

TENTATIVE SUBDIVISION MAP

FILE NO. PT12-041

LOCATION OF PROPERTY Easterly of Charlotte Drive and Charlotte Commons Park between Raleigh Road and Highway 85.

ZONING DISTRICT IP(PD) Planned Development established by Ordinance No. 27491, adopted on August 9, 2005

PURPOSE OF MAP A Tentative Map to allow subdivision of 2 lots into 455 parcels to allow development of 836 residences consisting of 103 single-family detached, 347 single-family attached, and 386 multi-family attached residences on a 40.5 gross acre site

TITLE OF MAP Tentative Map, South Village of Urban Village 6, Lots 10 and 12 (Tract 9952), San José, California

DRAWN BY Carlson, Barbee & Gibson, Inc.

DATE OF MAP October 24, 2012
last revised February 2013

ENVIRONMENTAL STATUS Use of Hitachi Campus and Mixed-use Transit Village Project EIR, Resolution No. 72772

OWNER/ADDRESS Lennar Homes of California, Inc.
6111 Bollinger Canyon Road, Suite 550
San Ramon, CA 94583

FACTS

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

1. The subject site has a land use designation of Urban Village on the Envision San José 2040 General Plan Land Use/Transportation Diagram.
2. The currently vacant approximately 40.5 gross acre subject site (Lot 10 and 12 of Tract 9952) is within the approximately 332 acre Hitachi Campus and Mixed-use Transit Village (Hitachi Village), located in the IP(PD) Planned Development Zoning District.

3. The Hitachi Village Planned Development Rezoning (Ordinance No. 27491) was adopted on August 9, 2005 and allows up to 2,930 residential units; 460,000 square feet of commercial/retail; and 3,600,000 square feet of industrial.
4. On June 2, 2006 a Master Planned Development Permit (File No. PD05-087) and associated Planned Tentative Map (File No. PT05-108) were approved to allow the demolition of existing buildings, reconfiguration of existing lots, and construction of a new public street network to allow future construction of residential, commercial, and industrial uses.
5. This proposed Tentative Map is associated with Planned Development Permit (File No. PD12-039), which was approved on December 20, 2012 to allow construction of up to 836 residential units, public and private streets and community amenities on a portion of the Hitachi Village identified on the Zoning General Development Plan as Sub-areas O-4 and O-5.
6. The subject site is entirely within the Hitachi Village and is bordered on the north by Raleigh Road, on the west by the recently approved Planned Development Permit (File No. PD12-002) and Planned Development Permit (File No. PD12-035) for multi-family residential developments. The existing portion of Charlotte Drive that ends after Charlotte Commons Park will continue east through the site until connecting to Raleigh Road.
7. The project as proposed will meet all of the development regulations set forth in Planned Development Zoning, PDC04-031, including but not limited to heights, setbacks, and densities.
8. The environmental impacts of the Hitachi Village project were addressed by a Final EIR entitled, "Hitachi Campus and Mixed-Use Transit Village Project," and findings were adopted by City Council Resolution No. 72772 on June 21, 2005. Pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) a Mitigation Monitoring and Reporting Program (MMRP) was adopted that includes measures to mitigate or avoid significant effects on the environment.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The proposed subdivision shown on the Tentative Subdivision 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 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 runoff, and odor, which, even if insignificant for the purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties. Any potential negative effects on adjacent property or properties have been addressed in that:
 - a. The environmental impacts of the Hitachi Village project were addressed by a Final EIR entitled, "Hitachi Campus and Mixed-Use Transit Village Project," and findings were adopted by City Council Resolution No. 72772 on June 21, 2005. Pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) a Mitigation Monitoring and Reporting Program (MMRP) was adopted that includes measures to mitigate or avoid significant effects on the environment.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Expiration of Map.** This Tentative Map shall automatically expire four (4) years from and after the date of issuance hereof by the Director of Planning of the city of San Jose. The date of issuance is the date this Permit is approved by the Director of Planning.
3. **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.
4. **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.
5. **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.
6. **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.

7. **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.
8. **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.
9. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
10. **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 shall 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. *Grading/Geology:*
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iii. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- iv. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- v. All on-site storm drainage conveyance facilities and earth retaining structures 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 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval.
- c. *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) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.
 - i. 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.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- d. *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.
- e. *Assessments:* This project is located within the boundaries of Community Facilities District No. 14 which maintains public parks, storm detention basins, and street island landscaping in the Santa Teresa Transit Village area. Properties within the district pay for the maintenance through annual special taxes which are adjusted annually by the Consumer Price Index. The 2012-13 special tax rate for APN 706-07-015, referenced as Improvement Area No. 8, is \$123,786.30, and APN 706-07-017, referenced as Improvement Area No. 9, is \$107,877.42. The proposed project contemplates a mix of individual for sale parcels that will require the reallocation of existing special tax to those new units through a formal property owner election process. Please note that this process must be accomplished prior to the approval of the parcel map. Additionally, maintenance of any non-standard improvements along the extension of Charlotte is not included in the existing special tax and would have to be allocated by a similar modification of the existing special tax or through the formation of a new district.

This project is also located within the boundaries of Maintenance District 9 which maintains the enhanced street island landscaping on Santa Teresa Blvd, Great Oaks Blvd,

San Ignacio Ave and Cottle Rd. The benefiting properties within the district pay for the maintenance through annual assessments placed on the County property tax bills which are adjusted annually by the Consumer Price Index. The 2012-13 assessment for APN 706-07-015 is \$2,588.82, and APN 706-07-017 is \$2,256.98. These assessments are calculated by acreage at approximately \$120 per acre. The current assessment is based on non-residential use and the assessment amount may change due to the residential development. Future year assessments will be apportioned based on the new use and will continue to be collected through the County property tax bills.

f. *Street Improvements:*

- i. Charlotte Drive shall be a public street with a 60' right of way and a standard neighborhood collector street section. If the applicant wishes to pursue the roundabouts, chokers, and bulb-outs on Charlotte Drive then these features will be considered/reviewed after PD permit approval via a separate amendment/adjustment process.
- ii. Construct curb, gutter, and sidewalk along Charlotte Drive frontage.
- iii. Applicant shall be responsible to remove and replace existing curb, gutter, and sidewalk damaged during construction of the proposed project.

g. *Sanitary:*

- i. A 21-inch public sanitary sewer main is required to be installed as part of this project to address future sanitary sewer needs in the area.
- ii. The upstream end of the proposed 21-inch sewer will connect to the existing sewer line on Miyuki Drive. The new line will be constructed along the same sewer alignment currently proposed on Charlotte Drive. The downstream connections will be made via the line on Raleigh Drive and finally to the 30-inch line on Cottle Road. The existing 12-inch and 15-inch sewer lines on both Raleigh Road and Charlotte Drive will be upsized to 21-inch sewer line.
- iii. The City of San Jose will reimburse the developer for the construction of the new 21-inch sanitary sewer. Details regarding the reimbursement will be finalized during the improvement plan stage.

h. *Transportation:* A traffic impact analysis has been completed for the Hitachi campus which includes this proposed project. The analysis identified several public improvements required for this project to address the traffic increases due to the overall development of the Hitachi campus. Hitachi is in the process of completing these improvements which will bring this proposed project into conformance with CSJ Transportation Level of Service Policy 5-3.

i. *Parks:* This residential project is subject to the City's Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose 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.

- j. *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.
 - k. *Street Trees*:
 - i. The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - ii. Replace any missing street trees in empty tree wells or park strips along Raleigh Road and Charlotte Drive and match existing trees per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - l. *Private Streets*:
 - i. Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
 - ii. In the future, if the apartment portion of the project converts to condominiums, it will be required that private streets and infrastructure comply with current Common Interest Development Standards, which may result in the reconstruction or modification of all private infrastructure. The developer has the option to construct the project in accordance with CID standards at present time if conversion is anticipated in the future.
11. **Conformance with Other Permits.** The subject Tentative Map conforms to and complies in all respects with the Planned Development Zoning File Nos. PDC04-031 and the Planned Development Permit File No. PD12-039 on which such Planned 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.
12. **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

13. **Storm Water Stenciling.** All drain inlets shall be labeled "No Dumping--Flows to Bay."
Please contact the City of San José, Department of Public Works, at (408) 277-5161 to obtain free stencils.
14. **Revocation.** This Planned Development Tentative Subdivision Map is subject to revocation for violation of any of its provisions or conditions.

APPROVED and issued on this **1st day of March 2013.**

Joseph Horwedel, Director
Planning, Building, and Code Enforcement

Deputy

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