

**VESTING PLANNED DEVELOPMENT
TENTATIVE MAP PERMIT**

FILE NO. PT09-040

LOCATION OF PROPERTY 1115 Coleman Avenue

TITLE OF MAP Coleman Landings, 1115 Coleman Avenue, San Jose, CA, Vesting Tentative Subdivision Map

DRAWN BY Ruth and Going, Inc.

DATE OF MAP November 18, 2009

OWNER/ADDRESS Arcadia Development Co.
900 E. Hamilton Ave., Suite 200
Campbell, CA 95008

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Combined Industrial Commercial on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The site is located in the A(PD) Planned Development Zoning District.
3. The subject site is 10.58 gross acres in size.
4. The subject site is in the process of being developed with seven separate building totaling 103,500 square feet for commercial uses.
5. The proposed Vesting Planned Development Tentative Map proposes to reconfigure one (1) lot into eight (8) lots for commercial uses.

FINDINGS

1. The Director of Planning of the City of San José finds that the proposed subdivision shown on the Tentative Map, subject to the conditions listed below and the requirements for project design and improvements is consistent with applicable General and Specific Plans of the City of San José.
2. The Director of Planning of the City of San José has considered the proposed subdivision shown on the Tentative Map, with the imposed conditions, to determine whether to make any of the

findings set forth in subsections (a) through (g) of Section 66474 of the Government Code of the State of California. Based on that review, the Director of Planning of the City of San José does not make any of such findings for the subject subdivision.

3. An Environmental Impact Report, entitled “FMC/Coleman Avenue Planned Development Rezoning” was certified for this project on August 19, 2003 and includes mitigation to ensure that the proposed project does not result in impacts relative to traffic, aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

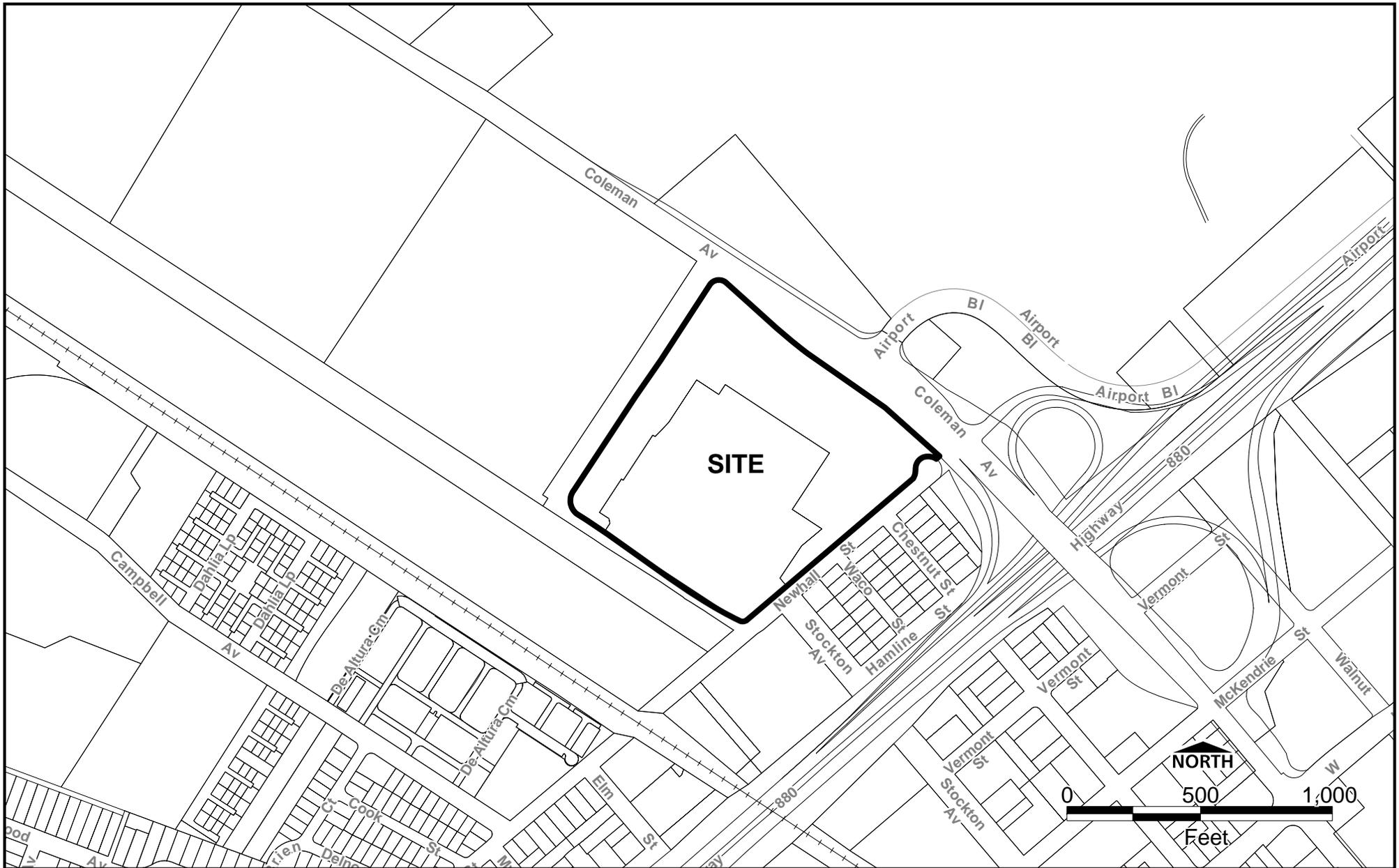
1. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Vesting Planned Development Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
2. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, ingress/egress, 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.
3. **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.
4. **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 Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water 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.

5. **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.
6. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
 - a. *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.
7. **Final Map.** No Final Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. PT09-040, has expired and all appeals have been exhausted.
8. **Tree Removals.** Tree removals are not approved as a part of this permit.
9. **Expiration of Permit.** This Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the Director of Planning of the City of San José. The date of issuance is the date this Permit is approved by the Director of Planning.
10. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:
 - a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
 - b. All public streets on which each Final Map has frontage are improved or bonded to be improved to the satisfaction of the Director of Public Works.
 - c. All grading, drainage and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels, which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
 - d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation.

APPROVED and issued on this 27th day of January, 2010.

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy



File No: T09-040

District: 3

LOCATION MAP



Prepared by the Department of Planning,
Building and Code Enforcement

11/18/2009