

TENTATIVE MAP PERMIT

FILE NO.	T12-045
LOCATION OF PROPERTY	West side of Berryessa Road, approximately 350 feet southwesterly of Commercial Street (1021 Berryessa Road)
TITLE OF MAP	Tentative Map for 1021 Berryessa Road, San Jose, California
PURPOSE	Combine 8 parcels into 1 lot on a 2.9 gross acre site in the HI Heavy Industrial Zoning District
DRAWN BY	Benchmark Consultants
DATE OF MAP	August 2012
OWNER/ADDRESS	Clean Harbors San Jose, LLC 1021 Berryessa Road San Jose, CA 95133

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 Heavy Industrial on the adopted San José 2040 General Plan Land Use/Transportation Diagram.
2. The site is located in the HI Heavy Industrial Zoning District.
3. The subject site is 2.9 gross acres in size.
4. The subject site is developed with a hazardous waste facility.
5. The requested Tentative Map proposes to combine eight (8) parcels into one (1) lot.

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 the City of San José 2040 General Plan.
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. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water run off, and odor, which even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that:
 - a. The project was determined to be pursuant to or in furtherance of a Final Environmental Impact Report (EIR) entitled, "Solvent Services, Incorporated," and findings were certified by Planning Commission Resolution No. 90-77 on September 26, 1990. The Final EIR evaluated impacts related to traffic and circulation, transportation, land use, hazardous materials, and water quality. Based on the analysis in the Determination of Consistency, it has been concluded that the Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, does not require a supplemental EIR or Negative Declaration.
 - b. Mitigation measures were made a condition of the approval of the Conditional Use Permit (File No. CP10-049) for the project.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **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.
2. **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.
3. **Improvement Contract.** In the event subdivider has not completed the improvements required for his 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.
4. **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.
5. **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.

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. **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.
 - b. **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.
 - c. **Street Improvements:**
 - 1) Remove and replace broken or uplifted curb and gutter along project frontage.
 - 2) Construct a 12' wide attached sidewalk with tree wells along project frontage. A street easement of approximately 2' will be required.
 - 3) Relocate utility structures and blow-off valves to future back of 12' sidewalk.
 - d. **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.
7. **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.
8. **Final Map.** No Final Map shall be approved by City Council unless and until the appeal period for the Tentative Map, City File No. T12-045 has expired and all appeals have been exhausted.

APPROVED and issued on this 25th day of January 2013.

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy