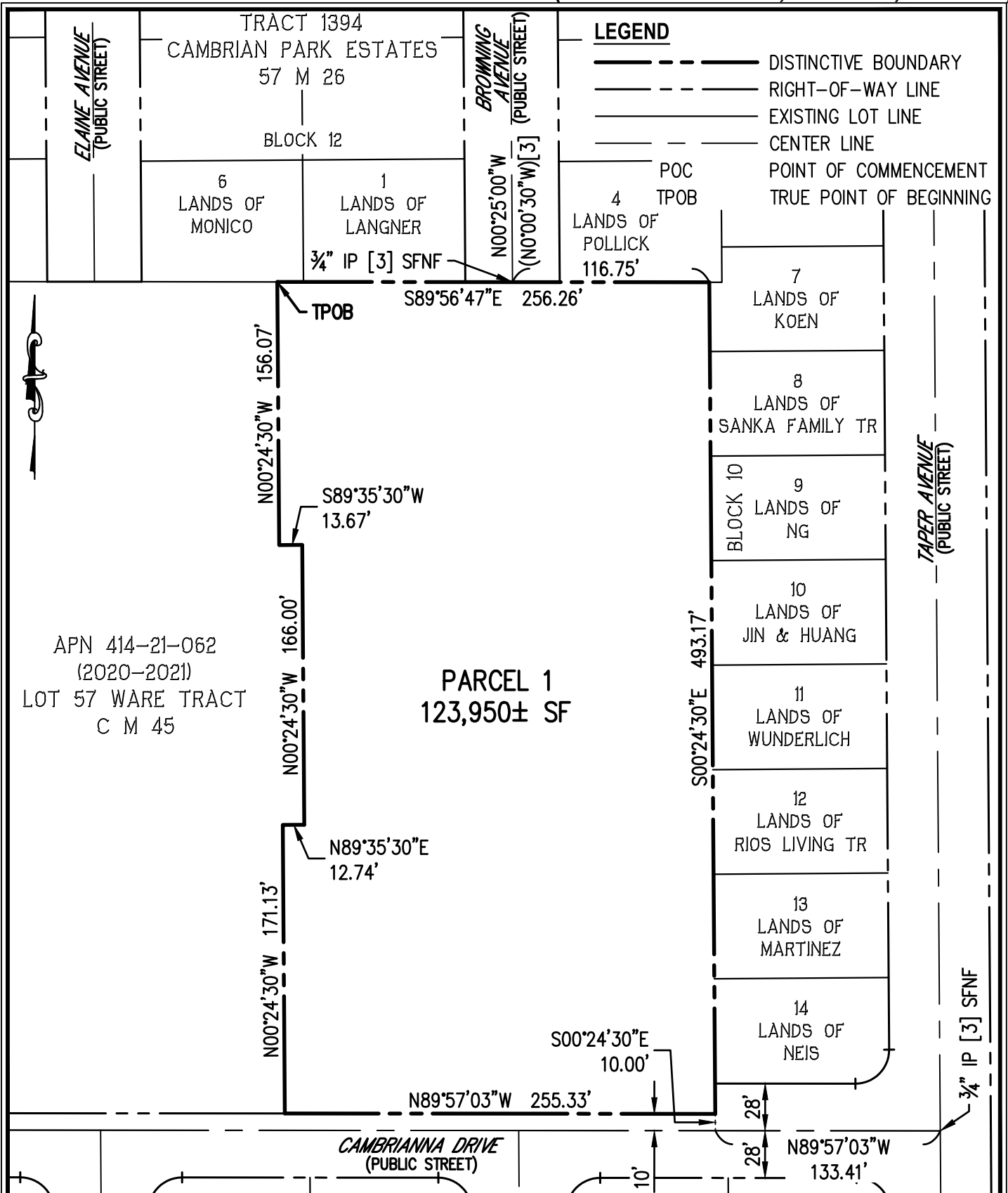
BASIS OF BEARINGS

THE BEARING NORTH 00°25'00" WEST ON THE CENTERLINE OF UNION AVENUE BETWEEN TWO FOUND MONUMENTS, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN BOOK 554 OF MAPS AT PAGES 12-13 AND THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD IN BOOK 761 OF MAPS AT PAGE 55, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN ON THIS PLAT.

**EXHIBIT "B" PARCEL 1 - RESIDENTIAL PARCEL
 PLAT TO ACCOMPANY LEGAL DESCRIPTION**

20139 PLAT BOUNDARY.dwg Mar 11, 2021

<p>Civil Engineering Associates</p>	<p>Civil Engineers • Planners • Surveyors</p> <p>2055 Gateway Place Suite 550 San Jose, CA 95110 T: (408) 453-1066</p>	<p>BY: CH</p> <p>DATE: 3/11/2021</p> <p>SCALE: 1"=200'</p> <p>JOB NO. 20-139</p>	<p>1 OF 2 SHT.NO.</p>
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**EXHIBIT "B" PARCEL 1 - RESIDENTIAL PARCEL
PLAT TO ACCOMPANY LEGAL DESCRIPTION**



Civil Engineering Associates

Civil Engineers • Planners • Surveyors

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

BY: CH

DATE: 3/11/2021

SCALE: 1"=80'

JOB NO. 20-139

2 OF 2

SHT.NO.