

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A TENTATIVE MAP, SUBJECT TO CONDITIONS, TO RESUBDIVIDE THE EXISTING PARCEL INTO 6 RESIDENTIAL CONDOMINIUM UNITS ON A 0.48 GROSS ACRE SITE, LOCATED AT THE SOUTH SIDE OF CARLTON AVENUE, APPROXIMATELY 290 FEET WESTERLY OF NATIONAL AVENUE (15980 CARLTON AVENUE)**

**FILE NO. PT17-050**

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on September 27, 2016, an application (File No. PT17-050) was filed by the applicant, Calero Lot #2 Partners G.P, with the City of San José for a Tentative Map Permit to resubdivide the existing parcel into 6 residential condominium units on a 0.48 gross acre site, on that certain real property situated in the R-M(PD) Planned Development Zoning District and located on the south side of Carlton Avenue, approximately 290 feet westerly of National Avenue (15980 Carlton avenue, APN: 421-13-060, San José, which real property is sometimes referred to 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 application on December 6, 2017, 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 City's Planning Commission and 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, "Tentative Tract Map," dated received on November 10, 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 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; and

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**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 proposed project:

1. **Site Description and Surrounding Uses.** The project site is located at 15980 Carlton Avenue and currently contains four single-family residences that are approximately 75 years old, approximately 2,380 square foot in size and two accessory buildings, approximately 1,110 square feet in size. The property has historically been used for residential purposes. The subject site is bounded by single-family and duplex uses to the north, single-family residential uses located in the Town of Los Gatos to the east, and multi-family residential uses to the west and south.
2. **Project Description.** On November 1, 2017, a Planned Development Rezoning, Planned Development Permit and Tentative Map applications (File Nos. PDC17-049, PD17-023, and PT17-050) were filed to rezone the project site from the R-M Multiple Residence Zoning District to R-M(PD) Planned Development Zoning District, to demolish four single-family residences, totaling approximately 2,380 square feet and two accessory buildings, totaling approximately 1,110 square feet, constructing six single-family residences, totaling approximately 8,500 square feet, removing six ordinance sized trees and one 13 non-ordinance sized trees and utilize uniform sized parking spaces, and to reconfigure one lot into six residential condominiums on an approximately 0.48 gross acre site.

The project is proposing six two-story single-family detached residences. Each house will contain three to four bedrooms and a two-car garage. Each unit will also include a private yard, ranging from approximately 500 square feet to 1200 square feet. The project would take access from Carlton Avenue through a shared private driveway. The residential units facing Carlton Avenue have front porches and doors facing Carlton, consistent with the neighborhood. The two units at the south end of the property will also have the front doors oriented towards Carlton.

As mentioned, the project is proposing six residential condominiums, as all six structures are contained on one lot. A Condition of Approval has been placed on the project requiring a Homeowner's Association to be established. The Homeowner's Association will be required to maintain the private driveway and common areas.

3. **General Plan Conformance.** The Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation for the subject site is Residential Neighborhood. This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these 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. 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 project is consistent with the Residential Neighborhood General Plan land use designation in that the prevailing density in the neighborhood is 16.22 DU/AC. The block is defined as both sides of Carlton between National Avenue and Kinghurst Drive. As the General Plan does not allow for the density to exceed 16 DU/AC, the maximum density for the area would be 16 DU/AC. The maximum number of dwelling units per acre on the subject site is seven units.

The proposed Planned Development Rezoning, Planned Development Permit and Tentative Map are consistent with the following General Plan goals and policies:

- a. High-Quality Living Environments 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 is providing approximately 4,414 square feet of private open space in the form of private yards. The residential design guidelines state that new residential developments should provide a minimum of 400 square feet of private open space per residential unit with a minimum dimension of 15 feet. The project would thus be required to provide 2,400 square feet of private open space. Private open areas should be adjacent to each other, where possible, to maximum sunlight and exposure and sense of openness. The project is proposing approximately 2,014 square footage more than the guideline suggests and the private open space for each unit is placed adjacent to the open space for another unit. Based on the private open space provided and the way it is designed, the proposal's open space is in compliance with this General Plan policy.*

- b. 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 currently in the R-M Multiple Residence Zoning District, which does not allow for more than one single-family dwelling to be developed on a lot located in the R-1, R-M and R-MH Zoning Districts and therefore, in order to further the goals and policies of the General Plan, a Planned Development Zoning District is requested.*

4. **Zoning Ordinance Compliance.** The site is located in the R-M Multiple Residence Zoning. General Plan Implementation Policy IP-8.5, allows the Planned Development Rezoning process to be utilized if the Planned Development Rezoning process will better conform to the General Plan goals and policies than a conventional zoning district, which would only allow for single-family homes (R-1-5 or R-1-8) and the site is currently zoned R-M Multiple Residence District. It is appropriate for a Planned Development Zoning District to be utilized because the adjacent sites within the City's jurisdiction are designated R-M and include higher density developments. Additionally, the R-M District only allows for one single-family dwelling per lot, which does not allow for full build-out as envisioned in the General Plan.

As shown in the tables below, the overall development boundaries comply with the requirements of the R-M Zoning District. Additionally, the project provides the required number of parking spaces with a two-car garage for each unit and four on-site guest parking spaces. However, as noted above, multiple one-family dwellings are not allowed on a single lot in the R-M Zoning District. Therefore, the Planned Development Zoning allows up to six one-family dwellings on one lot and notes the minimum separation between the buildings to maintain differentiation between the units. The proposed Planned Development Zoning also allow all uses currently, or as amended, in the R-M Zoning District.

The project is also utilizing uniform sized parking spaces, which measure eight feet and six inches by 17 feet. Pursuant to Section 20.90.060(A)(3) of the San Jose Municipal Code, a development permit may authorize all off-street vehicle parking spaces to be uniform-size car spaces. The project is utilizing the uniform sized parking spaces in order to provide guest parking spaces and not infringe upon the bioretention areas.

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<b>R-M Zoning District – Development Standards</b>	
<b>Setbacks</b>	
Front setback	10 feet
Side, interior setback	5 feet
Rear, interior setback	25 feet
Maximum height	45 feet
<b>Parking</b>	
3-4 bedrooms	2.6 per unit

<b>Proposed R-M (PD) Zoning District</b>	
<b>Perimeter Setbacks</b>	
Front setback	11 feet from the front property line to the porch 15 feet from the front property line to the face of building
Side, interior setback	5 feet
Rear, interior setback	25 feet
Maximum height	45 feet
<b>Building Separation</b>	
Between exterior building wall faces	Minimum 7 feet 6 inches
<b>Parking</b>	
3-4 bedrooms	2 parking spaces per unit and 0.5 guest parking spaces per unit

5. **Residential Design Guidelines Conformance.** The project complies with the Residential Design Guidelines in that the development is proposing only two-story homes (consistent with surrounding development) and an appropriate massing with the use of gable and hip roof forms. In addition, the proposed homes include the use of horizontal siding, lap siding, stucco and wood architectural details all of which are found in the immediate neighborhood. The use of the proposed roof forms and materials maintains the neighborhood streetscape while providing compatible housing in the area. The project architecture, materials and massing is similar to the residential structures in the neighborhood.

6. **Environmental Review.** An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building and Code Enforcement for the subject Planned Development Rezoning and Planned Development Permit. The documents were circulated for public review from November 8, 2017 to November 28, 2017. There were no public comments submitted.

A Historical Resources evaluation of the four structures was conducted by Archives & Architecture on January 13, 2017. Results of the evaluation indicated that the four buildings on this site are approximately 75 years in age. The property has not been previously evaluated, listed, or designated as a part of any local, state, or national survey of historic resources. The buildings are not representative of any important patterns of development within San José or its environs. The use has not been identified as important within the history of the city, and the rural characteristics of the neighborhood disappeared during the early 1950s. The property is not bound by any consistent thematic or physical attributes. The property therefore is not associated with significant patterns, persons, and/or events, and would not qualify for the California Register of Historic Resources or as a San José City Landmark under this criterion.

The final IS/MND states that the proposed project will not have a significant effect on the environment. The primary environmental issues addressed in the final Initial Study include potential impacts on the physical development of the site on: biological resources, hazards and hazardous materials, noise, and vibration.

The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. In addition to other environmental conditions, the mitigation measures would be included in the Planned Development permit as project conditions and in a Mitigation Monitoring and Reporting Program (MMRP). The entire IS/MND and other related environmental documents are available on the Planning web site at: <http://www.sanjoseca.gov/index.aspx?NID=2165>.

## FINDINGS

Based on the above-stated facts and subject to any conditions set forth below, the City Council finds that:

1. **Conformance with the Subdivision Ordinance and the Subdivision Map Act.**

The proposed subdivision is in conformance with both the City's Subdivision Ordinance (San José Municipal Code Chapter 19.04) and California Subdivision Map Act. Based on the above-stated facts and analysis, and subject to any conditions set forth below, the City Council concludes and finds that:

- a. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California and Title 19 of the San José

Municipal Code, the City Council of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a tentative map, 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.

*Analysis: Based on review of the proposed subdivision, the City Council cannot not make any such findings to deny the subject subdivision in that: 1) the proposed map/project is consistent with the General Plan as noted above; 2) the proposed design of the units is consistent with the General Plan as it identifies the consolidation of lots to avoid building construction over lots; 3) the proposed site is physically suitable for the proposed development; 4) the proposed density is suitable for the proposed site based on the density allowances of the General Plan designation; 5) the proposed lot combinations and the establishment of airspace condominium units will not cause any environmental damage or substantially injure fish or other wildlife habitat; 6) the proposed airspace condominium units will not cause any public health issues; 7) the proposed airspace condominiums will not conflict with any public easements, as the project is providing all necessary public easements, and there is no public access through the site with this proposed subdivision, all explained in detail above and in the administrative record.*

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 approved this Tentative Map 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 conditionally permitted hereby.

## **CONDITIONS**

1. **Acceptance of Tentative Map.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the subdivider fail to file a timely and valid appeal of this 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 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 Tentative Map or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Tentative Map.
2. **Expiration of Tentative Map.** The Tentative Map shall automatically expire thirty (30) months from and after the date of issuance hereof by the City Council. The date of issuance is the date this Tentative Map is effective.
3. **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.
4. **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.
5. **Improvement Contract.** In the event the subdivider has not completed the improvements required for this 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 provide the bonds and insurance mentioned therein.
6. **Public Use Easements.** 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.
7. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community

cable, and other distribution facilities located on the subject property to be placed underground.

8. **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 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 Parcel or Final Map. Such easements so conveyed shall be shown on the Parcel 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.
9. **Owner's Association.**
  - a. Prior to the issuance of any occupancy permit (temporary or final), an Owner's Association shall be established for maintenance of all common areas, including pedestrian walkways, easements, and landscaping. The subdivider shall provide to the Owner's Association a copy of the Tentative Map, the accompanying Plan Set, any approved Development Permit, Amendments, and Adjustments under Title 20 of the Municipal Code, and a complete set of approved building and all improvement plans within 30 days of completion of each construction phase.
  - b. The Subdivider shall, at its sole cost, prepare grant deeds for all mutual or reciprocal easement rights, which shall be reviewed by the city for compliance with the terms of the City of San José Municipal Code, and shall upon City approval be recorded concurrently with the approved parcel or final map.
10. **Conformance with Other Permits.** The subject Tentative Map shall conform to and comply in all respects with the Planned Development Permit on which such Tentative Map is based. Approval of said Tentative Map shall automatically expire with respect to any portion of the lands covered by such 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.
11. **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. PD17-023 has expired and all appeals have been exhausted.
12. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval 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. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

13. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit plans entitled, "Tentative Tract Map," dated received on November 10, 2017, 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 Plan Set".
14. **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 Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as conditioned.
15. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code.
16. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance or that adversely affects the peace, health, safety, morals or welfare of persons residing or working in the surrounding area or be detrimental to public health, safety or general welfare. Any such nuisance shall be abated immediately upon notice by the City.
17. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
18. **Anti-Graffiti.** During construction, the subdivider shall remove all graffiti from buildings, walls and other surfaces within 48 hours of defacement. Upon project completion and/or transfer of ownership, the property owner, and/or Maintenance District shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
19. **Loitering.** Loitering shall not be allowed in the public right-of-way adjacent to the subject site.
20. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering the garbage container.

No outdoor storage is allowed / permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.

21. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
22. **Homeowner's Association.** A Homeowner's Association shall be established for maintenance of all common areas, including driveways/courtyards, stormwater facilities, and landscaping. A copy of the Development 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 shall be provided to the Homeowner's Association by the applicant no later than 30 days upon completion of each phase.
23. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
24. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement.
25. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set. Any change in building colors and materials shall require a Permit Adjustment.
26. **Window Glazing.** Unless otherwise indicated on the approved plan, all windows shall consist of a transparent glass.
27. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related Grading Permit has been issued.
28. **Demolition.** This permit allows the demolition of buildings and structures as noted on the Approved Plans. The demolition of the building and structures may occur at the issuance of grading permit.
29. **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 subdivider 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 subdivider 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. Subdivider 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.

**30. Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* These permit file numbers, PD17-023 and PT17-050 shall be printed on all construction plans submitted to the Building Division.
- b. *Americans with Disabilities Act.* The subdivider shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- c. *Emergency Address Card.* The subdivider shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
- e. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official: The subdivider shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial).

**31. Access Control.** When access control devices including bars, grates, gates, electric and/or magnetic locks, or similar devices which would inhibit rapid fire department emergency access to the building are installed, such devices shall be approved by the Chief. All access control devices shall be provided with an approved means for deactivation or unlocking by the Fire Department. Access control devices shall also comply with CFC/CBC Chapter 10 for exiting.

- 32. Security Gate Access.** All access control vehicle security gate(s) shall be a minimum of 20 feet clear width and may have a clear with of 14 feet for each direction of travel when split by median. Gates shall be recessed beyond the turning radius required by the San Jose Fire Department and without obstruction of any median island dividers. All gate installing shall be reviewed and approved prior to construction. Electric gate operators must have UL 325 listing and it gate must comply with ASTM F2200.
- 33. Emergency Vehicle Access.** Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. To the satisfaction of the Fire Chief, the fire access shall include the following:
- a. An approved all weather surface;
  - b. Access road that are at least 20 feet wide;
  - c. Dimensions with a minimum 13 feet, 6 inches vertical clearance;
  - d. Load bearing designs that are maintained to support the loads of fire apparatus of at least 75,000 pounds;
  - e. Maintain a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
  - f. Designs with approved provisions for turnaround of fire apparatus if accessway has dead ends and is in excess of 150 feet;
  - g. Maintain a maximum grade of 15 percent;
  - h. Provide a second point of access is required when a fire apparatus road exceeds 1,000 feet;
  - i. Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)
  - j. Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
  - k. Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked.
- 34. Fire Hydrant Location & Spacing.** The Fire Hydrant Location & Spacing shall meet the requirements of CFC Appendix C with City of San Jose Amendments. Show the location and spacing of the fire hydrants on the plans meeting the following general requirements.

- a. Determine the required number and spacing of fire hydrants per CFC Appendix C, Table C102.1; (or Refer to San Jose Fire Flow and Hydrant Policy <http://sanjoseca.gov/DocumentCenter/View/61703>). For the purposes of determining the required number and spacing of fire hydrants, no reduction in the Required Fire Flow is allowed even for sprinklered buildings.
  - b. Show the spacing of the fire hydrants along the fire apparatus access roads on the plans.
  - c. Demonstrate on plans that all exterior walls of the building(s) are within 400 feet from a fire hydrant. The distance should be calculated from a fire hydrant on a fire apparatus access road, as measured along the path of travel around the exterior of the building (and not by drawing a 400 feet radius around the fire hydrant).
35. **Available Fire Flow.** Provide a copy of the letter from the Water Company that indicates the Available Fire Flow in gpm. Approval of Fire Hydrant Location & Spacing by SJFD is required before requesting Fire Flow data from the water company. Verify with the water company that a minimum of 1,000 gpm from a new proposed fire hydrant is available at minimum pressure of 20 psi.
36. **Fire sprinkler system** is required and it will be a deferred submittal after building permit is issued.
37. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
38. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 15 Single Family detached units.
39. **Grading/Geology:**
- a. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage

calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10-year storm event.

- c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations.

**40. Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- a. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- b. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

**41. Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area, but will not create and/or replace one acre or more of impervious surface. Therefore, the project is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

**42. Flood Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

**43. 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 Public Works clearance.

**44. 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 contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.

**45. Street Improvements:**

- a. Remove and replace curb, gutter, and sidewalk along Carlton Avenue with 12-foot wide detached sidewalk section with a 6.5-foot park strip and 5-foot wide sidewalk.

- b. Proposed driveway width to be 22 feet wide per City Standard Detail R-5.
  - c. Close unused driveway cuts.
  - d. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
46. **Sanitary:** The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.
47. **Storm:** Construct a new 15-inch reinforced concrete pipe (RCP) storm main extension from the existing manhole located at the intersection of Kinghurst Drive and Carlton Avenue across the project frontage as there is currently no storm main along Carlton Avenue.
48. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
49. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in the park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
50. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
51. **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. [REDACTED].
52. **Revocation, Suspension, Modification.** This Tentative Map is subject to revocation, suspension or modification for violation of any of its provisions or condition.

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In accordance with the findings set forth above, a Tentative Map, subject to conditions, is hereby **approved**.

### **EFFECTIVE DATE**

The effective date of this Tentative Map (File No. PT17-050) shall be the effective date of the R-M(PD) Planned Development Rezoning Ordinance for File No. PDC17-049 adopted on \_\_\_\_\_, 2017 (the "Planned Development Zoning Ordinance") and shall be no earlier than the effective date of said Planned Development Rezoning Ordinance.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, 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.*

**ORDER NO. : 0615025454-**

**EXHIBIT A**

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Portion of Lot 12, as shown above that certain Map entitled, "Map of C.M. Schiele Subdivision No. 3, being part of the Rinconada De Los Gatos, known as National Tract", which Map was filed for Record in the office of the Recorder of the County of Santa Clara, State of California, on January 16, 1891, in Book E of Maps at Page 67, and more particularly described as follows:

Beginning at a point on the Southerly line of Carlton Avenue, distant thereon North 77° 54' East 294 feet from the point of intersection of the Southerly line of Carlton Avenue, with the center line of National Avenue, and running thence along the Southerly line of Carlton Avenue, North 77° 54' East 97.5 feet to a 2" x 4" stake; thence parallel to National Avenue, South 12° East 222.10 feet; thence parallel with the southerly line of Carlton Avenue, South 77° 54' West 97.54 feet; thence North 12° West and parallel with the said line of National Avenue, 222.10 feet to the point of beginning.

EXCEPTING THEREFROM all that portion describes in the Deeds to the City of San Jose Recorded March 18, 1991, in Book 1645, at Page 72, Inst No. 10836291.

APN: 421-13-060