

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A VESTING TENTATIVE MAP, SUBJECT TO CONDITIONS, TO SUBDIVIDE ONE PARCEL INTO FIVE RESIDENTIAL CONDOMINIUM UNITS AND ONE COMMON PARCEL ON AN APPROXIMATELY 0.45-GROSS ACRE SITE, LOCATED AT THE SOUTHEAST CORNER OF MURPHY AVENUE AND RINGWOOD AVENUE (1508 MURPHY AVENUE)

FILE NO. PT17-054

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on November 8, 2017, a concurrent application (File No. PT17-054) by the applicant, Henry Cord for Villa Developers, LLC, was filed with the City of San José for a Vesting Tentative Map to subdivide one parcel into five residential condominium units and one common parcel on an approximately 0.45-gross acre site, on that certain real property situated in the RM(PD) Planned Development Zoning District and located on the southeast corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue, 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," 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 August 8, 2018, 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 "For Residential Condominium Purposes Portion of Lot 21 of Map of the subdivision of D.J. Murphy's Ringwood Farm and Parcel 7-C," dated December 12, 2017, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were 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.

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 proposed project:

1. **Site Description and Surrounding Uses.** The subject site is located at 1508 Murphy Avenue, at the southeast corner of Murphy Avenue and Ringwood Avenue. The 0.45-gross acre site consists of one lot that is currently developed with an approximately 1,618-gross square foot one-story single-family residence built in 1952. The property is adjacent to a six-lane arterial road (Murphy Avenue) and a residential street (Ringwood Avenue). To the south and east adjacent to the site is an existing detached single-family residential development (Foothill Glen Planned Development) at approximately 11.9 dwelling units to an acre. Across Ringwood Avenue to the west are two existing single-family residential units. Across Murphy Avenue is an existing multiple-family residential development (Ringwood Apartments) built at approximately 26.7 dwelling units to an acre.
2. **Project Description.** The proposed project is a Vesting Tentative Map to subdivide one parcel into five residential condominium units and one common parcel on an approximately 0.45-gross acre site.

The development project consists of five single-family detached residential units with two units fronting on Murphy Avenue, two interior lots fronting on the private driveway and one interior building with a front entrance oriented towards Ringwood Avenue. The units along Murphy Avenue are three-story, and the other units are two-story. The project would develop at a density of approximate 11.19 dwelling units per acre. The project provides 14 off-street parking spaces connected by the private driveway with access from Ringwood Avenue. Four ordinance-size trees and 12 non-ordinance-size trees will be removed from the site, with the project planting at least fifteen replacement trees on the site.

3. **General Plan Conformance.** The subject site has a Residential Neighborhood land use designation on the General Plan Land Use/Transportation Diagram. This designation is applied broadly throughout the City encompassing most of the established single-family residential neighborhoods. The intent of this designation is to preserve the existing character of residential neighborhoods and to guide new infill projects to conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development 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. The Residential Neighborhood land use designation is typically eight dwelling units per acre or matches existing neighborhood character up to 16 dwelling units per acre. The Vesting Tentative Map would facilitate a development with single-family detached residences with an approximately 11.9 dwelling units per acre that is consistent with the density and site configuration of existing residential developments in the vicinity.

This project is consistent with the following General Plan policies:

- a) Land Use Policy LU-5.1: For new infill development, 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 infill site is located on a corner parcel that is surrounded by single-family residential developments to the east and south, and a mix of attached multi-family residential and single-family detached residential developments across Ringwood Avenue. The project has a density that is similar to the surrounding single-family and multi-family residential development. The project consists of five single-family detached residential units with two units fronting on Murphy Avenue, two interior lots fronting on the private driveway and an interior building with an entrance oriented towards Ringwood Avenue. The adjacent single-family detached residences developed with a Planned Development Permit, average lots sizes are approximately 3,000 square feet and the proposed development range from 2,700 to 3,500 square feet condominium lots.

- b) Implementation Policy IP-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals and policies.

Analysis: The project is an infill development that would conform to the land use designation and be consistent with the uses and community design goals and policies as prescribed in the Envision San José General Plan. The project would add to the City's housing stock while remaining consistent with the surrounding residential density and site configuration.

- c) Connection Policy CD-3.9: A minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.

Analysis: The project has one shared driveway entrance for all the residential units to minimize the disruption of the street frontages and encourage pedestrian access to units along the street frontage.

- d) Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General

Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development Permit, is a combined site/architectural permit and Conditional Use Permit which implement the approved Planned Development zoning on the property.

Analysis: The site is surrounded by a mix of single-family and multi-family residential uses. The RM(PD) Planned Development Zoning District would allow the development of a project that combines elements of nearby single-family residential uses, while promoting a density that is similar to the nearby multi-family developments with a density range of 10.9 to 26.7 dwelling units per acre. The Planned Development Permit would allow the development of a project that would include two units that front onto public streets and three interior units that front onto a private driveway. This pattern is similar to the nearby single-family developments adjacent to the east and south.

4. **North San José Area Development Policy.** The project is located within the North San José Area Development Policy boundary. The City developed several policy documents to support the ongoing growth and development of the North San José area as a key employment and residential center for San José. The North San José Area Development Policy works in conjunction with the General Plan to facilitate various types of complementary development in North San José. The Policy also identifies necessary transportation improvements to support new development and establishes an equitable funding mechanism for new development to share the cost of those improvements. The project would facilitate a five-unit residential development and the number of vehicle trips generated would fall within the expected trips for the area in the North San José Area Development Policy. Therefore, no new unidentified impacts from the vehicle trips would be generated. The North San José Area Development Policy includes mitigation measures that are paid with traffic impact fees. The project is subject to the residential fee of \$10,326 per single-family unit and \$8,262 per multi-family unit and is subject to an annual escalation fee on July 1
5. **Zoning and Planned Development Zoning Conformance.** The site is in the RM(PD) Planned Development Zoning District with a Residential Neighborhood General Plan land use designation. The site is not designated as prime farmland and is not subject to a Williams Act Contract. The project is a residential development with five detached single-family dwelling units. Subject to the Development Standards adopted as part of the rezoning, the maximum allowed height would be 45 feet, and the tallest project building measures 35 feet to the top of the roof. Parking would be required by the zoning code at the following ratios:

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Living Unit Size	Two-Car Garage
0 Bedroom (Studio)	2.2
1 Bedroom	2.3
2 Bedroom	2.5
3 Bedroom	2.6
Each additional Bedroom	0.15

The project includes two 4-bedroom and three 3-bedroom units. A total of 13.3 parking spaces are required and the project would provide 14 parking spaces on-site with a mix of 3 two-car garages, 2 three-car garages, and two surface guest parking spaces. Additionally, the project conforms to the following setback requirements.

Setback	Required	Provided
Front (Ringwood Avenue)	10 feet minimum	10 feet
Rear (Northeast Property Line):	5 feet minimum	5 feet
Side (Southeast Property Line):	15 feet minimum	15 feet
Side Corner (Murphy Avenue):	7.5 feet minimum	7.5 feet
Interior Side Lot Lines:	5 feet minimum	5 feet

The project is consistent with street frontage orientation as the units fronting along Murphy Avenue and the interior building closest to Ringwood Avenue have entrances on the front elevation facing the street frontages. The two interior lots not near street frontages would be facing towards the private driveway, are consistent with the nearby single-family developments to the south and east of the site

6. **Environmental Review.** An Initial Study/Mitigated Negative Declaration (IS/MND) entitled “Murphy Villas Subdivision” was approved on May 31, 2018, by the Director of Planning, Building, and Code Enforcement for the subject Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map. The IS/MND was completed in compliance with the California Environmental Quality Act (CEQA), as amended, to reflect an independent judgment and analysis of the project.

The IS/MND identified potentially significant environmental impacts and determined that the project would not have a significant effect on the environment. The environmental issues addressed in the IS/MND were the resource areas of biological resources and hazards and hazardous materials. The IS/MND determined with the incorporation of mitigation measures that the project would not have a significant effect

on the environment. Mitigation measures are included for both of these resource areas which will reduce any potentially significant project impacts to a less-than-significant level. These mitigation measures include conducting pre-construction bird surveys and subsurface soil testing for organochlorine pesticides and pesticide-based metals. The mitigation measures and associated compliance methods are included in the Mitigation Monitoring and Reporting Program.

A historical evaluation was conducted for the existing residence on the site. According to the Department of Parks and Recreation's Primary Record report of the project site, the 66-year old residence no longer provides historical integrity due to years of additions and alterations that have obliterated the original design. The residence is not eligible for the California Register of Historic Resources or as a San José Historic Landmark (California Department of Parks and Recreation 2017). The project site is not within a City Historic District or Conservation Areas, as defined in the General Plan.

The IS/MND was circulated from June 5, 2018 to June 25, 2018, for a 20-day review period. Comments were received during this period from the Amah Mutsun Tribal Band confirming the project is outside their traditional tribal territory. The IS/MND concluded that the implementation of the project would not result in any significant effects to the environment.

FINDINGS

The City Council concludes and finds, based on the analysis of the above facts, that:

1. **Conformance with the Subdivision Ordinance and the Subdivision Map Act.** In accordance with San José Municipal Code (SJMC) Section 19.12.130, the City Council may approve the vesting tentative map if the City Council cannot make any of the findings for denial in Government Code Section 66474, and the City Council has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the City Council may approve the project if the City Council does not make any of the findings for denial in San José Municipal Code Section 19.12.220. San José Municipal Code Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code, as set forth below.
 - a. The City Council finds that the proposed subdivision shown on the Vesting Tentative Map, subject to the conditions listed below and the requirements for project design and improvements is consistent with applicable General and Specific Plans of the City of San José, in that:

Analysis: As discussed in detail above, the proposed project is consistent with the General Plan.
 - b. The City Council has considered the proposed subdivision shown on the Vesting Tentative Map, with the imposed conditions, to determine whether to

make any of the findings set forth in the subsections of Section 66474 of the Government Code of the State of California which states “A legislative body of a city or county shall deny approval of a vesting tentative map, or a parcel map for which a vesting tentative map was not required, if it 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 is 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. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Analysis: Based on review of the subdivision, the City Council cannot make any such findings to deny the subject subdivision in that: 1) the map/project is consistent with the General Plan as noted above; 2) the design of the units are consistent with the General Plan in that the parcels are of adequate size to support new development; 3) the project site is physically suitable for the development; 4) the density is suitable for the project site based on the density allowance of the General Plan; 5) the subdivision in this urban setting will not cause any environmental damage or substantially injure fish or other wildlife habitat; 6) the subdivision parcels and units will not cause any public health issues; and 7) the subdivision will not conflict with any public easements, as the project is providing all necessary public easements, all explained in detail above and in the

administrative record. Based on that review, the City Council does not make any such denial findings for the subject subdivision.

In accordance with the findings set forth above, a Vesting 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 48 months from and after the date of issuance hereof by the Director of Planning of the City of San José. 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.** Development shall conform to the approved Vesting Tentative Map plans dated November 12, 2017 and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
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. PD17-024 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. **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 Vesting Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.

8. **Improvement Contract.** In the event subdivider has not completed the improvements required for his proposed subdivision at the time the final map is presented for approval, subdivider shall enter into a subdivision improvement agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the improvement security and insurance required therein.
9. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, emergency access, open space, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems, and parking in and upon all areas within the subdivision shown on the Vesting Tentative Map for the subdivision to be devoted to such purposes.
10. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Vesting Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Final Map. Such easements so conveyed shall be shown on the Final Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded.
11. **Covenant of Easement.** Prior to the issuance of the final map, the Subdivider shall receive a covenant of easement for the reciprocal rights for shared parking, ingress and egress.
12. **Demolition.** All structures that are on proposed property lines or within the required setback of a property line shown on the vesting tentative map shall be approved for demolition prior to approval of the final map subdividing the parcel into three parcels.
13. **Final Map.** No Final Map or Tract Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. PD17-024 has expired and all appeals have been exhausted.
14. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Subdivider shall constitute acknowledgement of receipt of notice by Subdivider 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 Plant 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 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.

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 to the Department of Public Works prior to Public Works clearance.
16. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Vesting Tentative Map shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
17. **Affordable Housing.** The project may be subject to the City's Inclusionary Housing Ordinance (IHO) or Affordable Housing Impact Fee (AHIF). If the development is subject to the referenced IHO or AHIF, the permittee must execute and record their Affordable Housing Agreement with the City prior to the issuance of any building permits, or any final approval of any final map.
 - a. The IHO and AHIF Resolution each exempt certain developments from affordable housing obligations, if the development meets certain criteria. However, whether an exemption is claimed or not, the permittee must submit an Affordable Housing Compliance Plan Application, and the application processing fee to the Housing Department as part of the application for First Approval.
 - b. The Housing Department has reviewed and approved the Affordable Housing Compliance Plan for this project. Permittee shall strictly comply with the approved Affordable Housing Compliance Plan for this project and any other applicable requirements of the IHO or AHIF.
 - c. If the project is subject to the AHIF, no building permit may issue until the AHIF is paid. No Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the AHIF Resolution are met.
 - d. If the project is subject to the IHO, no Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the IHO are met.
18. **Parkland Dedication Ordinance.** This development is subject to the requirements of 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 contained within the parkland dedication ordinance and the associated Fees and Credit Resolutions.

19. **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. _____.

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 applicant will be required to have satisfied all of the following Public Works conditions as described in the Planned Development Permit (PD17-024).

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.**

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EFFECTIVE DATE

The effective date of this Vesting Tentative Map shall be the same effective date of the Planned Development Zoning Ordinance for File No. PDC17-050 adopted on _____, 2018 (the "Planned Development Zoning Ordinance") and shall be no earlier than the effective date of said Planned Development Zoning Ordinance.

APPROVED and issued this _____ day of _____, 2018, 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.

RECORDING REQUESTED BY:

First American Title Company

MAIL TAX STATEMENT

AND WHEN RECORDED MAIL DOCUMENT TO:

Space Above This Line for Recorder's Use Only

A.P.N.: 241-23-053

File No.: 4312-5325116 (JW)

GRANT DEED

FOR A VALUABLE CONSIDERATION.

the following described property in the City of **San Jose**, County of **Santa Clara**, State of **California**:

PARCEL ONE:

PORTION OF LOT 21, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF D. J. MURPHY'S RINGWOOD FARM", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 13, 1894 IN BOOK H OF MAPS, AT PAGES 90 AND 91, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF MURPHY AVENUE, DISTANT THEREON SOUTH 52° 48' WEST 1372.41 FEET FROM A GRANITE MONUMENT SET AT THE POINT OF INTERSECTION OF SAID CENTER LINE OF MURPHY AVENUE, WITH THE CENTER LINE OF LUNDY AVENUE, AS SAID AVENUES ARE SHOWN UPON THE MAP ABOVE REFERRED TO, AND FROM WHICH POINT OF BEGINNING A 1" IRON PIPE ON THE SOUTHEASTERLY LINE OF MURPHY AVENUE BEARS SOUTH 37° 12' EAST 25.00 FEET, RUNNING THENCE SOUTH 52° 48' WEST, ALONG SAID CENTER LINE OF MURPHY AVENUE, 106.00 FEET TO A POINT FROM WHICH A 1" IRON PIPE ON THE SOUTHEASTERLY LINE OF MURPHY AVENUE BEARS SOUTH 37° 12' EAST 25.00 FEET; THENCE LEAVING THE SAID CENTER LINE OF MURPHY AVENUE AND RUNNING THENCE SOUTH 37° 12' EAST AND PARALLEL WITH THE SOUTHWESTERLY LINE OF LOT 21, AS SAID LOT IS SHOWN UPON THE MAP ABOVE REFERRED TO, 228.77 FEET TO A 1" IRON PIPE; RUNNING THENCE NORTH 52° 48' EAST AND PARALLEL WITH THE SAID CENTER LINE OF MURPHY AVENUE, 106.00 FEET TO A 1" IRON PIPE; RUNNING THENCE NORTH 37° 12' WEST AND PARALLEL WITH THE SAID SOUTHWESTERLY LINE OF LOT 21, FOR A DISTANCE OF 228.77 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

(File Nos. PDC17-050; PD17-024; PT17-054)

Grant Deed - continued

Date: **04/27/2017**

EXCEPTING THEREFROM ALL THAT PORTION OF LAND DESIGNATED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION, CASE NO. 606089, SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, AS DISCLOSED BY THE WITHDRAWAL OF LIS PENDENS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON AUGUST 29, 1989 IN BOOK L 75 AT PAGE 209, OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO S.H. NG AND DORIS NG RECORDED JULY 21, 1981, IN BOOK G227 OF OFFICIAL RECORDS, PAGE 228, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERNMOST CORNER OF SAID PARCEL, SAID POINT BEING ALSO ON THE CENTERLINE OF MURPHY AVENUE;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL, S. 37° 20' 30" E., 65.00 FEET TO A LINE PARALLEL WITH AND 65.00 FEET SOUTHEASTERLY OF SAID CENTERLINE;

THENCE ALONG SAID LINE S. 52° 44' 42" W., 97.13 FEET;

THENCE ALONG A TANGENT 20.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 26° 18' 16" FOR AN ARC DISTANCE OF 9.18 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL;

THENCE ALONG SAID LINE N. 37° 20' 30" W., 67.07 FEET TO SAID CENTERLINE;

THENCE ALONG SAID CENTERLINE N. 52° 44' 42" E., 106.00 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

PARCEL 7-C (REMAINDER PARCEL) AS SHOWN ON THE PARCEL MAP FOR SILICON VALLEY HABITAT FOR HUMANITY, FILED JULY 1, 2006 IN BOOK 788 OF MAPS, PAGE 46, IN THE OFFICE OF THE SANTA CLARA COUNTY RECORDER.