

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO ALLOW THE SUBDIVISION OF ONE LOT INTO EIGHT LOTS FOR THE CONSTRUCTION OF EIGHT SINGLE-FAMILY DETACHED RESIDENCES ON AN APPROXIMATELY 1.0-GROSS ACRE SITE, LOCATED ON THE EAST SIDE OF ROBERTS AVENUE, APPROXIMATELY 300 FEET NORTHWEST OF LE COMPTE PLACE (1170 ROBERTS AVENUE; APN: 477-11-003)

FILE NO. T24-011

WHEREAS, pursuant to the provisions of Chapter 19.12 of Title 19 of the San José Municipal Code, on April 11, 2024, a concurrent application (File No. T24-011) was filed by the applicant and owner David Chui, of Pan Cal Corporation, (“Subdivider”) with the City of San José (“City”) for a Vesting Tentative Map to subdivide one existing lot into eight lots, together with concurrent Planned Development Zoning and Planned Development Permit applications for the development of eight detached single-family residences on an approximately 1.0-gross-acre site (“Project”) on that certain real property situated in the R-1-8(PD) Planned Development Zoning District and located on the east side of Roberts Avenue, approximately 300 feet northwest of Le Compte Place (1170 Roberts Avenue, APN: 477-11-003, and sometimes referred to herein as the “subject property”); and

WHEREAS, a legal description of the subject property is attached as Exhibit “A” and depicted in the parcel map attached as Exhibit “B,” which are incorporated by reference; and

WHEREAS, at a duly noticed public hearing on October 22, 2025, the Planning Commission considered public comments and all evidence and testimony received at the public hearing regarding the project and recommended that the City Council approve the project; and

WHEREAS, 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 conducted a duly noticed public hearing on the project, giving all persons full opportunity to be heard and to present evidence and testimony; and

WHEREAS, at said hearing, this City Council received in evidence a plan for the subject property entitled, "Vesting Tentative Map for Roberts Orchards 1," dated April 4, 2025, which is on file in the Department of Planning, Building and Code Enforcement and available for inspection; said plan is incorporated by reference; and

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

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

The foregoing recitals are hereby incorporated by reference as if fully set forth herein, and 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 property is located on the east side of Roberts Avenue, approximately 300 feet northwest of Le Compte Place, at 1170 Roberts Avenue (APN: 477-11-003). The access to the site will be from a newly constructed private street off Roberts Avenue.

The surrounding land uses include single-family detached residences to the north, east, and south, and vacant land and a parking lot to the west, across Roberts Avenue. The property consists of a levelled lot with a fire-damaged house and shed-like structures, which will all be demolished.
- 2. Project Description.** The Project consists of a Vesting Tentative Map to allow the subdivision of approximately 1.0 gross acres from one existing residential lot to eight single-family residential lots.

In conjunction with the Vesting Tentative Map, the Project also includes a Planned Development Rezoning (File No. PDC24-039) and a Planned Development Permit (File No. PD24-004). The Planned Development Rezoning rezones the site from the R-1-8 Single Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District, and the Planned Development Permit allows the construction of eight detached single-family residences on eight lots and the construction of a private street to serve the new development, the demolition of all existing structures on site, and the removal of nine ordinance-size trees on the approximately 1.0-gross acre site.

3. General Plan Conformance.

Land Use

The subject site is designated Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

Density: typically, 8 Dwelling units per acre (“DU/AC”); Floor Area Ratio (“FAR”) up to 0.7 (1 to 2.5 stories).

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.

This designation allows residential density to exceed 8 DU/AC if the surrounding prevailing density is greater than 8 DU/AC. The prevailing density is 2 DU/AC; therefore, the maximum allowed density is 8 DU/AC.

Analysis: At 1.0 acres, the Project will be developed with up to eight units at 8 DU/AC, which would be consistent with the maximum allowed density of 8 DU/AC.

The total FAR is approximately 0.28, which is below the maximum allowed 0.7 in conformance with the General Plan designation of Residential Neighborhood.

General Plan Policies

The Project is consistent with the following key General Plan policy:

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.

Analysis: The Project includes eight single-family detached homes and is generally consistent with the surrounding land uses, but requires specific development standards to meet the allowed density allowed by the General Plan. Those development standards include reduced lot area, width, and setbacks that would not be possible with the standard R-1-8 Single-Family Residence Zoning District, while also being compatible with the character and appearance of the adjacent residential development. The base zoning of the R-1-8 (PD) Planned Development Zoning

District supports compatibility with the surrounding single-family residential neighborhoods. The rezoning would allow infill development at 8 DU/AC on the subject property.

4. Zoning Conformance

The Project is in the R-1-8 Single Family Residence Zoning District.

The Project includes a rezoning from the R-1-8 Single Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District.

Land Use

The rezoning from the R-1-8 to the R-1-8(PD) Planned Development Zoning District will allow for specific development standards that differ from those required by the R-1-8 Single-Family Residence Zoning District. The rezoning will also allow reduced lot sizes and setbacks to support higher density allowed per the General Plan, as discussed above, to construct eight detached single-family residences.

Development Regulations

Below is a comparison of the R-1-8 Single-Family Residence Zoning District per Section 20.30.200 of the Zoning Code, the proposed R-1-8(PD) Planned Development Zoning District development standards, and Project compliance with those standards.

The Project includes eight detached single-family homes on eight separate lots.

Standard	R-1-8 Zoning District Requirements	R-1-8(PD) Planned Development Zoning District Development Standards	Project Compliance with R-1-8(PD) Zoning District Standards
Minimum Lot Area	5,445 square feet	4,875 square feet	4,875 square feet
Minimum Front Setback (from private street)	20 feet	18 feet	20 feet
Minimum Side Setback (interior)	5 feet	5 feet	5 feet
Minimum Side Setback (from Roberts Avenue)	12.5 feet	10 feet	12 feet

Minimum Rear Setback	20 feet	15 feet	15 feet
Maximum Height	35 feet (2.5 stories)	35 feet (2.5 stories)	25 feet
Parking	None required	None required	Two covered spaces per unit (16 spaces)

Analysis: The Project conforms with the minimum lot sizes and all proposed setbacks, height, and parking standards of the R-1-8(PD) Planned Development Zoning District Development Standards.

Parking and Transportation Demand Management

Effective April 10, 2023, there are no minimum parking requirements in the City of San José. Pursuant to Section 20.90.900.B.2 of the Zoning Code, the Project is exempt from preparing and implementing a Transportation Demand Management (TDM) Plan as the Project consists of less than 16 single-family detached housing units.

Analysis: While there are no minimum parking requirements, two garage parking spaces are provided for each unit. Bicycle parking is not required for one-family dwellings. Motorcycle parking may be provided in the garage of each unit pursuant to Section 20.90.350 of the Zoning Code.

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

Chapter 19.36 – Design Requirements

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

Analysis: The Project is required to have a minimum lot size of 5,000 square feet pursuant to Section 19.36.170; however, pursuant to the California Housing Accountability Act (HAA), the Project is subject to only objective standards, which allows for this site to be developed at the maximum density allowed per the General Plan which is 8 DU/AC. Therefore, the proposed development is justified, having a minimum lot

size of 4,875 square feet and developed with site-specific Planned Development Zoning development standards. The lot configuration is as follows:

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Size in square feet +/-	5,959	4,875	4,875	6,470	6,095	4,875	4,875	5,663
Lot Size in acres +/-	0.14	0.11	0.11	0.15	0.14	0.11	0.11	0.13

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

Analysis: Based on review of the subdivision, a Vesting Tentative Map to subdivide a 1.0-acre lot into eight lots, for the development of eight single-family detached residences and one private street, the Director does not make any such findings to deny the subject subdivision. The Project is consistent with the General Plan goals, policies, and land use designation, as analyzed above. The subject property is physically suitable for the Project and proposed intensity in that single-family residential density at 8 DU/AC is supported. Furthermore, the subject property does not contain historic resources.

As shown on the Vesting Tentative Map, the private street includes a covenant of easement for the purposes of ingress/egress, emergency access, and operation and maintenance for stormwater treatment purposes for the benefit of all lots in the proposed subdivision. Furthermore, the Project is conditioned to establish a Homeowner's Association or Maintenance Agreement to ensure that all common areas are maintained in perpetuity.

The site is not located within a designated Federal Emergency Management Agency 100-year flood plain. The subject property currently has a fire-damaged house and shed-like structures and does not provide a natural habitat for either fish or wildlife.

Multiple improvements to the pedestrian and sidewalks are required to be implemented as conditions of approval, such as the construction of a half-street along the Roberts Avenue Project frontage to include asphalt pavement, curb, gutter, and a 12-foot-wide detached sidewalk, as per the Public Works Final Memo dated August 27, 2024.

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

To inform the public of the Project, staff followed City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals. On-site signs have been posted on the Project frontages since June 27, 2024. A legal notice of the public hearing was distributed as appropriate to the owners and tenants of all properties located within 500 feet of the Project site, the interested parties list, and was published in the newspaper on September 30, 2025. The hearing agenda and staff report were posted on the City website. Staff has been available to respond to questions from the public.

8. Environmental Review.

The City of San José, as the Lead Agency, prepared an Initial Study supporting a Mitigated Negative Declaration ("IS/MND"), State Clearinghouse No. 2025070234, for the 1170 Roberts Residential Project in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California. The IS/MND evaluated the environmental impacts that might reasonably be anticipated to result from implementation of the proposed Project.

The Initial Study and Project documents were circulated for public review from July 8, 2025, to July 28, 2025. During the public circulation period, five comment letters were received. The Initial Study and Project documents, including the Response to Comments received during public circulation, can be found at the following link:

[1170 Roberts Avenue Residential Development Project | City of San José](#)

The IS/MND identified relevant mitigation measures for potential impacts related to air quality, biological resources, cultural resources, noise, and tribal cultural resources.

Standard Permit Conditions and Conditions of Approval are required to ensure no impacts occur during the construction or operation of the project. These Standard Permit Conditions include best management practices for construction related air quality impacts, removal of existing trees on the site, payment of applicable Santa Clara Valley Habitat Plan fees, protection of unknown subsurface cultural resources and human remains, compliance with the California Building Code for seismic safety of the proposed building and erosion control during construction activities, protection of potential paleontological resources that could be discovered during construction, conformance with State and local laws for asbestos and lead-based paint, water quality impacts during construction and operation, and best management practices to control noise during construction and achieving an interior noise level of less than 45 dBA DNL after construction. The mitigation measures are included in the Mitigation Monitoring and Reporting Program ("MMRP") and both the mitigation measures and standard permit conditions are made a part of the permit.

The Initial Study concluded that the proposed Project would not result in any significant and unavoidable environmental impacts, with implementation of identified mitigation measures. Therefore, an Environmental Impact Report is not required, and a Mitigated Negative Declaration is the appropriate level of CEQA clearance for the Project.

In accordance with the findings set forth above, a Vesting Tentative Map to subdivide 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 subdivision 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 subdivision approved hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Vesting Tentative Map.** Per Section 19.12.230, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
 - a. Acceptance of the Vesting Tentative Map by the Subdivider; and
 - b. Agreement by the Subdivider to be bound by, to comply with, and to do all things required of or by the Subdivider pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Vesting Tentative Map.

2. **Expiration of Vesting Tentative Map.** This Vesting Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the City Council. The date of issuance is the date this Vesting Tentative Map is approved by the City Council.
3. **Development Rights - Vesting on Approval of Vesting Tentative Map.**
 - a. Per San José Municipal Code Section 19.13.070, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
 - b. Notwithstanding subsection 3.a., above, any permit, including a building permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
 - i. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - ii. The condition or denial is required, in order to comply with state or federal law.
 - c. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 19.13.060. If the final map is approved, these rights shall last for the following periods of time:
 - i. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Section 19.13.060 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
 - ii. The initial time period set forth in 3.c.i. shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds thirty days from the date a complete application is filed.
 - iii. A Subdivider may apply to the Director for a one-year extension at any time before the initial time period set forth in 3.c.i. expires. If the extension is denied, the Subdivider may appeal that denial to the City Council within fifteen (15) days.
 - iv. If the Subdivider submits a complete application for a building permit during the periods of time specified in 3.c.i. through 3.c.iii., above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

4. **Conformance to Plans.** The development of the site shall conform to the approved plans entitled, "Vesting Tentative Subdivision Map for Roberts Orchards I," dated April 4, 2025, on file with the Department of Planning, Building and Code Enforcement, as may be amended subject to City's approval, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "Approved Vesting Tentative Map Plan Set."
5. **Compliance with Subdivision Ordinance.** The final map shall comply with all of the requirements for final maps in Chapter 19.16 of the San José Municipal Code and shall show and contain all of the data required by San José Municipal Code Section 19.16.110.
6. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit File No. PD24-004 and as may be amended, on which such Vesting Tentative Map is based. Approval of said Vesting Tentative Map shall automatically expire with respect to any portion of the lands covered by such Vesting Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Planned Development Permit for such lands automatically expires or for any reason ceases to be operative.
7. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
8. **Improvement Contract.** In the event the Subdivider has not completed the improvements required for the proposed subdivision at the time the final map is presented for approval, Subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code and shall provide the bonds and insurance mentioned therein.
9. **Covenant of Easement.** Prior to recordation of the Final Map, the Subdivider shall offer to the City of San José a Covenant of Easement for joint use and emergency access purposes, in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, as may be amended, across Lots 1-7 for the benefit of Lots 1 through 8, as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall inure to, all successors in interest to the affected real property.
10. **Public Use Easements.** The Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.

11. **Conveyance of Easements.** Prior to recordation of the Final Map, the Subdivider shall offer to the City of San José a Covenant of Easement for joint use and emergency access purposes, in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, across lots as applicable as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall inure to, all successors in interest to the affected real property.
12. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by 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 Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
13. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to issuance of Public Works clearance.
14. **Distribution Facilities.** The 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.
15. **Stormwater Stenciling.** All storm drain inlets and catch basins shall be stenciled with the "NO DUMPING - FLOWS TO BAY," applied to the top and/or face of the curb next to the storm drain inlet. The development maintenance entity and/or property owner shall ensure that all storm drain inlet markings located on privately-maintained streets within the property are present and maintained.
16. **Homeowner's Association.** Prior to Final Map recordation, a Homeowner's Association shall be established for maintenance of all common areas, including but not limited to private streets, pedestrian walkways, easements, landscaping (including landscaping in the public right-of-way that is not already in a maintenance district), driveways/courtyards, and any common open space areas. A copy of the

Development Permit and/or Tentative Map Permit, the accompanying Approved Plans, any approved Amendments or Adjustments, and a complete set of approved building and all improvement plans shall be provided to the Homeowner's Association by the Subdivider no later than 30 days upon completion of each construction phase.

17. **Maintenance Agreement in Lieu of Homeowners Association.** If the Subdivider elects a Maintenance Agreement to be established in lieu of a Homeowners Association for the maintenance of common improvements, including streets, sidewalks, landscaping, utilities, and stormwater improvements, said agreement shall address the adequate funding, provision, and maintenance of common improvements by the property owners, and shall include adequate provisions for enforceability during the life of the development and to the satisfaction of the Director of Planning, Building, and Code Enforcement. Said agreement shall be recorded concurrently with the final subdivision map.
18. **No Tract Sales Office/Model Homes Approved.** This Permit does not include the approval of a tract sales office/model homes complex. Said use requires a Permit Adjustment approved by the Director of Planning, Building, and Code Enforcement.
19. **Housing Conditions of Approval.**
 - a. Applicants with Residential Developments of three (3) or more dwelling units are required to submit an Affordable Housing Compliance Plan (AHCP) application for approval.
 - b. The proposed 8 For Sale development is exempt from compliance with the requirements of the IHO as Residential Developments that have nine (9) or fewer For Sale Dwelling units are exempt from compliance with the requirements of the IHO (SJMC Section 5.08.320.A.2).
 - c. The Housing Department has received and recommended approval of the AHCP application.
20. **Parks:** This residential Project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the "Formula for Dedication of Land" and/or "Schedule of Fees and Credits" contained within in the chapter.
21. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
22. **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.

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19. **Standard Environmental Conditions.** The Project shall adhere to all Standard Environmental Conditions as described in the associated Planned Development Permit (File No. PD24-004).
20. **Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the Project must comply with the California Fire Code as adopted or updated by the City.
21. **Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building permit, all requirements shall be met to the satisfaction of the Chief Building Official as described in the Planned Development Permit (PD24-004).
22. **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 Public Works' conditions as described in the Planned Development Permit (PD24-004).
23. **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. PD24-004, has expired and all appeals have been exhausted.
24. **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 subdivide the subject property for said purpose specified above, subject to conditions, is hereby **approved**.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
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.

EXHIBIT "A"
LEGAL DESCRIPTION
1170 ROBERTS AVE

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING ALL OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED AUGUST 15, 2000, IN DOCUMENT NO. 15356852 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERNMOST CORNER OF SAID LANDS, THENCE NORTH 37°29'20" WEST, A DISTANCE OF 125.11 FEET ALONG THE NORTH LINE OF ROBERTS AVENUE;

THENCE NORTH 50°03'38" EAST, A DISTANCE OF 349.53 FEET;

THENCE SOUTH 37°28'20" EAST, A DISTANCE OF 125.12 FEET;

THENCE SOUTH 50°03'38" WEST, A DISTANCE OF 349.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 43,689 SQUARE FEET OR 1.003 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

A PLAT OF THE ABOVE DESCRIBED PROPERTY IS ATTACHED AS EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

APRIL 8, 2024



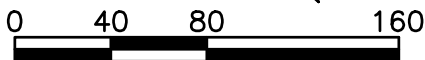
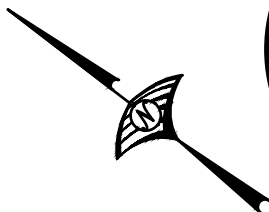
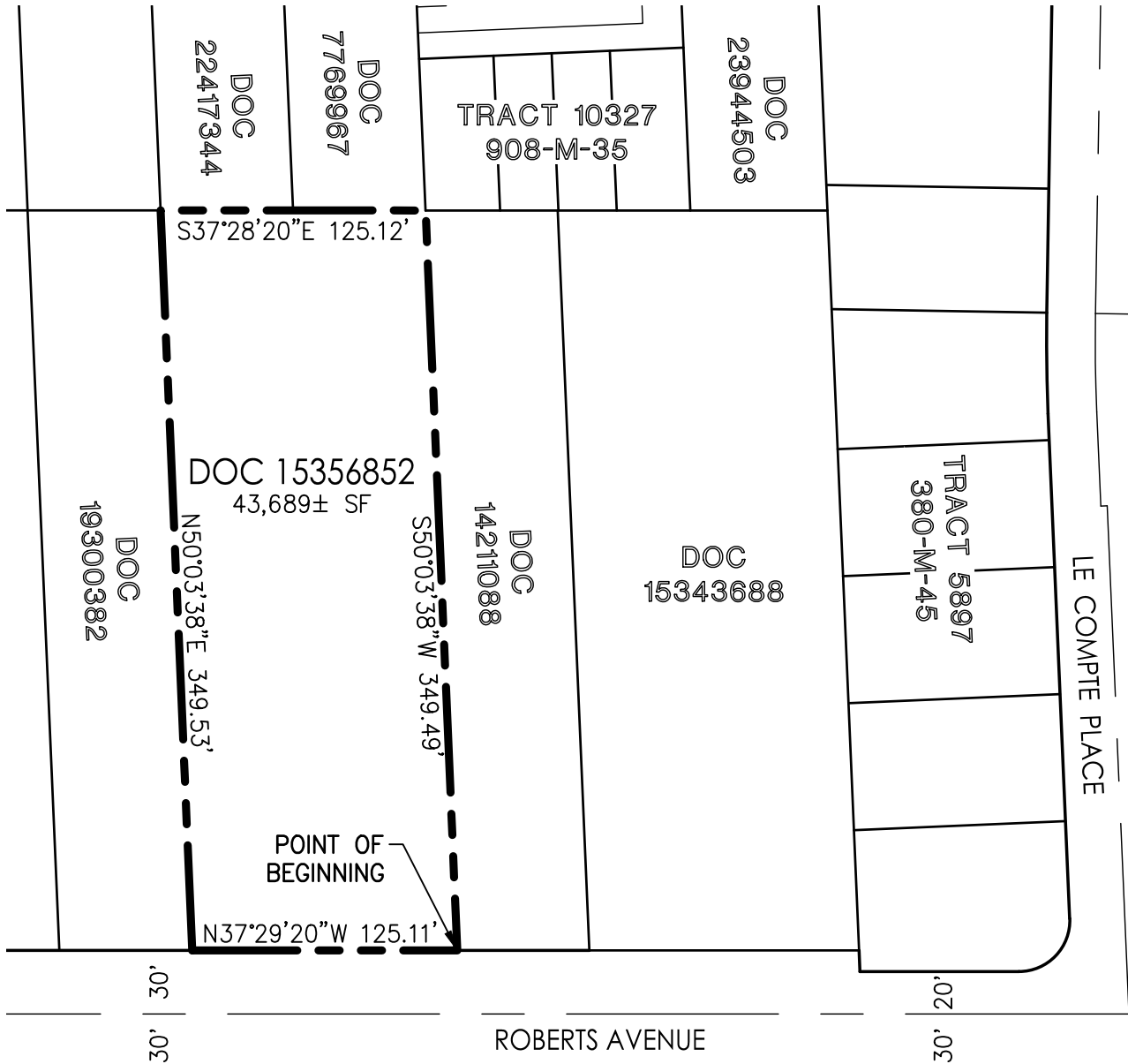
RYAN M. SEXTON / PLS 9177



EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

1170 ROBERTS AVENUE
CITY OF SAN JOSE
SANTA CLARA COUNTY STATE OF CALIFORNIA



SCALE: 1" = 80'



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3875 HOPYARD ROAD, SUITE 345 TEL 925.847.1556
PLEASANTON, CA 94588 FAX 925.847.1557

April 8, 2024

4431001

SHEET 1 OF 1