

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE TWO EXISTING PARCELS INTO FOUR SINGLE-FAMILY RESIDENTIAL PARCELS ON AN APPROXIMATELY 2.59-GROSS-ACRE SITE SITUATED ON THE SOUTH SIDE OF AMBUM AVENUE, APPROXIMATELY 250 FEET WESTERLY OF MITTON DRIVE (3464 AMBUM AVENUE) (APN 654-55-015)

FILE NO. T22-034

WHEREAS, pursuant to the provisions of Chapter 19.12 of Title 19 of the San José Municipal Code, on August 6, 2022, an application (File No. T22-034) was filed by Denna Morsilli, on behalf of the applicant and the owner, Viam Capital LLC, with the City of San José for a Vesting Tentative Map to subdivide two existing single-family residential parcels into four single-family residential parcels together with a concurrent Planned Development Zoning and Planned Development Permit application for the development of a residential project including four detached single-family residences on an approximately 2.59-gross-acre site, on that certain real property situated in the R-1-5(PD) Planned Development Zoning District and located on the south side of Ambum Avenue, approximately 250 feet westerly of Mitton Drive (3464 Ambum Avenue, APN 654-55-015, and sometimes referred to herein as the “subject property”); and

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

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Director of Planning, Building and Code Enforcement

conducted a hearing on said application on September 11, 2024, notice of which was duly given; 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 Vesting Tentative Map for the subject property entitled, "3464 Ambum Avenue Vesting Tentative Parcel Map" dated revised January 5, 2024, 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 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

WHEREAS, this City Council has heard and considered the testimony presented 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 evidence presented at the public hearing the City Council finds that the following are the relevant facts and findings regarding this project:

1. **Site Description and Surrounding Uses.** The Project Site is located on the south side of Ambum Avenue, approximately 250 feet westerly of Mitton Drive (3464 Ambum Avenue). The approximately 2.59-gross-acre site is a small hill/knoll, and is developed

with a detached single-family residence, one accessory dwelling unit and five accessory buildings on top of the hill/knoll. The Project Site is accessed by a private driveway from Ambum Avenue and is surrounded by single-family residences on all sides on the lower hill slopes, with rear yards backing onto the Project site.

- 2. Project Description.** The Project consists of a Vesting Tentative Map to allow the subdivision of approximately 2.59 gross acres from two existing residential lots to four single-family residential lots.

In conjunction with the Vesting Tentative Map, the Project also includes a Planned Development Rezoning, File No. PDC22-008, and a Planned Development Permit, File No. PD22-021. The Planned Development Rezoning rezones the site from the R-1-5 Single-Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District, and the Planned Development Permit allows the demolition of one single-family residence, one accessory dwelling unit and five accessory buildings, the removal of 23 ordinance-size and 16 non-ordinance-size trees, and the construction of four detached-single-family residences on this 2.59-acre site.

- 3. Envision San José 2040 General Plan Consistency.** The Project is within the Residential Neighborhood land use designation in the Envision San José 2040 General Plan Land Use/Transportation Diagram Map. The land use designation is applied to established, single-family residential neighborhoods. This designation typically allows a density of up to 8 dwelling units per acre (du/ac), but also allows Projects to match the existing neighborhood density if it is greater than 8 du/ac.

New infill development within the Residential Neighborhood land use designation should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new Project.

Analysis: This Vesting Tentative Map is to merge the existing two lots into one lot and subdivide it into four lots to facilitate the development of a 4-unit single-family residential development on the subject site. This proposed development (PD22-021) is consistent with the General Plan Land Use Designation as analyzed below:

Senate Bill (SB) 330 limits a local jurisdiction's ability to disapprove a housing development Project that complies with the applicable objective general plan, and zoning standards and criteria that were in effect at the time the development application was deemed to be complete. The objective allowed density standard for the Residential Neighborhood land use designation is up to 8 du/ac if the prevailing

average density is less than 8 du/ac. The prevailing average density for the neighborhood of 3.43 DU/AC is less than 8 DU/AC; therefore, the Projects is allowed a maximum density of 8 DU/AC. With a density of 1.54 DU/AC, the Project is allowed and meets this maximum 8 DU/AC objective standard under this RN land use designation. All other criteria within this designation are subjective; however, the Project is consistent with the following criteria, as described:

The average lot size of the surrounding single-family residential lots is approximately 12,700 square feet (ranging from 8,000 to 20,400 square feet), and the lot width ranges from 68 to 110 feet. The proposed lot sizes are 18,713 to 39,432 square feet, larger than the average lot size. The proposed lot widths range from 87 feet to 112 feet, similar to the lots surrounding the area. Therefore, the proposed lot size and lot width are consistent with the existing neighborhood. Although the proposed two-story houses will be located on the knoll and are larger than the surrounding houses, they are more than 200 feet from the front property line along Ambum Avenue. Three of the four proposed houses will be behind the surrounding houses. The architectural design incorporates articulations to reduce the building massing. The new residences would therefore be consistent with the overall existing neighborhood character. Therefore, the Project is consistent with the RN General Plan land use designation.

4. **Zoning Ordinance Consistency.** The Project is in the R-1-5(PD) Planned Development Zoning District.

Land Use

Chapter 20.60 of the Zoning Ordinance allows a Planned Development Zoning District to be established through ordinance, including regulations for allowed uses and development standards. The Planned Development zoning can be effectuated through a valid Tentative Map or Planned Development Permit. Per Section 20.60.040.B of the Zoning Code, when a PD permit has been implemented, the provisions of the permit prevail over the regulations of the base district zoning of the property.

The development standards of the proposed Planned Development Zoning District allow permitted, special, and conditional uses of the R-1-5 Single-Family Residence Zoning District for each of the lots. The Project includes four detached single-family residences, consistent with the allowed uses of the proposed district.

Development Regulations

The R-1-5 Single-Family Residence Zoning District in Section 20.30.200 of the Zoning Code and the proposed R-1-5(PD) Planned Development Zoning District development standards are compared in the table below, including proposed Project compliance with the Planned Development Zoning standards.

Development Standard	R-1-5 Zoning District	R-1-5(PD) Planned Development Zoning District	Project Compliance with PD Standards
Minimum Lot Area	8,000 square feet	18,700 square feet	18,713 to 39,432 square feet
Minimum Lot Width	55 feet per Section 19.26.170.	85 feet	87 feet to 112 feet
Minimum Front Setback	20 feet	The minimum building setbacks refer to setbacks to the PD Zoning boundary and the proposed lot lines. The detailed requirements are listed in the next table.	See the next table.
Minimum Rear Setback	20 feet		
Minimum Side Setback (interior)	5 feet		
Maximum Height	35 feet	35 feet	House 1: 29.33 feet House 2: 33.83 feet House 3: 31.83 feet House 4: 29.83 feet
Minimum # of Stories	2.5	2.5	2

**R-1-5(PD) Planned Development Zoning District
Building Setback Standards**

Setback Standards	Minimum Building Setback in feet	Project 1st Floor Building Setback in Feet	Project 2nd Floor Building Setback in Feet
Front: Ambum Avenue	190	Lot 2: 203 Lots 1, Lots 3 & 4: N/A	Lot 2: 203 Lots 1, Lots 3 & 4: N/A
Side: the western property line abutting APNs 654-55-002 & 003	15	Lot 4: 18 Lots 1 to 3: N/A	Lot 4: 18 Lots 1 to 3: N/A

Side: the northern property line abutting APNs 654-55-005 & 057	45	Lot 4: 48 Lot 3: 70 Lots 1 & 2: N/A	Lot 4: 48 Lot 3: 67 Lots 1 & 2: N/A
Side: the northern property line abutting APN 654-55-016)	70	Lot 1: 72 Lot 2: 132 Lots 3 & 4: N/A	Lot 1: 72 Lot 2: 132 Lots 3 & 4: N/A
Side: the eastern property line abutting APNs 654-55-018 & 019	100	Lot 1: 106 Lots 2 to 4: N/A	Lot 1: 106 Lots 2 to 4: N/A
Side: the eastern property line abutting APNs 654-55-022 & 023	65	Lot 1: 69 Lots 2 & 4: N/A	Lot 1: 68 Lots 2 & 4: N/A
Rear: the southern property line	40	Lot 1: 68 Lot 2: 61 Lot 3: 52 Lot 4: 40 with a 2-foot architectural projection which is allowed per Section 20.30.400.C	Lot 1: 68 Lot 2: 63 Lot 3: 44 Lot 4: 40
Side: the proposed lot lines	5	Lot 1: 6 Lot 2: 18/28 Lot 3: 10/21 Lot 4: 7	Lot 1: 6 Lot 2: 18/22 Lot 3: 10/12 Lot 4: 6
Balcony/deck setback to side property lines/internal lot lines	10	N/A	Lot 1: N/A Lot 2: 18/22 Lot 3: 12 Lot 4: 18

Analysis: As shown on the Planned Development Permit PD22-021 Plan Set, the Project conforms with all required setback standards pursuant to the General Development Plan of the R-1-5(PD) Planned Development Zoning District.

Vehicle Parking:

Under Section 20.90.900.B, this Project is exempt from Transportation Demand Management (TDM) plan requirements because it consists of fewer than 16 single-family detached housing units. Under the City code, no parking is required, and there are no parking requirements within the Planned Development Zoning standards.

Analysis: While there are no parking requirements, this Project provides two garage parking spaces for each detached single-family residence.

5. California Environmental Quality Act.

The City of San José, as the Lead Agency, prepared an Initial Study supporting a Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2024060080), for the 3464 Ambum Avenue Residential Project in compliance with the California Environmental Quality Act (“CEQA”) Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José. The IS/MND evaluated the environmental impacts that might reasonably be anticipated to result from implementation of the proposed Project.

The IS/MND was circulated from June 3, 2024, to June 24, 2024, and four comment letters were received during the public review period:

- a. A member of the public is concerned with additional single-family residences being constructed and furthering car dependency in the city.
- b. A neighbor identified concerns regarding the proposed development’s setbacks and heights impacting the views and privacy of the neighborhood and the removal of ordinance-size trees impacting birds.
- c. The Amah Mutsun Tribal Band of San Juan Bautista & A.M.T.B. Inc. recommended cultural sensitivity training and having qualified archaeological and tribal monitors on-site if there is positive cultural or historic sensitivity within 1 mile of the Project area.
- d. Pacific Gas and Electric Company (PG&E) stated that the Project does not directly interfere with existing PG&E facilities or impact easement rights.

The IS/MND, including responses to comments received during the public review period, can be found at the following link: [3464 Ambum Avenue Residential Project | City of San José \(sanjoseca.gov\)](https://www.sanjoseca.gov/3464-Ambum-Avenue-Residential-Project).

The IS/MND identified relevant mitigation measures for potential impacts to nesting birds, hazards from the Project site’s past agricultural history, and mechanical equipment noise. In addition, environmental standard permit conditions are made part of the permit approval. These standard permit conditions include best management practices for construction related air quality impacts, removal of existing trees on the site, compliance with the Santa Clara Valley Habitat Plan, compliance with the

California Building Code for seismic safety of the proposed building, erosion control during construction activities, protection of unknown subsurface cultural resources and human remains, protection of construction workers from hazards related to contaminated soils, water quality impacts during construction and operation periods, 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 this 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.

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

Analysis: Based on review of the subdivision, a Vesting Tentative Map to subdivide 2.59 gross acres from two existing residential lots to four single-family residential lots, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. As analyzed above, the Project is consistent with the General Plan goals, policies, and land use designation. The Project site is physically

suitable for the Project, and the proposed intensity in that residential development is allowed by the General Plan, so the proposed development would not change the existing neighborhood character. Furthermore, the Project site does not contain historic resources, sensitive habitats, or wildlife. The site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year flood plain. The Project site and the surrounding area are currently developed with structures that do not provide a natural habitat for either fish or wildlife. The subdivision is to allow the development of four single-family houses, which would not cause serious public health problems. The design includes a private street easement to allow access from the public street to each proposed lot.

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 30 months from and after the date of issuance hereof by the City Council, if within such time period, a Final Map has not been obtained, pursuant to and in accordance with the provisions of this Tentative Map. The date of issuance is the date this Vesting Tentative Map is approved by the City Council. However, the Director of Planning may approve a Tentative Map Extension to extend the validity of this Tentative Map in accordance with Title 19. An extension of the approval of the Tentative Map shall not exceed two years by the City Council or the Director of Planning.
3. **Conformance to Plans.** The development of the site shall conform to the approved plans entitled, "3464 Ambum Avenue Vesting Tentative Parcel Map" dated revised January 5, 2024, 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" or "Approved map."

4. **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.
5. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
6. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit File No. PD22-021 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. **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.
10. **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.
11. **Homeowner's Association.** A Homeowner's Association shall be established for maintenance of all common areas, including but not limited to, private streets, pedestrian

walkways, easements, landscaping, and landscaping in the public right-of-way that is not already in a maintenance district. The Permittee shall provide to the Homeowners Association a copy of the Vesting Tentative Map Permit, the accompanying Plan Set, any approved Amendments or Adjustments to the Development Permit, and a complete set of approved building and all improvement plans within 30 days of completion of each construction phase.

12. **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. PD22-021, has expired and all appeals have been exhausted.
13. **Covenant 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.
14. **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.
15. **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 15.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 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 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 c.i. through c.iii., above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

16. Sewage Treatment Demand. Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the state of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the state of California Regional Water Quality Control Board for the San Francisco Bay Region.

17. 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.

18. **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.
19. **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 (PD22-021).
20. **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, subject to conditions, is hereby **approved**.

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ADOPTED this _____ day of _____, 2024, 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"
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcels 1 & 2 as described in the Grant Deed recorded February 5, 2021, in Document No. 24819121 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said Parcel 1;
Thence South 89°53'08" West, 407.77 feet;
Thence North 05°36'27" West, 172.91 feet;
Thence North 79°07'56" East, 197.38 feet;
Thence North 00°06'48" West, 157.62 feet;
Thence South 79°25'14" East, 78.48 feet;
Thence South 09°55'48" East, 72.02 feet;
Thence South 78°14'03" East, 166.94 feet;
Thence South 29°52'39" East, 69.99 feet;
Thence South 16°57'27" West, 194.47 feet, to the POINT OF BEGINNING.

Containing 2.58 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 8-29-24

Tracy L. Giorgetti
Tracy L. Giorgetti, LS 8720

