



UNIVERSAL PLANNING APPLICATION

Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, San Jose, CA 95113
(408) 535-3555

FILE NUMBER: PDC14-004

RSN: _____

TO BE COMPLETED BY APPLICANT

APN: 015-44-018, 015-44-015 PROPERTY ADDRESS/LOCATION: VACANT LAND AT NORTECH PARKWAY/DISK DRIVE

PLEASE CHECK ALL THAT APPLY:

- | | |
|---|---|
| <input type="checkbox"/> Administrative Permit | <input checked="" type="checkbox"/> Planned Development (PD) Rezoning |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Rezoning (Non-PD) (From _____ to _____) |
| <input type="checkbox"/> Conditional Use Permit/Amendment | <input type="checkbox"/> Single Family House Permit |
| <input type="checkbox"/> General Plan Amendment (From _____ to _____) | <input type="checkbox"/> Site Development Permit/Amendment |
| <input type="checkbox"/> Historic Preservation Permit | <input type="checkbox"/> Special Use Permit/Amendment |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Tentative Map/Amendment |
| <input type="checkbox"/> Parcel Map | <input type="checkbox"/> Variance/Exception (code section _____) |
| <input type="checkbox"/> Planned Development Permit/Amendment | |

Note: For other applications forms for permits not listed above such as Permit Adjustments, Sign Permits, Tree Removal Permits, Preliminary Review, etc., please see website: <http://www.sanjoseca.gov/index.aspx?nid=3839>

PROPOSED USE:

- Residential Commercial Industrial Mixed Use

PROJECT PROPOSAL AND DESCRIPTION:

PD REZONING APPLICATION TO ALLOW FOR DEVELOPMENT OF THREE SINGLE-STORY HIGH-TECHNOLOGY MANUFACTURING BUILDINGS TOTALING 547,080 SQUARE FEET AND 1,141 ON-SITE PARKING SPACES.

PLEASE INDICATE IF PROPOSAL INVOLVES ANY OF THE FOLLOWING:

- | | |
|--|---|
| <input type="checkbox"/> Building Mounted Wireless Communication Antenna | <input type="checkbox"/> Off-Sale of Alcohol |
| <input type="checkbox"/> Changes to Legal Non-Conforming Use/Structure | <input type="checkbox"/> Off-site or Alternate Parking Arrangement |
| <input type="checkbox"/> Child Care Center | <input type="checkbox"/> On-Sale of Alcohol (Drinking Establishment) |
| <input type="checkbox"/> Demolition of Buildings | <input type="checkbox"/> Outdoor Uses |
| <input type="checkbox"/> Development Within 100 feet of Streambed | <input type="checkbox"/> Parking Structure (stand alone) |
| <input type="checkbox"/> Drive-Through Use | <input type="checkbox"/> Recycling Facility |
| <input type="checkbox"/> Electrical Power Generator | <input type="checkbox"/> Removal of Trees (How many? _____) |
| <input type="checkbox"/> Freestanding Wireless Communication Antenna | <input type="checkbox"/> Residential Care/Service |
| <input type="checkbox"/> Gas Station Conversion | <input type="checkbox"/> Slope Greater than 5% |
| <input type="checkbox"/> House Conversion to Non-Residential Use | <input type="checkbox"/> Temporary Trailer (other than construction office) |
| <input type="checkbox"/> Late Night Use (Midnight - 6 a.m.) until _____ | |

PROJECT AND SITE DATA:

Site Acreage: 35.4442 Gross: 35.4442 Net: 35.4442

PLEASE VISIT THE PLANNING DIVISION'S WEBSITE: <http://www.sanjoseca.gov/index.aspx?nid=3839>
TO ARRANGE AN APPOINTMENT FOR SUBMITTING AN APPLICATION. FOR ASSISTANCE, CALL (408) 535-5680.

PROJECT AND SITE DATA (continue):

Residential Units: <u>N/A</u>	Existing: <u>—</u>	Proposed (New + Existing): <u>—</u>
Commercial Square Footage: <u>N/A</u>	Existing: <u>—</u>	Proposed (New + Existing): <u>—</u>
Industrial Square Footage:	Existing: <u>0</u>	Proposed (New + Existing): <u>547,080</u>

CONTACT INFORMATION

Applicant Name: NORTH FIRST DEVELOPERS, LLC Email TJodry@trammellcrow.com

Mailing Address: 555 12TH ST., SUITE 900 Telephone (650) 224-8707
OAKLAND CA 94706

Property Owner's Name: SAME AS ABOVE Email _____

Mailing Address: _____ Telephone (____) _____

CIVIL
Engineer's Name: KIER & WRIGHT Email esario@kierwright.com

Mailing Address: 2850 COLLIER CANYON RD. Telephone (925) 245-8788
LIVERMORE, CA 94551

Architect's Name: ARC TEC INC. Email d Kirby@arctecinc.com

Mailing Address: 99 ALMADEN BLVD. STE. 840 Telephone (408) 496-0676
SAN JOSE, CA 95113

Contact Person's Name: DAN KIRBY E Email d Kirby@arctecinc.com

Mailing Address: 99 ALMADEN BLVD. STE. 840 Telephone (408) 496-0676
SAN JOSE, CA 95113

FOR OFFICE USE ONLY:

Fees Collected: _____ By: _____ (Staff)

Project Manager: _____

Zoning: _____ General Plan: _____

Staff Comments: _____

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AFFIDAVIT OF OWNERSHIP

THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT:

1. The undersigned are all the owners of all the property described in Exhibit A – Legal Description of Subject Property, or tenants of the entire subject site with a recorded lease and a term remaining of at least five years.
2. The development plans a part of this application show the exact location, size, and use of all easements on the subject site and all easements on surrounding properties benefiting the subject property.
3. If there are any existing or deactivated water wells on your property, they must be shown on your plans. The property which is the subject of this application:

_____ does contain existing active or deactivated water wells and they are shown on the plans accompanying this application

does not contain existing active or deactivated water wells.

4. In conformance with Section 65962.5 of the California Government Code, and as owner(s) of the property reference below, I(we) hereby certify that I(we) have reviewed the list of Hazardous Waste and Substance Sites within the City of San Jose, as compiled by the State Office of Planning and Research.

The property which is the subject of the above-referenced application is _____ is not included on said list.

If included on the list, the listed item reads as follows:

THE UNDERSIGNED HEREBY DECLARE THAT THEY UNDERSTAND THE FOLLOWING APPLIES TO THEIR PROJECT:

5. Notice to Applicants regarding effect of Wastewater treatment capacity on land development approvals. Part 2.75 of Chapter 15.12 of the San Jose Municipal Codes requires that an applicant acknowledge the effect of Wastewater treatment capacity on Land development approvals at the time of application. As owner(s) of the property subject to this development application, I(we) hereby acknowledge the requirements of the Municipal Code, as stated below, and understand that these requirements will apply to the development permit for which I(we) am(are) applying.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on San Jose-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 the San Jose-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 Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary

PRINT NAME OF PROPERTY OWNER <i>North First Developers, LLC</i>	DAYTIME TELEPHONE: <i>(650) 229-8707</i>	FAX TELEPHONE: ()
ADDRESS <i>555 12th Street, Suite 900, Oakland, CA 94606</i>	CITY <i>Oakland</i>	STATE <i>CA</i>
NAME OF FIRM, IF APPLICABLE <i>Tammell Group Co.</i>	TITLE OR OTHER OFFICIAL CAPACITY* <i>Tom Jodry Sr. V.P. Development Management</i>	
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) <i>[Signature]</i>	DATE <i>2/5/14</i>	
*Please state if you are a partner, president, vice-president, etc.....		

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.

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AFFIDAVIT OF OWNERSHIP

THE UNDERSIGNED HEREBY DECLARE THAT ALL ITEMS ON THIS APPLICATION ARE TRUE AND CORRECT, AND DECLARE THAT THEY UNDERSTAND THAT ALL ITEMS ON THE FIRST PAGE OF THIS AFFIDAVIT OF OWNERSHIP APPLY TO THEIR PROJECT:			
PRINT NAME OF PROPERTY OWNER <i>North First Developers, LHC</i>	DAYTIME TELEPHONE: <i>(650) 224-8707</i>	FAX TELEPHONE: ()	
ADDRESS <i>555 12th Street, Suite 900, Oakland, CA 94607</i>	CITY <i>Oakland</i>	STATE <i>CA</i>	ZIP CODE <i>94607</i>
NAME OF FIRM, IF APPLICABLE <i>Fremont Crow Co.</i>	TITLE OR OTHER OFFICIAL CAPACITY* <i>SR. VP, Development Manager</i>		
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) <i>Tom Vodny</i>		DATE <i>2/5/14</i>	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE:	FAX TELEPHONE:	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER)		DATE	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE:	FAX TELEPHONE:	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER)		DATE	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE:	FAX TELEPHONE:	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER)		DATE	
* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC.....			
IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE ATTACH SEPARATE COPIES OF THIS APGE TO PROVIDE THE ABOVE INFORMATION.			

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**INDEMNIFICATION AGREEMENT
FOR DEVELOPMENT APPLICATIONS**

Applicant submitted an application to the City of San José Planning Division on _____, 201____ for the following development approval(s): _____

(the "Project"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant hereby expressly agrees in connection with the processing of Applicant's Project application(s) to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San José ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:
 - a. Any approvals issued in connection with any of the above described application(s) by City; and/or
 - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

2. Applicant agrees to indemnify City for all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.

APPLICANT:

By: _____
(Signature)
Tom Vodrey

(Print)

3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.
4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
 - a. The counsel to so defend City; and
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.

5. Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Date: 2/5/14

Its: S.V.P. Development Management
(Title, if any)