

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO CONSOLIDATE TWO PARCELS INTO ONE PARCEL ON AN APPROXIMATELY 1.22-GROSS ACRE SITE, LOCATED AT THE NORTHWEST CORNER OF WEST JULIAN STREET AND STOCKTON AVENUE (715 WEST JULIAN STREET)

FILE NO. PT17-063

WHEREAS, pursuant to the provisions of Chapter 19.13 of Title 19 of the San José Municipal Code, on December 15, 2017, an application (File No. PT17-063) was filed by the applicant, 715 West Julian LLC, for Speno Enterprises, with the City of San José for a Vesting Tentative Map to consolidate two parcels into one parcel on an approximately 1.22-gross acre site, on that certain real property situated in the CP(PD) Planned Development Zoning District and located on the northwest corner of West Julian Street and Stockton Avenue (715 West Julian Street, 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 “Overall 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 September 26, 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 "Julian and Stockton," dated last revised 8/20/18, 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 1.22-gross acre site is located at the northwestern corner of West Julian Street and Stockton Avenue, and is bounded

by Highway 87 to the east and The Alameda corridor to the south. The existing Avalon Morrison Park apartments are directly to the north, and Pacific Gas & Electric service center across the street to the east. The site is currently occupied by five buildings which include two residences, a commercial building, and two vacant buildings.

2. **Project Description.** The project is a Vesting Tentative Map to consolidate two parcels into one parcel on an approximately 1.22-gross acre site. The project would demolish the five existing buildings, remove six ordinance size trees and construct a mixed-use development containing 249 multi-family residential units and 26,585 square feet of ground level commercial space within seven-story buildings and two-story underground parking structure on a 1.22 gross acre site.

FINDINGS

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

1. **General Plan Conformance.** The subject property is designated as Urban Village on the San José 2040 General Plan Land Use/Transportation Diagram. This designation supports a wide variety of commercial, residential, institutional, or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. Development within the Urban Village designation should conform to land use and design standards established with an adopted Urban Village Plan, which specifies how each Urban Village will accommodate the planned housing and job growth capacity within the identified Urban Village Growth Area. The project site is within the Diridon Station Area Plan (DSAP), an adopted Urban Village plan, and is therefore subject to the land use and design standards established within the plan. The project is consistent with the DSAP, as discussed further below, and is therefore consistent with the Urban Village General Plan designation

Land Use Policy LU-1.2: Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Analysis: The project would include widened public sidewalks up to 22 feet wide on Stockton Avenue (from 18 feet) and 15 feet wide on Julian Street (from 10 feet). In addition to a clear walkway, both sidewalks will have proportional landscaped buffers from edge of curb to edge of sidewalk. The wider walkways and buffers provide a safer, more pleasing pedestrian buffer from the adjacent streets. The project also creates a neighborhood plaza designed for passive recreation or resting in between destinations and is part of the pedestrian network envisioned with the DSAP's "green finger" and pedestrian connections.

Land Use Policy LU-9.6: Require residential developments to include adequate open spaces in either private or common areas to partially provide for residents' open space and recreation needs.

Analysis: The project would include private and public open space in conformance with the Residential Design Guidelines. The private open space would be comprised

of balconies at least 60 square feet in size for more than half of the total units, and the public open space would be comprised of an interior courtyard space above the podium that includes a pool, seating, and planter areas, a ground level neighborhood plaza at the corner of West Julian Street and Stockton Street and a rooftop deck.

Land Use Policy LU-10.7: Encourage consolidation of parcels to promote mixed-use and high-density development at locations identified in the Land Use / Transportation Diagram.

Analysis: The project combines two properties (through a tentative map under File No. PT17-063) with individual acreage ranging from 0.11 to 1.10 acres in size. Developed individually, the density and commercial use envisioned in the General Plan would not be feasible on these smaller lots. When combined as the project, the properties can be developed with commercial square footage and higher residential density consistent with the Urban Village designation.

Vibrant Neighborhood Policy VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

Analysis: The project would include widened sidewalks with enhanced landscaping buffers along Stockton Avenue and Julian Street, trees, and pedestrian access to commercial uses. In addition to wider sidewalks, the project would provide a corner paseo/plaza as a privately-owned, publicly accessible open space that would provide residents in the new development as well as existing residential neighborhoods with a safe and pleasant resting stop along the pedestrian corridors.

- 2. Diridon Station Area Plan (DSAP).** The project site is in the Northern Zone-Innovation District of the DSAP. The intent of the DSAP is to shape development to ensure that the architecture, open space, and site design of the project are appropriate and compatible with the envisioned form.

The Urban Village designation for this site has a density allowance of up to 250 dwelling units per acre and a floor area ratio of up to 10.0. However, as applied to Diridon Station Area Plan (DSAP), the project site also has a minimum of 0.5 commercial FAR for projects containing residential uses. This designation would therefore only support residential development in a vertical or horizontal mixed-use format that includes commercial uses or square footage that is equal to or greater than a 0.5 FAR for a given project. The mixed-use project has 249 units for a density of 204 dwelling units per acre and 26,585 square feet of ground level commercial space for a FAR of 0.5. The density and ratios noted qualify the project for a mixed-use development per the above standards. Further, the retail square footage is within approximately 81,100 gross square feet of retail and restaurant use projected for the Northern Zone of the DSAP; and the number of residential units help fulfill the “test-fit” capacity of 1,277 residential for the DSAP.

3. **General Development Plan Conformance (Development Standards).** The project conforms to the approved General Development Plan of the Planned Development Zoning, File No. PDC17-058.

- **Setbacks.** The required building setbacks are 0 to 10 feet maximum for the Front, and Sides. The Rear setback, along the length of the entire rear property line is modified from the required 25 feet to the following:
 - i. Street property lines: 10 feet maximum
 - ii. Interior side: 10 feet minimum
 - iii. Rear: Minimum of 3 feet; 5 to 25 feet at portions of the building over 25 feet in height.

Analysis: The project is consistent with the required setbacks, in that zero-foot setbacks are provided along the street frontages, ten-foot setbacks are provided along the interior side set back; and three-foot setbacks are provided for portions of the structure up to 25 feet in height along the rear (north) property line, with five-foot setbacks for portions over 25 feet in height.

- **Height.** The maximum building height in Diridon Station Area Plan is 90 feet. The roof of the mixed-use building is at 85 feet in height. Further, minor projections of up to 10 feet above the roof height are allowed with FAA approval.
- **Parking.** The parking requirements for the residential portion of the mixed-use development is one parking stall per unit due to the proximity to the downtown core boundary and as adjusted per the planned development zoning. There are 249 residential units, therefore 249 spaces are required for the residential portion of the project.

The commercial space has a parking requirement of 1/200 net (0.85) square feet. At 22,597 net square feet, the total commercial space would require 113 spaces. Thus, the combined total requirement for the project is 362.

Chapter 20.90.220 -Reduction in Required Off-Street Parking Spaces allows the project up to a 57 percent reduction in parking requirements if the project implements and adheres to a Transportation Demand Management (TDM) plan as well as meeting the requirements set forth in the above noted chapter. The project has met those requirements and has earned a reduced parking requirement of 181 spaces. The project is providing 246 parking spaces, therefore meeting the minimum requirement.

4. **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 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.

- The City Council finds that the parcel consolidation 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.

Analysis: As discussed in detail above, the project is consistent with the General Plan.

- The City Council has considered the parcel consolidation shown on the Vesting Tentative Map, with the imposed conditions, to determine whether to make any of the findings set forth in 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 tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:”
 - i. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - ii. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - iii. That the site is not physically suitable for the type of development.
 - iv. That the site is not physically suitable for the proposed density of development.
 - v. 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.
 - vi. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - vii. 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 not make any such findings to deny the subject lot division in that: 1) the map/project is consistent with the General Plan as noted above; 2) the design of the lot is consistent with the General Plan in that the lot is of adequate size to support developments; 3) the project site is physically suitable for the proposed development; 4) the project density is suitable for the project site based on the FAR allowance of the General Plan; 5) the project lot consolidation in this urban setting will not cause any environmental damage or substantially injure fish or other wildlife habitat; 6) the lot will not cause any public health issues; and 7) the lot consolidation 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.

5. **Environmental Review.** Pursuant to CEQA Guidelines §15164, the Planning Director approved on August 20, 2018, an Addendum to the Diridon Station Area Plan Environmental Impact Report (EIR) (Resolution No. 77096), the Envision San José 2040 General Plan Program EIR (Resolution No. 76041), and the General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, because minor changes made to the project did not raise important new issues about the significant impacts on the environment. The Initial Study identified impacts to air quality, biological resources, cultural resources, hazardous materials, and noise that could result from implementation of the project. However, these impacts were previously identified in the DSAP EIR and General Plan Program and Supplemental EIRs and include mitigation measures that would reduce the impacts to a less than significant level. Therefore, a Mitigation Monitoring and Reporting Program containing the mitigation measures was prepared for the project.

The Addendum concluded that the project would not result in any new impacts not previously disclosed in the Diridon Station Area Plan EIR, and the Envision San José 2040 General Plan Program and Supplemental EIRs, and would not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR was not required and an addendum to the DSAP FEIR was prepared for the project.

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 in accordance with State law or when the associated Planned Development Permit for the project expires, whichever occurs first.
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 Planning 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 this approved Vesting Tentative Map plans dated received August 20, 2018 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 shall conform to and comply in all respects with the Planned Development Permit File No. PD17-029 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 the project 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. **Privately Owned, Publicly Accessible Open Space Plaza.** The project's corner plaza located on the property at the intersection of West Julian Street and Stockton Avenue, will be a privately owned, publicly accessible ground level open space. The plaza shall be an area designated for use by the general public while owned and maintained by a private owner, as described by the following:
- a) Permittee (including property owners) providing this publicly accessible open space shall, to the fullest extent permitted by law, hold harmless and indemnify the City of San José, its officers, agents and employees, from any and all damage or injury caused in any manner by the design, construction, use, or maintenance of the open space; and
 - b) Permittee (including property owners) shall be solely liable for any and all damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space.
 - c) Liability Insurance satisfactory to the City Attorney, naming the City of San José and County of Santa Clara and its officers and employees as additional insureds, shall be provided for all such spaces. The property owner shall record with the County Recorder a special restriction on the property satisfactory in substance to the Department and sufficient to give notice to subsequent owners, tenant and other persons having other economic interests in the property of the open space requirement and the means by which the requirement has been, and must continue to be, satisfied.
 - d) Maintenance - Open spaces shall be maintained at no public expense. Permittee (including property owners) for the property on which the open space is located shall maintain the open space by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided for the life of the publicly accessible open space and subject building.
 - e) Plaza Location and Features - Prior to the issuance of any building permit, Permittee shall submit plans for construction subject to review and approval by the Director of Planning. The plans submitted for construction and building permit applications shall contain a final site plan, elevations, and landscaping plan for the plaza, all of which shall be consistent with the following requirements:
 - i. Plaza shall be located on the subject property at the corner of Stockton Avenue and West Julian Street, bound by the adjacent public Right-of-Way, as depicted on the Site Plan for PD17-029.
 - ii. Plaza shall be at least 1,800 square feet in size, with a minimum boundary dimension of 30 feet on at least two sides (abutting public Right-of-Way).

- iii. Plaza shall be maintained with open accessibility, without obstruction (no fencing or barriers) to adjacent public sidewalks, so that pedestrians may pass across said plaza freely; provided that the Permittee (owner) may, with Planning Director prior approval, be permitted to obstruct such access on a temporary basis as reasonably necessary in connection with the maintenance, repair and replacement to the Plaza and project elements in and around the Plaza.
 - iv. Further, the plaza may include improvements, landscape, art, and hardscape installations, as well as furniture, and may occur on the boundary of the plaza so long as these elements do not generally preclude public accessibility, and do not occupy more than 20 percent of the usable space.
 - v. The plaza may also be utilized by an immediately adjacent retail space for the purposes of customer seating, so long as exclusive seating contiguously occupies no more than an additional fifteen percent (15%) percent of the privately owned publicly accessible open space. At any time, no more than (35%) of the total area will be occupied by seating, planters or any obstructive element utilized by the leaser of any tenant space or the owner of the project.
 - vi. The above conditions shall remain in effect for the life of the associated development.
- f) Plaza Hours of Operation – Any business utilizing the aforementioned 15 percent of total open space may control the hours of accessibility to that space with respect to the designated seating or features associated with the business. The remaining space shall remain open and unobstructed to public pedestrians 24 hours a day, 7 days a week.
- g) Security – The Permittee (including property owners) shall put in place and maintain appropriate security and safety measures including, but not limited to, adequate lighting for nighttime visibility, textured or minimal slip paving, and access to a public “blue light” emergency phone or similar device situated within 10 feet of the plaza.

11. 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.

12. **Demolition.** All structures that are on property lines or within the required setback of a property line shown on the 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. PD17-029 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.

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 subdivider will be required to have satisfied all of the following Public Works conditions as described in the Planned Development Permit (PD17-029).
- 21. **Revocation, Suspension, Modification.** This Vesting Tentative Map is subject to revocation, suspension or modification for violation of any of its provisions or conditions.

In accordance with the findings set forth above, a Vesting Tentative Map Permit to use the subject property for said purpose specified above 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 Rezoning Ordinance for File No. PDC17-058 adopted on _____, 2018 (the "Planned Development Rezoning Ordinance") and shall be no earlier than the effective date of said Planned Development Rezoning 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.

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

TRACT ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF JULIAN STREET WITH THE SOUTHWESTERLY LINE OF STOCKTON AVENUE; THENCE WESTERLY ALONG THE NORTHERLY LINE OF JULIAN STREET 111 FEET; THENCE AT RIGHT ANGLES NORTHERLY AND PARALLEL WITH THE DIVIDING LINE BETWEEN LOTS 1 AND 2 OF THE RHODES TRACT, AS HEREINAFTER REFERRED TO, 82.75 FEET; THENCE AT RIGHT ANGLES EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF JULIAN STREET, 46.77 FEET TO THE SOUTHWESTERLY LINE OF STOCKTON AVENUE; THENCE SOUTHEASTERLY AND ALONG SAID LINE OF STOCKTON AVENUE TO THE POINT OF INTERSECTION, AND BEING A PART OF LOT 1 OF THE RHODES TRACT ACCORDING TO A MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", WHICH SAID MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK "B" OF MAPS, PAGE 87, SANTA CLARA COUNTY RECORDS.

TRACT TWO:

PARCEL A AS SHOWN ON CITY OF SAN JOSE, CALIFORNIA DEPARTMENT OF CITY PLANNING LOT LINE ADJUSTMENT PERMIT, FILE NO. AT 97-05-053 AS EVIDENCED BY DOCUMENT RECORDED OCTOBER 10, 1997, AS DOCUMENT NO. 13894399, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 584 OF MAPS AT PAGES 7 AND 8.

AND IN ADDITION THERETO, THE FOLLOWING TRANSFER AREA 1:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED MARCH 16, 1997, IN BOOK C668, PAGE 354, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

ALL OF LOT TEN (10) AS SHOWN ON THAT MAP ENTITLED "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD ON SEPTEMBER 14, 1887 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "B" OF MAPS, PAGE 87, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEASTERLY CORNER OF SAID LOT 10, SAID CORNER BEING THE SOUTHWESTERLY CORNER OF SAID PARCEL 1 AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINE OF SAID LOT 10 THE FOLLOWING THREE (3) COURSES:

SOUTH 87° 08' 20" WEST 50.00 FEET;
NORTH 2° 51' 40" WEST 196.00 FEET;
SOUTH 66° 48' 20" EAST 55.66 FEET TO THE COMMON LINE BETWEEN SAID LOT 10 AND

PARCEL 1, AS SAID PARCEL IS SHOWN ON SAID PARCEL MAP FILED IN BOOK 584 OF MAPS AT PAGES 7 AND 8.

THENCE ALONG SAID COMMON LINE SOUTH 2° 51' 40" EAST 171.55 FEET TO THE POINT OF BEGINNING.

AND IN ADDITION THERETO, THE FOLLOWING TRANSFER AREA 2:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED FEBRUARY 27, 1996, IN BOOK P218, PAGE 2033, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

PORTIONS OF LOTS 1 AND 2 AS SHOWN ON THAT MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 14, 1887 IN BOOK "B" OF MAPS, PAGE 87, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF JULIAN STREET DISTANT THEREON 151.20 FEET SOUTHWESTERLY FROM THE POINT OF INTERSECTION OF SAID NORTHWESTERLY LINE OF JULIAN STREET WITH THE SOUTHWESTERLY LINE OF STOCKTON AVE; SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE GENERAL EASTERLY LINE OF SAID PARCEL 1 NORTH 2° 51' 40" EAST 82.75 FEET;

THENCE PARALLEL WITH SAID NORTHWESTERLY LINE OF JULIAN STREET NORTH 87° 08' 20" EAST 40.20 FEET;

THENCE AT RIGHT ANGLES SOUTH 2° 51' 40" EAST 82.75 FEET TO SAID NORTHWESTERLY LINE OF JULIAN STREET;

THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 87° 08' 20" WEST 40.20 FEET TO THE POINT OF BEGINNING.

AND IN ADDITION THERETO THE FOLLOWING TRANSFER AREA 3:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED AUGUST 3, 1990, IN BOOK L438, PAGE 1669, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

PORTION OF LOTS 1 AND 2 AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, SEPTEMBER 14, 1887 IN BOOK "B" OF MAPS, AT PAGE 87, DESCRIBED AS FOLLOWS:

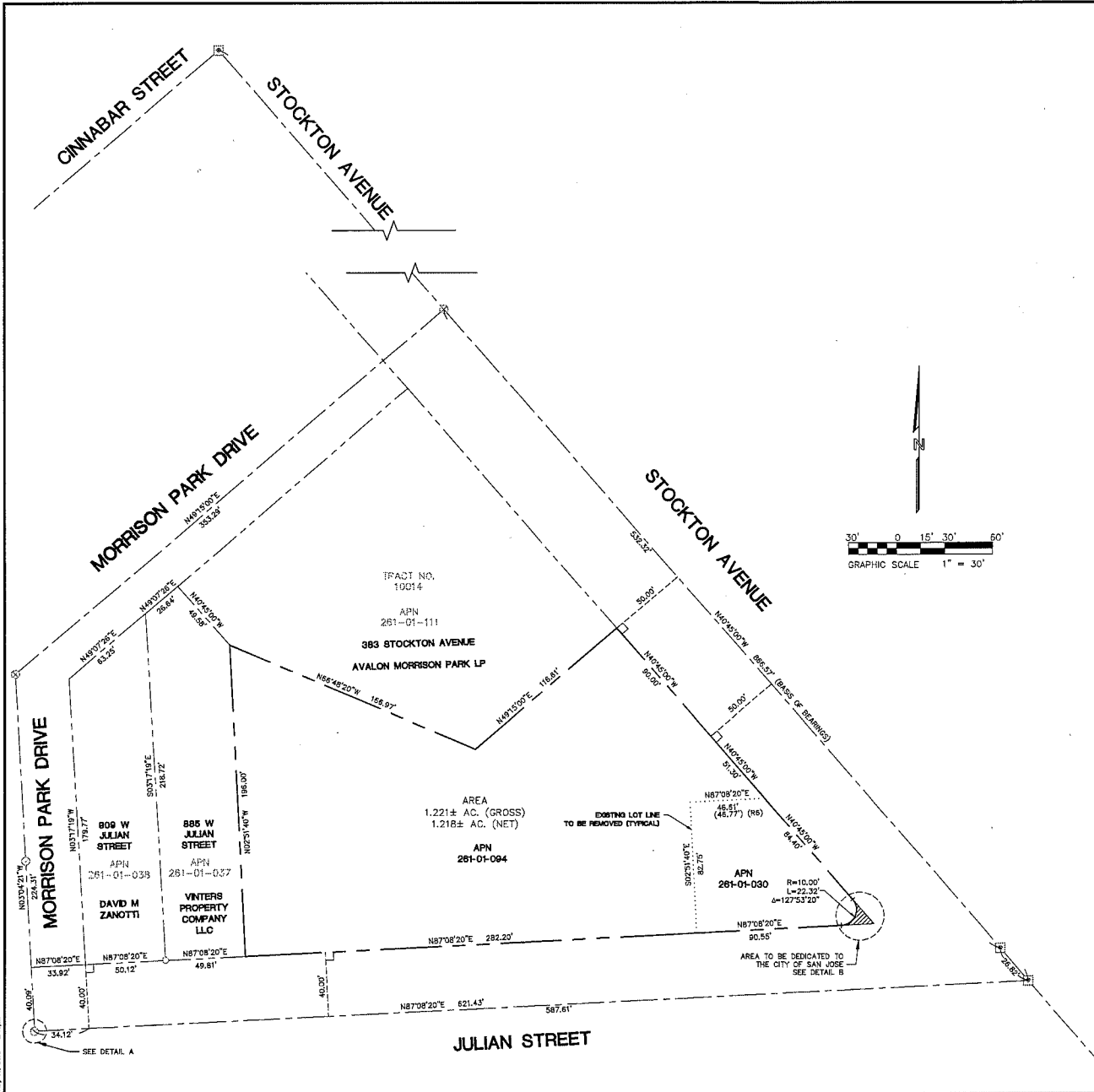
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STOCKTON AVENUE, DISTANT THEREON 104.85 FEET NORTHWESTERLY FROM THE POINT OF INTERSECTION OF THE SAID SOUTHWESTERLY LINE OF STOCKTON AVENUE WITH THE NORTHWESTERLY LINE OF JULIAN STREET;

THENCE ALONG SAID SOUTHWESTERLY LINE OF STOCKTON AVENUE NORTH 40° 45' 00" WEST 51.30 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 1 AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE GENERAL EASTERLY LINE OF SAID PARCEL 1 SOUTH 49° 15' 00" WEST
65.93 FEET;

THENCE PARALLEL WITH SAID NORTHWESTERLY LINE OF JULIAN STREET NORTH 87° 08' 20"
EAST 83.54 FEET TO THE POINT OF BEGINNING.

APN: 261-01-030 (Tract One) and 261-01-094 (Tract Two)



BASIS OF BEARINGS
THE BEARING NORTH 40°45'00" WEST OF THE CENTER LINE OF STOCKTON AVENUE IS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN BOOK 584 OF MAPS, PAGE 7, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED.

BENCHMARK INFORMATION
ELEV DATUM: SCVD BMD165, 80.91 FEET, NAVD 88 (ADJUSTED 02-05-2013)

"USGS BRASS DISK (J880 RESET 1984), ON TOP OF THE SOUTHEASTERLY CORNER OF CONCRETE PLATFORM FOR WATER TANK; WEST SIDE OF SAN JOSE WATER COMPANY'S MAIN BUILDING AT DELMAS AVENUE AND SANTA CLARA STREET, ABOUT 200 FEET SOUTH OF CENTERLINE FOR SANTA CLARA STREET; 800 FEET EAST FROM CENTERLINE OF DELMAS STREET; TOP OF PLATFORM 5.4 FEET HIGHER THAN GROUND, CITY OF SAN JOSE."

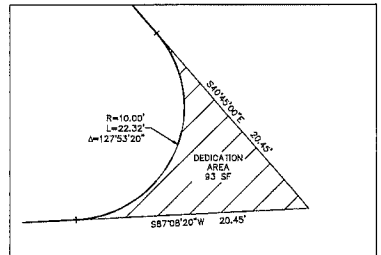
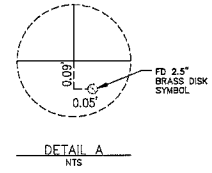
TEMPORARY BENCHMARK: PT 5 FROM HMM#4247, ELEV = 86.05' (ADJUSTED TO CURRENT BM ELEV)

REFERENCES
(R1) PARCEL MAP, BK 584 M 7-8
(R2) TR 10014, BK 528 M 50-51
(R3) SOS, BK 538 M 23
(R4) RHODES TRACT BK B M 87
(R5) PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED SEPTEMBER 8, 2017, ORDER NUMBER NCS-869416-HOU1
(R6) LOT LINE ADJUSTMENT, DOC 13694399

LEGEND

- DISTINCTIVE BORDER LINE
- LOT LINES WITHIN DISTINCTIVE BORDER
- EXISTING PROPERTY LINE
- EXISTING TIE LINE
- EXISTING CENTER LINE
- EXISTING LOT LINE TO BE REMOVED
- FOUND GRANITE MON IN BOX
- 2.5" BRASS DISK W/ PUNCH IN WELL L58868
- FD 3/4" IRON PIPE (SPNF)
- (XX.XX) (RX) RECORD DIMENSION W/ REFERENCE
- AREA TO BE DEDICATED TO THE CITY OF SAN JOSE

AREA WITHIN DISTINCTIVE SITE BOUNDARY:
53,074 SQUARE FEET (NET)
1.218 ACRES (NET)



Revisions	By	Date	Description

Designed	Drawn	Checked	Checked	By	Date

VESTING TENTATIVE MAP

RUTH AND GOING, INC.
Civil Engineering Land Surveying
2210 N. Santa Clara Street, Suite 100
San Jose, CA 95131
Tel: (408) 254-8800 Fax: (408) 254-8803

R+G

OVERALL MAP

LANDS OF SPENO ENTERPRISES

CALIFORNIA
SAN JOSE

Scale AS SHOWN
Date 8/13/2018
2 of 2 Sheets
Job No. 17901B
Drawing

Drawing No. 17901B-01-A (Revision Map) 8/13/2018
May 20, 2018 - 8:00am

NO TITLE GUARANTEE IS MADE BY THIS SURVEYOR FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION CONTAINED HEREIN. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIMSELF OR HIS EMPLOYEES OR AGENTS. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION CONTAINED HEREIN. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIMSELF OR HIS EMPLOYEES OR AGENTS. THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING.