

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO RECONFIGURE SIX PARCELS INTO FOUR PARCELS AND ALLOW UP TO 20 COMMERCIAL CONDOMINIUM UNITS ON AN APPROXIMATELY 10.76-GROSS ACRE SITE, LOCATED EAST OF THE INTERSECTION OF SARATOGA AVENUE AND QUITO ROAD (1312 EL PASEO DE SARATOGA) AND NORTH OF THE INTERSECTION OF SARATOGA AVENUE AND LAWRENCE EXPRESSWAY (1777 SARATOGA AVENUE) (APN 403-33-014 & 386-10-033, -036, -044, -045, -046)**

**FILE NO. T24-010**

**WHEREAS**, pursuant to the provisions of Chapter 19.12 of Title 19 of the San José Municipal Code, on April 11, 2024, an application (File No. T24-010) was filed by Steve Lynch on behalf of property owner El Paseo Property Owner, LLC (Peter Pau) (“Subdivider”) with the City of San José (“City”), for a Vesting Tentative Map to reconfigure six parcels into four parcels and allow up to 20 commercial condominium units on an approximately 10.76-gross acre site (“Project”), on that certain real property situated in the CG(PD) Planned Development Zoning District (File No. PDC19-049) located east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway (1312 El Paseo de Saratoga and 1777 Saratoga Avenue, San José, (APN 403-33-014 & 386-10-033, -036, -044, -045, -046) which real property is 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 Planning Commission conducted a hearing on said concurrent applications on November 20, 2024, notice of which was duly given; and

**WHEREAS**, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

**WHEREAS**, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

**WHEREAS**, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

**WHEREAS**, at said hearing, this City Council received and considered the reports and recommendation of the City's Planning Commission and the City's Director of Planning, Building and Code Enforcement; and

**WHEREAS**, at said hearing, this City Council received in evidence, a plan for the subject property entitled, "Vesting Tentative Tract Map for Condominium Purposes El Paseo & 1777 Saratoga Avenue Mixed Use Village", dated September 30, 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 herein 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 to it 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:

After considering evidence presented at the public hearing, the City Council finds that the following are the relevant facts and findings regarding this proposed Project:

- 1. Site Description and Surrounding Area.** The subject site is located on two sites, separated by Saratoga Avenue. The El Paseo site is located east of the intersection of Saratoga Avenue and Quito Road, at the southwestern end of the El Paseo de Saratoga Shopping Center. The 1777 Saratoga site is located north of the intersection of Saratoga Avenue and Lawrence Expressway. The El Paseo site is bounded by Quito Road to the west, Saratoga Avenue to the northwest, the remainder of the existing El Paseo shopping center to the north and east, and single-family residences to the south. The El Paseo site is currently developed with a vacant commercial tenant space that would be demolished for the construction of the Project. The 1777 Saratoga area is bounded by Lawrence Expressway to the southwest, a church (WestGate Church) to the north and west, and Saratoga Avenue to the southeast. The 1777 Saratoga area is developed with four existing single-story commercial structures that would also be demolished for the construction of the Project.
- 2. Project Description.** The Project consists of a Vesting Tentative Map to reconfigure six existing parcels into four parcels and to allow up to 20 commercial condominium units on an approximately 10.76-gross acre site.  
  
In conjunction with the Vesting Tentative Map, the Project also includes a Planned Development Permit Amendment that facilitates the development of the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village project which consists of the construction of four buildings including approximately 772 multifamily residential units, 89,956 square feet of commercial retail space, a 248-bed residential care facility, and an approximately 1.1-acre privately-owned publicly accessible park.
- 3. General Plan Conformance.** The site is designated **Regional Commercial** and **Neighborhood/Community Commercial** on the Land Use/Transportation Diagram of

the Envision San José 2040 General Plan. The subject site is also located in the Paseo de Saratoga Urban Village, which does not have an approved Urban Village Plan. The existing Planned Development Zoning and previously approved Planned Development Permit were reviewed and approved through the Signature Project Process (Implementation Policy IP-5.12) that was in effect prior to December 2021. With the proposed amendment, the project would result in a combined Floor Area Ratio (“FAR”) of approximately 2.27, in conformance with both the allowable FAR of both Commercial General and Neighborhood/Community Commercial designations.

*Analysis: The subdivision will facilitate a Project that allows for a high density mixed-use residential Project in a Growth Area (Paseo de Saratoga Urban Village). The Project maintains a minimum residential density of 71 DU/AC with the provision of 772 multifamily residential units. The Project also provides approximately 89,956 square feet commercial retail space in Buildings 1, 2, and 3, which would serve the new development and existing surrounding residences and businesses. The new retail space would provide employment and retail options as well as tax revenue for the City. The Project also provides 772 multifamily residential units, resulting in a density of approximately 71 dwelling units per acre (DU/AC) in accordance with requirements of the approved Planned Development Zoning District for the site. Additionally, the Project provides a 230,305-square foot, 263-bed Senior Care Facility. The facility will provide housing and services for seniors to age in place within the community.*

#### 4. Zoning Ordinance Conformance

##### General Development Plan

The subject site is located within a **CG(PD) Planned Development** Zoning District (File No. PDC19-049). The IP(PD) Planned Development Zoning District allows for the development of the mixed-use project as described in the Project Description section of this document. The Project would be subject to the applicable development standards as outlined in the General Development Plan.

##### Development Standards

Development Standard	Required	Provided
Minimum Lot Size	6,000 square feet	74,923 square feet (Block B)
Minimum Residential Density	55 DU/AC	71.7 DU/AC
Minimum Commercial Square Footage	127,500 square feet	320,261 square feet
Maximum Height	145 feet (top of roof)	126 feet (Building 1), 103 feet (Building 2), 80 feet (Building 4)

Pursuant to the General Development Plan, the Project complies with all minimum density, minimum commercial square footage, and maximum height requirements.

<b>Setback</b>	<b>Required</b>	<b>Provided</b>
North setback	0 feet minimum	57 feet, 1 inch
West setback	10 feet minimum	10 feet, 3 inches
South setback	25 feet minimum	84 feet
East setback	0 feet minimum	35 feet, 4 inches

Pursuant to the General Development Plan, and as shown on the project setback diagram (Sheet B1-2 A0.06) the Project complies with all minimum setbacks for the El Paseo site.

<b>Setback</b>	<b>Required</b>	<b>Provided</b>
North setback	5 feet minimum	5 feet
West setback	4 feet minimum	4 feet
South setback	17 feet minimum	17 feet
East setback	10 feet minimum	10 feet

Pursuant to the General Development Plan, and as shown on the architectural site plan (Sheet B4 A3.0), the Project complies with all minimum setbacks for the 1777 Saratoga site.

- 5. Environmental Review.** The City of San José, as the Lead Agency, prepared an Addendum to the 1312 El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project Final Environmental Impact Report (2022 FEIR) (Planning File No. PDC19-049), and addenda thereto. The proposed Project is eligible for an addendum pursuant to CEQA Guidelines Section 15164, which states that a lead agency or responsible agency shall prepare an addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.

The environmental impacts of the proposed Project were addressed by the 2022 FEIR certified by City Council Resolution No. 80605 on June 21, 2022. In 2023, changes to Building 3 of the original Project were proposed, and an Addendum to the 2022 FEIR (dated November 2023) was prepared and concluded that the modifications would not result in any new or substantially more severe significant impacts than previously disclosed in the 2022 FEIR.

The current proposed Project would involve alterations to Building 1, 2, and 4, resulting in a reduced development size (i.e., residential units and building size) and similar land uses as the previously approved project. No substantive revisions to the

2022 FEIR are needed because the proposed Project would not result in new or significant effects to resources beyond those previously studied and disclosed. Since approval of the 2022 FEIR, there have been no significant changes to the circumstances under which the Project would be undertaken, and no new significant environmental effects have been identified.

6. **City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals** . Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed Project. An on-site sign has been posted on the Project frontage since January 22, 2024. A Community Meeting to discuss the proposed amendment was held on May 6, 2024 via Zoom. Community concerns raised at the meeting included the size of the publicly accessible open space, traffic impacts, residential density, building setbacks, and building heights. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the Project site and posted on the City website. The Project webpage has also been updated with each proposed amendment. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on November 5, 2024. The staff report is also posted on the City’s website. Staff has also been available to respond to questions from the public.
7. **Vesting Tentative Map Findings:** In accordance with Section 66474 of the Government Code of the State of California, the City Council 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 it 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: To facilitate the potential future financing and sale of portions of the subject property, the Vesting Tentative Subdivision Map is the preliminary step of*

*conditional approval to reconfigure six parcels into four parcels and allow up to 20 commercial condominium units. As discussed in Section 3, "General Plan Conformance", above, the Project is consistent with the applicable General Plan goals, policies, and land use designation. The mixed-use and residential care facility uses are all permitted uses of the existing CG(PD) Planned Development Zoning District (File No. PDC19-049). The proposed lot sizes exceed the minimum required lot size of 6,000 square feet for the Planned Development Zoning District. The minimum commercial condominium size shall not be less than 750 square feet as conditioned in the Planned Development Permit Amendment and Vesting Tentative Map resolution. The Project is already served by all necessary public and private utilities. Therefore, the Project and associated improvements would not cause environmental damage or substantially injure fish, wildlife, or their habitat. Please see the California Environmental Quality Act discussion below for additional information.*

*The Subdivider will be required to prepare a declaration of Covenants, Conditions, and Restrictions ("CC&Rs") as part of the Project. The CC&Rs shall include sufficient provisions for governance, funding and capitalization, and enforcement mechanisms to ensure that the common areas within the development continue to be adequately and safely maintained and repaired for the life of the common interest development. Additionally, -at its sole cost, the applicant shall prepare grant deeds for all mutual or reciprocal easement rights, which the City shall review for compliance with the terms of Chapter 20.175 of the Zoning Code and Title 19, Subdivision Code. Additionally, the Project is required to record a covenant of easement in favor of the City for emergency vehicle access, ingress/egress, and stormwater treatment purposes in accordance with Chapter 20.110 of the Zoning Code. Therefore, based on the review of the Vesting Tentative Map, the Director of Planning, Building and Code Enforcement of the City of San José (Director) is recommending approval of the Vesting Tentative Subdivision Map, because none of the above findings can be made for the denial of the proposed subdivision.*

8. **Subdivision Ordinance Findings.** In accordance with San José Municipal Code Section 19.12.130, the Director of Planning, Building, and Code Enforcement may approve the Tentative Map if the City Council cannot make any of the findings for denial in Government Code section 66474 and the City Council has reviewed and considered the information relating to compliance of the Project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the City Council may approve the Project if the City Council does not make any of the findings for denial in San José Municipal Code Section 19.12.220. Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code.

*Analysis: Based on review of the proposed subdivision, the Director of Planning, Building and Code Enforcement is recommending approval of the Vesting Tentative Map. The map and the development's design are consistent with the San José*

*Envision 2040 General Plan designation of Regional Commercial and Neighborhood/Community Commercial (with the previous approval of the Project under the Signature Project Policy) and with the existing CG(PD) Planned Development Zoning District (PDC19-049), as discussed above. The site is physically suitable for the proposed development in that the proposed residential density and FAR are in conformance with the General Development Plan of the Planned Development Zoning District.*

*In accordance with the California Environmental Quality Act (CEQA), an addendum has been prepared for the proposed amendment. No substantive revisions to the 2022 FEIR are needed because the proposed Project would not result in new or significant effects to resources beyond those previously studied and disclosed. Since approval of the 2022 FEIR, there have been no significant changes to the circumstances under which the Project would be undertaken, and no new significant environmental effects have been identified. Therefore, the subdivision and subsequent improvements are not likely to cause serious public health problems.*

In accordance with the findings set forth above, a Vesting Tentative Map to establish the conditions of approval by which the subject property may be subdivided by recordation of an approved final subdivision map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Vesting Tentative Map 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 conditionally 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 of the San José Municipal Code 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 of the City of San José, if within such time period, a Final Map has not been obtained, pursuant to and in accordance with the provisions of this Vesting Tentative Map. The date of issuance is the date this Vesting Tentative Map is approved by the City Council. However, the Director of Planning, Building, and Code Enforcement may



approve a Vesting Tentative Map Extension to extend the validity of this Vesting Tentative Map in accordance with Title 19.

**3. 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 3.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 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 lot 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 lot maps are not timely recorded.
  - ii. The initial time period set forth in 3.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 of Planning, Building, and Code Enforcement for a one-year extension at any time before the initial time period set forth in 3.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 3.c.i. through 3.c.iii., above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

4. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Tentative Map plans entitled, "Vesting Tentative Map for Condominium Purposes El Paseo & 1777 Saratoga Avenue Mixed Use Village", dated September 30, 2024, on file with the Department of Planning, Building and Code Enforcement, as may be amended and approved by the Director of Planning, Building, and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the "approved plans" or the "Approved Plan Set". The Vesting Tentative Map allows for a phased subdivision.
5. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit (File No. PD20-006) and Planned Development Permit Amendment (File Nos. PDA20-006-01 & PDA20-006-02) 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 Special Use Permit for such lands automatically expires or for any reason ceases to be operative.
6. **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.
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 Vesting 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 Subdivider has not completed the improvements required for the subdivision at the time the final map is presented for approval, Subdivider shall enter into a subdivision improvement agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the improvement security and insurance required therein.
9. **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.
10. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, emergency access, open space, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems, and parking in and

upon all areas within the subdivision shown on the Vesting Tentative Map for the subdivision to be devoted to such purposes.

11. **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 emergency access, ingress/egress and stormwater treatment purposes in accordance with Part 1 of Chapter 20.110 of Title 20 of the San José Municipal Code, across Parcels 1, 2, and 3 of Block A (as numbered on Vesting Tentative Map File No. T24-010) as shown on the Approved Plan Set. Said easements shall be binding upon, and all benefits shall insure to, all successors in interest to the affected real property.
12. **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 Vesting 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 Final Map. Such easements so conveyed shall be shown on the Final 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.
13. **Common Interest Development.**
  - a. The Subdivider, at its sole cost, shall prepare governing documents for the common interest development that include sufficient provisions for governance, funding and capitalization, and enforcement mechanisms, including enforcement by the City, to ensure that the common area continues to be adequately and safely maintained and repaired for the life of the common interest development and that such common area shall be retained for the use of all owners within the development. Prior to approval of the parcel or final map by the City, the Subdivider shall submit the proposed governing documents to the City for review for compliance with the requirements of Municipal Code Chapter 20.175.
  - b. The Subdivider shall, at its sole cost, prepare grant deeds for all mutual or reciprocal easement rights, which shall be reviewed by the city for compliance with the terms of Municipal Code Chapter 20.175 and the requirements of Title 19 of this Code, and shall upon City approval be recorded concurrently with the approved parcel or final map.
  - c. In accordance with Section 20.175.042 of the Zoning Code, the minimum unit size for nonresidential condominium units shall be seven hundred fifty square feet.
14. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Vesting Tentative Map by Subdivider shall constitute acknowledgement of receipt of notice by Subdivider 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.

15. **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.
16. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, and, state, and federal laws.
17. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
15. **Conformance to Mitigation Monitoring and Reporting Program.** This Project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program (MMRP) approved for this development by City Council Resolution No. 80605.
16. **Standard Environmental Permit Conditions.** Refer to Condition #31 of the previously approved Planned Development Permit (File No. PD20-006).
17. **Housing Department.**
  - a. Conditions of Approval for Inclusionary Housing Ordinance Requirements for Residential Developments and Mixed-Use Developments.
    - i. The Subdivider has submitted an amended Affordable Housing Compliance Plan Application (“Plan”) and processing/application fees. Approval of the Plan is required prior to the development’s first Planning approval. The Subdivider understands the Plan is binding and can only be modified through approval of the City’s process set forth under Municipal Code Section 5.08.610 (E).

The Plan sets forth the Subdivider’s Inclusionary Housing obligation under the submitted special use permit amendment to create 772 residential units with 39 units to be deed-restricted for 99 years under the IHO. The Subdivider has selected to comply with the IHO through the Mixed Compliance with Rental Inclusionary Units On-Site pursuant to San José Municipal Code Section 5.08.525. The Subdivider will deed-restrict 5% of the total units in the Residential Development at an Affordable Housing Cost to be made available

to and occupied by households earning no more than 100% AMI, and in addition pay an adjusted in lieu fee in Strong Market area (\$21.74) calculated based on the rentable square footage of the Residential Development and will be subject to an in-lieu fee of \$13,935,731.30 (\$21.74 X 641,018 net residential square footage). To account for inflation in affordable housing development costs the adjusted In Lieu fee is subject to change by City Council effective on July 1 of each year. The below chart summarizes the Unit breakdown of the IHO units based upon bedroom size, square footage, and unit count.

Unit Type	Avg. SF	Market Rate SF	IHO Units	IHO SF	Total	Total SF	Tenure	Bedrooms	Affordability
Studio	507	61	13	6,596	74	37,546	Rental	0.5	100% AMI
Urban	602	83	11	7,832	96	57,835	Rental	1	100% AMI
1 Bd	768	372	15	9,988	385	295,794	Rental	1	100% AMI
2 Bd	1151	217	0	-	217	249,843	-	-	-
<b>Total</b>	<b>830</b>	<b>733</b>	<b>39</b>	<b>24,416</b>	<b>772</b>	<b>641,018</b>			

- ii. Prior to earliest of: approval of any parcel or final map or issuance of any building permits, the Subdivider must execute and record their Affordable Housing Agreement on a City-drafted form memorializing the IHO obligations against the property, any other property required for the satisfaction of the compliance option selected in the Plan, and record the Affordable Housing Agreement and, if applicable, a City covenant against contiguous property under common ownership and control. No building permit may be issued except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.
  - iii. Subdivider must strictly comply with each requirement of the approved Affordable Housing Compliance Plan, the Affordable Housing Agreement, and any other applicable requirements of the IHO or its guidelines and submit any additional or updated documents requested by the Housing Department in connection with the satisfaction of the compliance option selected in the Plan and to complete the Affordable Housing Agreement.
  - iv. No Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the IHO, its guidelines and the Affordable Housing Agreement are met.
- b. Conditions for Projects with Non-Residential Uses Adding at Least 5,000 Square – Commercial Linkage (CLF)
- i. The Subdivider has completed a CLF Satisfaction Plan Application related to the Project’s obligations under the Commercial Linkage Fee Ordinance,

Chapter 5.11 of the San José Municipal Code. The Subdivider’s CLF obligation is set forth in the below table.

- (i) Subdivider must strictly comply with each requirement of the approved CLF Satisfaction Plan Application, Processing Fee, and Agreement, and any other applicable requirements of the CLF.
- (ii) No scheduling of the first Final Building Inspection will occur until all requirements of the Commercial Linkage Fee Ordinance and Guidelines are met.
- (iii) The Commercial Linkage Fee, as described in the below chart, will be due by First Building Final Inspection (SJMC 5.11.030). If paid by Building Permit Issuance, a 20% reduction will apply to the total current fee.

Use	Proposed Floor Area	Sub Area	FY24/25 Fee per SF*	Current CLF Total	Current CLF Total with 20% Reduction**
Residential Care Facility	227,842 SF	West San Jose Urban Villages	\$7.16	\$1,631,348.72	\$1,305,078.98
<p>*CLF rates are subject to change every new Fiscal Year on July 1.  **20% reduction applies if CLF is paid by Building Permit Issuance  Fees are from Resolution No. RES2024-230</p>					

**19. Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of Tract or Parcel Map (if applicable) 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 Public Works conditions as described in the Planned Development Permit Amendment (File No. PDA20-006-02).

**20. 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. PDA20-006-02 has expired and all appeals have been exhausted.

**21. 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 shall be 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 for each area for which a Final Map is being filed, to the satisfaction of the Director of Public Works.
- e. For final maps that are phased, where the phasing is not specified, the Subdivider is required to process a Permit Amendment to specify the phases and phased improvements. All improvements must be in conformance with the associated development permit, as may be amended.

**22. 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 is hereby approved.

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"**  
Legal Description

**PARCEL A**  
**MAP 669 M 1**

Being a portion of Parcel A of that certain parcel map filed for record on February 9, 1998 in Book 699 of Maps at Pages 1 & 2, Records of Santa Clara County, State of California, more particularly described as follows

**LOT ONE:**

**BEGINNING** at a point on the easterly line of Quito Road, said point also being the southwest corner of said Parcel A (699 M 1), thence along said easterly line North 00°48'53" East, 279.83 feet;

Thence North 03°38'06" West, 277.47 feet;

Thence North 28°22'50" East, 143.58 feet to a point on the southeasterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 11,995.00 feet, with a radial line that bears North 48°53'25" West;

Thence northeasterly along said curve, through a central angle of 00°07'09", for an arc length of 14.84 feet;

Thence leaving said southeasterly line of Saratoga Avenue South 52°50'37" East, 57.35 feet;

Thence North 89°21'40" East, 166.34 feet;

Thence North 43°40'52" East, 98.41 feet;

Thence North 89°21'40" East, 234.58 feet;

Thence South 00°38'20" East, 311.18 feet;

Thence South 51°21'35" West, 31.21 feet to the northerly prolongation of the westerly line of Parcel B of said parcel map (699 M 1);

Thence southerly along said prolongation and along said westerly line of Parcel B (699 M 1) and along the southerly prolongation of said westerly line of Parcel B (699 M 1) South 00°38'20" East, 398.33 feet to the south line of said Parcel A (699 M 1);

Thence South 89°21'40" West, 562.54 feet to the POINT OF BEGINNING.

Containing 393,615 square feet or 9.036 acres, more or less.

**LOT TWO:**

**BEGINNING** at a point on the easterly line of Quito Road, said point also being the southwest corner of said Parcel A (699 M 1), thence along said easterly line North 00°48'53" East, 279.83 feet;



Thence North 03°38'06" West, 277.47 feet;

Thence North 28°22'50" East, 143.58 feet to a point on the southeasterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 11,995.00 feet, with a radial line that bears North 48°53'25" West;

Thence northeasterly along said curve, through a central angle of 00°06'18", for an arc length of 21.96 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said southeasterly line of Saratoga Avenue South 46°14'30" East, 61.72 feet;

Thence North 88°23'38" East, 162.82 feet;

Thence North 43°40'52" East, 98.43 feet;

Thence North 89°24'31" East, 234.57 feet;

Thence South 00°38'23" East, 311.00 feet;

Thence South 51°16'18" West, 31.15 feet to the northerly prolongation of the westerly line of Parcel B of said parcel map (699 M 1);

Thence southerly along said prolongation of Parcel B (699 M 1) South 00°38'20" East, 55.03 feet to the south line of said Parcel A (699 M 1);

Thence along the general northerly, easterly and southerly lines of said Parcel B (699 M 1), the following seven (7) courses:

1. North 44°21'40" East, 40.30 feet;
2. North 89°21'40" East, 138.00 feet;
3. South 45°38'20" East, 40.30 feet;
4. South 00°38'20" East, 205.67 feet;
5. South 74°15'10" West; 137.68 feet;
6. South 14°42'30" West; 41.47 feet;
7. South 89°21'40" West; 51.99 feet to the westerly line of said Parcel B (699 M1);

Thence southerly along the southerly prolongation of said westerly line, South 00°38'20" West, 141.98 feet to the south line of said Parcel A (699 M 1);

Thence easterly along said south line North 89°21'40" East, 1280.76 feet;

Thence South 20°10'22" West, 21.40 feet;

Thence North 89°21'40" East, 146.06 feet to the southwesterly line of Campbell Avenue;

Thence northwesterly along said southwesterly line of Campbell Avenue, North 46°31'26" West, 642.50 feet to the beginning of a curve to the left, having a radius of 4,308.00 feet;

Thence northwesterly along said curve, through a central angle of 02°39'34", for an arc length of 199.96 feet;

Thence North 49°11'00" West, 403.46 feet to the beginning of a curve to the right, having a radius of 4,308.00 feet;

Thence northwesterly along said curve, through a central angle of 02°39'34", for an arc length of 199.96 feet;

Thence North 46°31'26" West, 268.01 feet;

Thence leaving said southwesterly line of Campbell Avenue, South 43°31'08" West, 327.00 feet;

Thence North 46°31'26" West, 164.72 feet to a point on the southeasterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 13,584.00 feet, with a radial line that bears North 46°52'45" West;

Thence southwesterly along said curve, through a central angle of 01°15'47", for an arc length of 299.45 feet;

Thence South 41°51'28" West, 21.02 feet to the beginning of a curve to the left, having a radius of 11,995.00 feet;

Thence southwesterly along said curve, through a central angle of 00°38'36", for an arc length of 134.67 feet to the **TRUE POINT OF BEGINNING**.

Containing 942,576 square feet or 21.639 acres, more or less.

---

A plat showing the above-described parcel is attached herein and made a part hereof as Exhibit "B".

**BASIS OF BEARINGS:**

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.

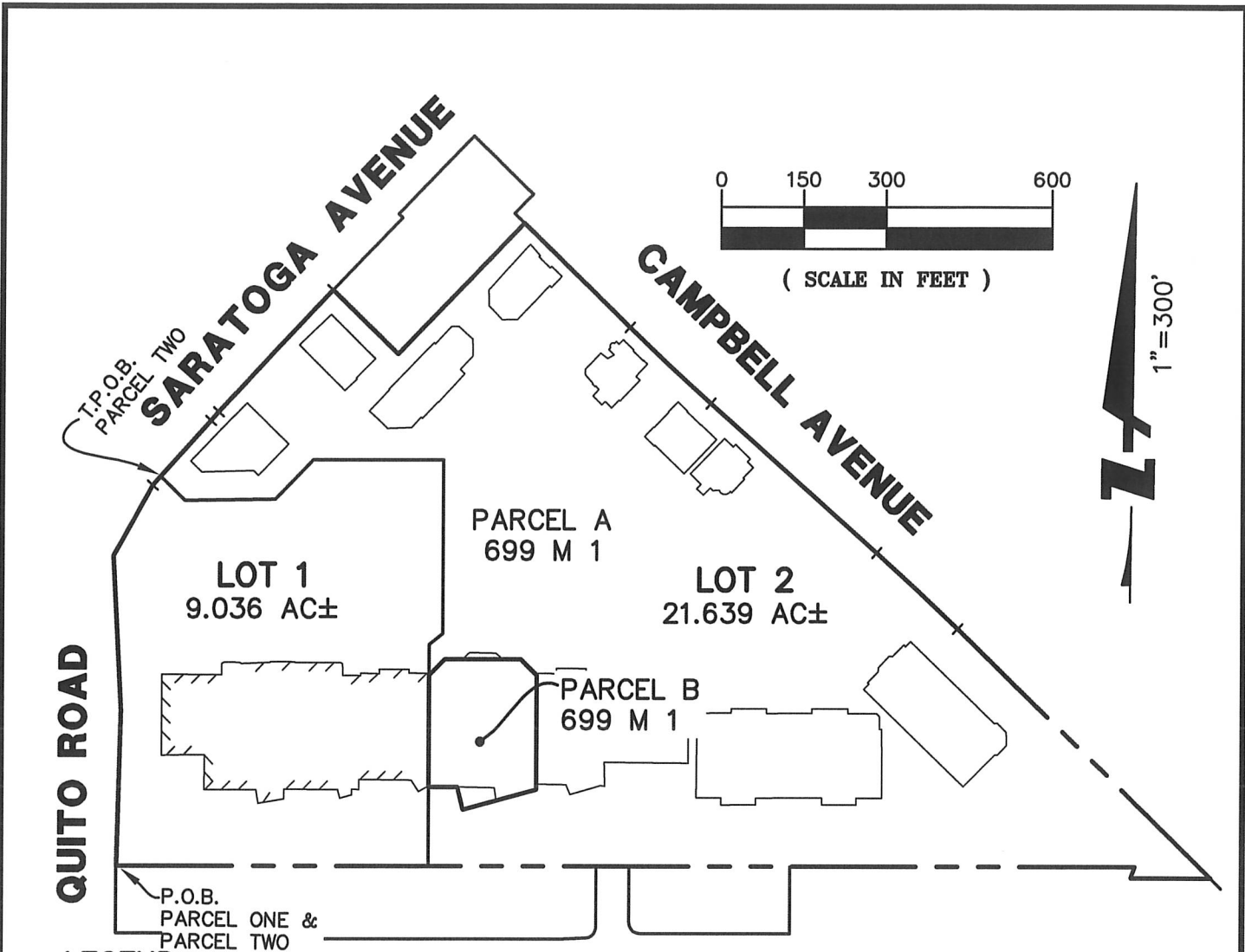
This description was prepared by me or under my direction in conformance with the Professional Land Surveyors' Act.

**PRELIMINARY**

\_\_\_\_\_  
John Koroyan  
P.L.S. No. 8883

\_\_\_\_\_  
Date





**QUITO ROAD**

**SARATOGA AVENUE**

**CAMPBELL AVENUE**

**LOT 1**  
9.036 AC±

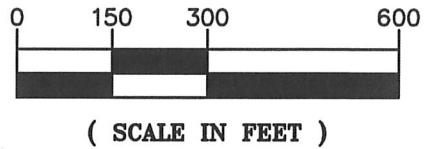
**PARCEL A**  
699 M 1

**LOT 2**  
21.639 AC±

**PARCEL B**  
699 M 1

P.O.B.  
PARCEL ONE &  
PARCEL TWO

T.P.O.B.  
PARCEL TWO



**LEGEND**

- EXISTING BUILDING TO REMAIN
- PORTION OF EXISTING BUILDING TO BE DEMOLISHED

- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

**NOTE:** ALL OF SUBJECT SITE IS CITY OF SAN JOSE  
ZONE CG—COMMERCIAL GENERAL

**BASIS OF BEARINGS**

BASIS OF BEARINGS: THE BEARINGS SHOWN  
HEREON ARE BASED UPON THE CALIFORNIA  
COORDINATE SYSTEM OF 1983, CCS83, ZONE 3,  
IN ACCORDANCE WITH THE CALIFORNIA PUBLIC  
RESOURCES CODE SECTIONS 8801—8819.



**PRELIMINARY**  
**EXHIBIT "B"**

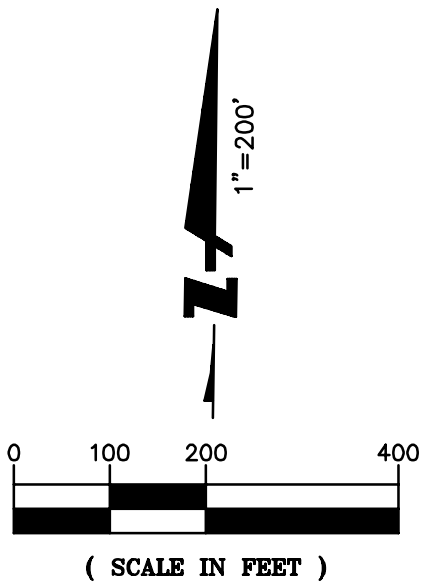
PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

K:\2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\RECORD\_REI.DWG



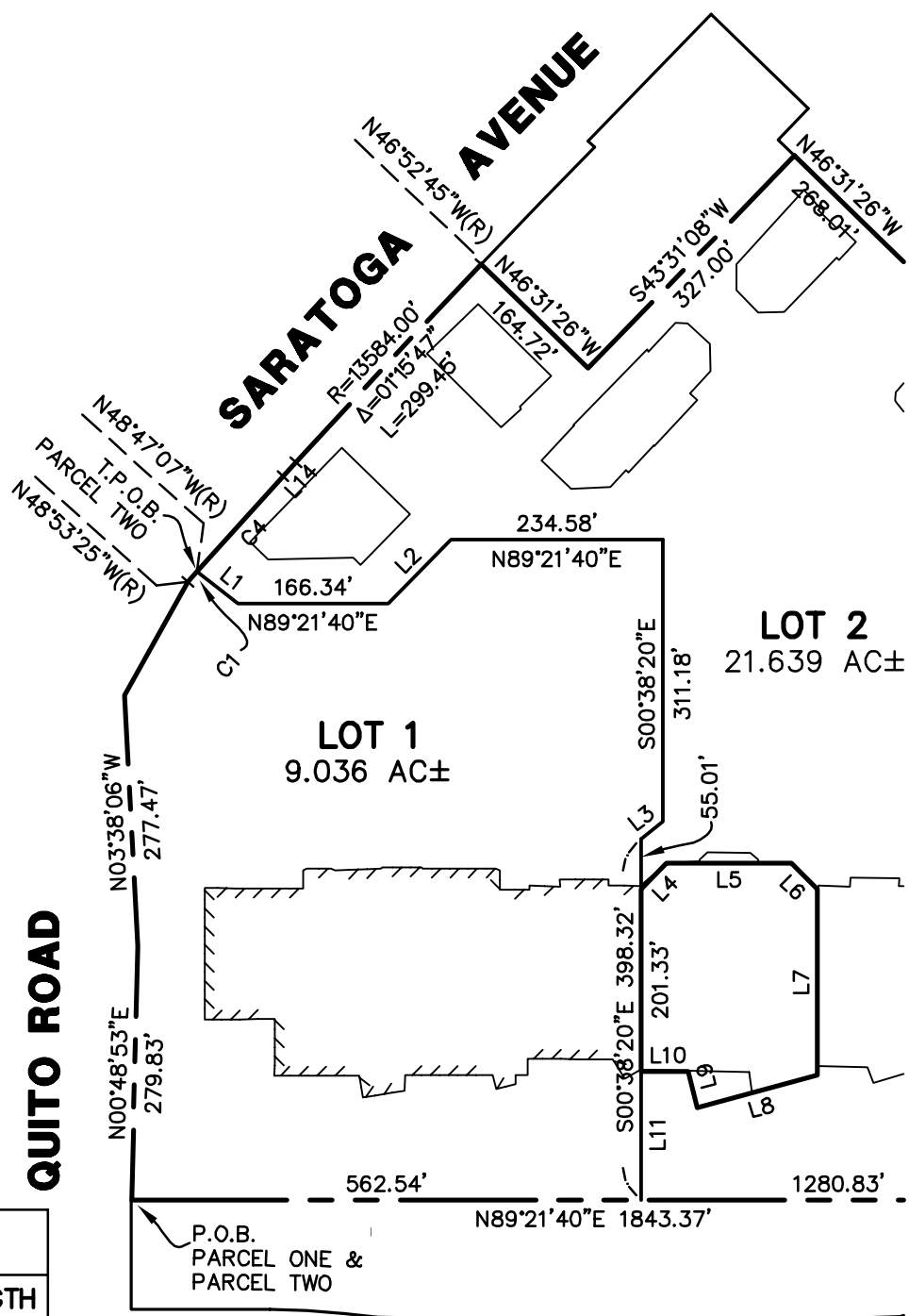
1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
408-467-9199 (FAX)

Subject **PARCEL A, PM 699 M 1**  
**PLAT MAP**  
Job No. 20191362 SARATOGA, CA  
By MDB Date 08-17-20 Chkd. JVK  
SHEET 1 OF 3



LINE TABLE		
NO.	BEARING	LENGTH
L1	S52°50'37"E	57.35'
L2	N43°40'52"E	98.41'
L3	S51°21'35"W	31.21'
L4	N44°21'40"E	40.30'
L5	N89°21'40"E	138.00'
L6	S45°38'20"E	40.30'
L7	S00°38'20"E	205.67'
L8	S74°15'10"W	137.68'
L9	S14°42'30"E	41.47'
L10	S89°21'40"W	51.99'
L11	S00°38'20"E	141.98'
L14	S41°51'28"W	21.02'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	11995.00'	0°04'15"	14.84'
C4	11995.00'	0°40'38"	141.78'



K: \2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\RECORD\_REI.DWG

**EXHIBIT "B"**  
 PLAT TO ACCOMPANY  
 LEGAL DESCRIPTION

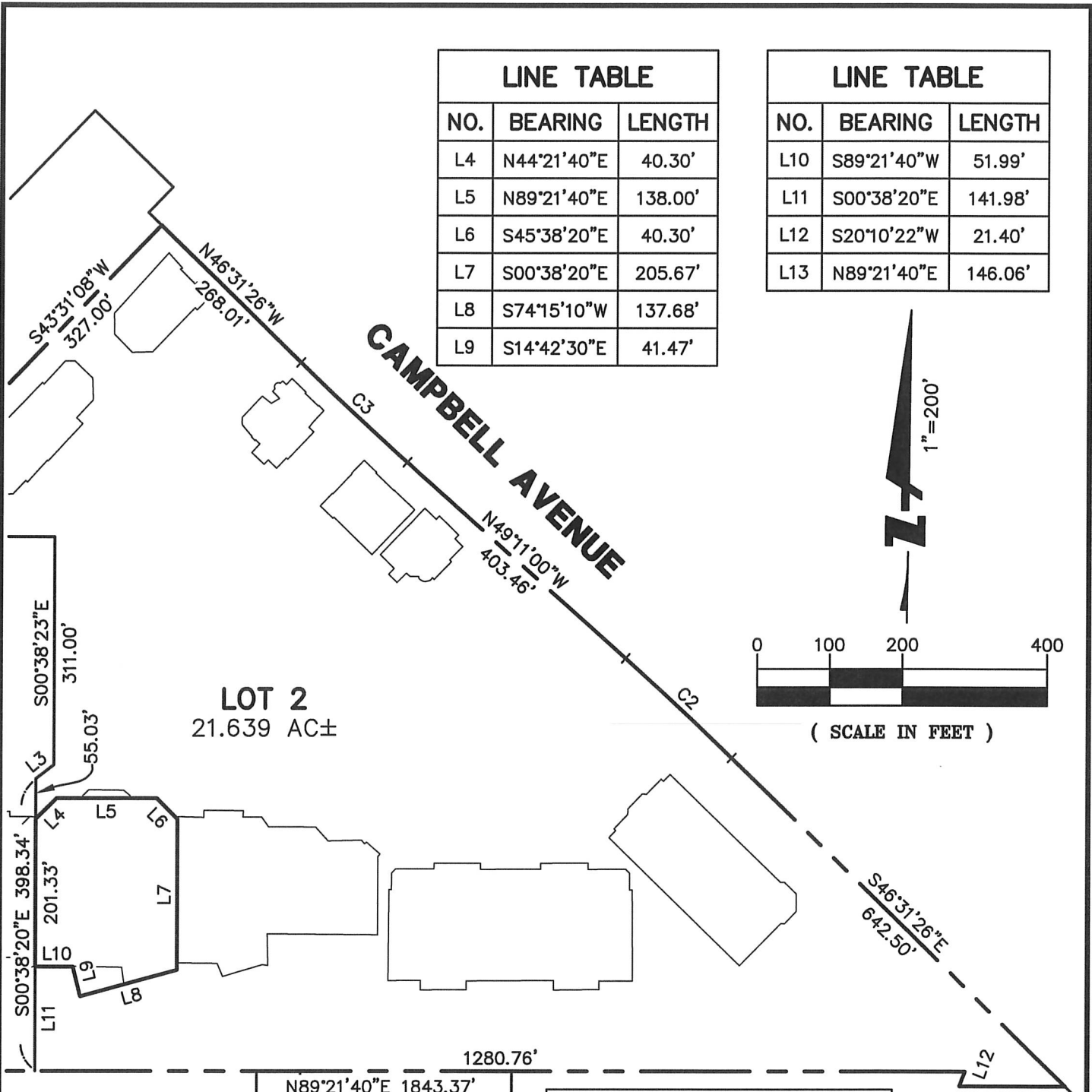
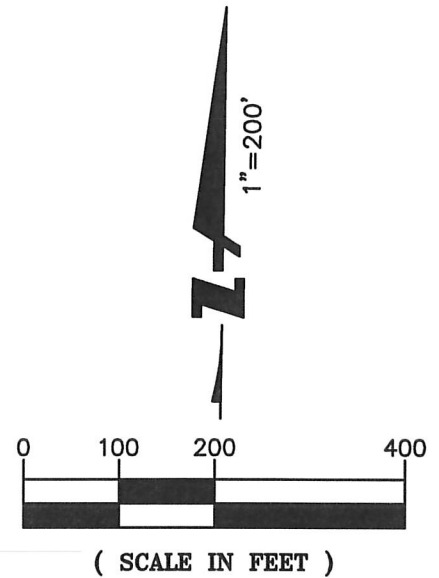


1730 N. FIRST STREET  
 SUITE 600  
 SAN JOSE, CA 95112  
 408-467-9100  
 408-467-9199 (FAX)

Subject PARCEL A, PM 699 M 1  
PLAT MAP  
 Job No. 20191362 SARATOGA, CA  
 By MDB Date 08-17-20 Chkd. JVK  
 SHEET 2 OF 3

LINE TABLE		
NO.	BEARING	LENGTH
L4	N44°21'40"E	40.30'
L5	N89°21'40"E	138.00'
L6	S45°38'20"E	40.30'
L7	S00°38'20"E	205.67'
L8	S74°15'10"W	137.68'
L9	S14°42'30"E	41.47'

LINE TABLE		
NO.	BEARING	LENGTH
L10	S89°21'40"W	51.99'
L11	S00°38'20"E	141.98'
L12	S20°10'22"W	21.40'
L13	N89°21'40"E	146.06'



CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C2	4308.00'	2°39'34"	199.96'
C3	4308.00'	2°39'34"	199.96'

**EXHIBIT "B"**

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

K: \2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\RECORD\_REI.DWG



1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
408-467-9199 (FAX)

Subject PARCEL A, PM 699 M 1  
PLAT MAP  
Job No. 20191362 SARATOGA, CA  
By MDB Date 08-17-20 Chkd. JVK  
SHEET 3 OF 3



**EXHIBIT "A"**  
Legal Description

**1777 SARATOGA AVENUE**

Real property located partly in the City of San Jose and partly in the City of Saratoga, County of Santa Clara, State of California, more particularly described as follows:

**PARCEL ONE:**

Beginning at a point in the northwesterly prolongation of the southwesterly line of Parcel "A", as said Parcel "A" is shown upon that certain map entitled, "Record of Survey Lawrence Expressway, etc.", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on November 21, 1963, in Book 170 of Maps, at Page 4, distant along said northwesterly prolongation North 50° 59' 45" West 6.52 feet from the most westerly corner of said Parcel "A". Thence from said point of beginning along said northwesterly prolongation North 50° 59' 45" West, 193.50 feet to a point in the northwesterly boundary line of that certain parcel of land described in the deed to Walter J. Harris, et al, which deed was filed for record in the Office of the above said Recorder on February 13, 1959 in Book 4323 of Official Records at Page 418; thence along the arc of a curve to the left from a tangent which bears South 39° 54' 16" West with a radius of 12,314.99 feet through a central angle of 0° 12' 02", an arc distance of 43.11 feet; thence South 50° 59' 45" East, 146.00 feet; thence along the arc of a curve to the left from a tangent which bears South 52° 42' 18" East, with a radius of 50.00 feet, through a central angle of 63° 00' 50" an arc distance of 54.99 feet; thence North 55° 57' 51" East, 15.00 feet to the point of beginning.

**PARCEL TWO:**

Beginning at a point in the northwesterly line of Saratoga Avenue, at the easternmost corner of that certain tract of land described in the deed from Jedko Properties, a partnership, to Western States Land Corp., a corporation, dated August 26, 1958, and recorded September 3, 1958 in Book 4164 of Official Records, Page 443, Santa Clara County Records, thence from said point of beginning northeasterly along the said northwesterly line of Saratoga Avenue, along an arc of a curve to the right with a radius of 12,105.00 feet to an arc distance of 185.31 feet, more or less, to an iron pipe, thence North 40° 50' 20" East along said northwesterly line of Saratoga Avenue, 21.02 feet to a 3/4 inch iron pipe set as the easternmost corner of that certain 22 acre tract of land described in the deed from Paul Steffani, et ux, to Jedko Properties, a partnership, dated October 3, 1956 and recorded October 9, 1956 in Book 3627 of Official Records, Page 21, Santa Clara County Records, thence North 82° 01' 20" West, along the northeasterly line of said 22 acre tract 250 feet, more or less to a point in a line which is parallel with, and distant 210.00 feet northwesterly at right angles from the said northwesterly line of Saratoga Avenue, thence southwesterly along said parallel line 77.61 feet to the northernmost corner of land so described in the deed to said Western States Land Corp., thence South 50° 57' 15" East along the northeasterly line of land so described in the deed to said Western States Land Corp., 210.00 feet to the point of beginning, and being a portion of that certain tract of land designated as "Parcel B" on that certain map entitled, "Record of Survey of a portion of the Mrs. Kiley Tract in the Quito Rancho and lying partly with the City of San Jose, and partly within the County of Santa Clara, California", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on September 24, 1956 in Book 74 of Maps, at Page 52. Excepting therefrom all that certain real property situate in the County

of Santa Clara, State of California, designated as Parcel "A" on that certain map entitled, "Record of Survey, Lawrence Expressway, being a portion of Mrs. Kiley Tract, Princeton Investment Company Tract and Tract 2173 in the Quito Rancho lying partly within the City of San Jose and partly within the county Santa Clara, California", filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 21, 1963 in Book 170 of Maps, at Page 4.

**PARCEL THREE:**

Beginning at a point on the northwesterly line of Saratoga Avenue where the said point is intersected by the southwesterly line of that 11.65 acre tract deeded by Rasmus Neilson to Lucile C. Fair, by deed recorded February 8, 1937 in Book 810 of Official Records, Page 37, running thence northeasterly along the northwesterly line of Saratoga Avenue, on the arc of a curve to the right from a tangent bearing N. 41° 05' 12" E. through an angle of 0° 17' with a radius of 13,694 feet to a distance of 67.75 feet; thence leaving said line of Saratoga Avenue and running westerly and parallel with the southwesterly line of that parcel of land conveyed to Lucile C. Fair, hereinabove referred to, N 81° 46' W. 195.55 feet; thence running southerly and parallel with the westerly line of said parcel of land, S. 08° 14' W, 56.75 feet to a point on the southwesterly line thereof; thence running easterly and along said southwesterly line thereof, S. 81° 46' E. 158.5 feet to the point of beginning and being a portion of the Quito Rancho.

Excepting therefrom the interest for street purposes conveyed by Yasuto Kato, et al., to the City of San Jose, by Instrument, dated August 29, 1962 and recorded October 26, 1962 in Book 5769 of Official Records, Page 649, affecting that portion of the premises lying within the following described parcel of land:

Beginning at the point of intersection of the centerlines of Saratoga Avenue and Prospect Road, as shown on the map of Tract 811 filed in Book 31 of Maps, Pages 22 and 34, Records of Santa Clara County, California, thence along the centerline of Saratoga Avenue South 42° 45' West 372.91 feet to a point of tangency, thence southerly along a curve to the left with a radius of 13,644 feet, through a central angle of 1° 31' 32" an arc distance of 363.28 feet, thence North 81° 46' West 59.55 feet to the true point of beginning, thence northerly from a tangent bearing of North 41° 05' 20" East along a curve to the right with a radius of 13,694 feet, through a central angle of 0° 34' 01" an arc distance of 135.50 feet to the Southeast corner of Lot 9, Tract 811, thence North 81° 46' West 11.98 feet, thence from a tangent bearing South 41° 37' 42" West southerly along a curve to the left with a radius of 13.704 feet through a central angle of 0° 33' 59" an arc distance of 135.41 feet South 81° 46' East 11.90 feet to the point of beginning.

**PARCEL FOUR:**

Beginning at a point on the northwesterly line of Saratoga Avenue, where the said point is intersected by southwesterly line of that 11.65 acre tract deeded by Rasmus Neilson to Lucile C. Fair, by deed recorded February 8, 1937, in Book 810 of Official Records, Page 37; running thence northeasterly along the northwesterly line of Saratoga Avenue on the arc of a curve to the right, from a tangent bearing N. 41° 05' 12" E. through an angle of 0° 34' 0" with a radius of 13,694 feet to a distance of 135.50 feet; thence leaving said line of Saratoga Avenue and running westerly and parallel with the southwesterly line of that parcel of land conveyed to Lucile C. Fair, hereinabove referred to, N. 81° 46' W. 395.21 feet; thence running southerly and parallel with the westerly line of said parcel of land S. 08° 14' W. 113.50 feet to a point on the southwesterly line thereof; thence

running easterly and along said southwesterly line thereof S. 81° 46' E. 321.11 feet to the point of beginning and being a portion of the Quito Rancho.

Excepting therefrom that portion thereof as conveyed by Charles N. Fair, unmarried, to Conrad Mallory, et ux, by deed dated June 10, 1955, recorded June 29, 1955 in Book 3211 of Official Records, Page 478, more particularly described as follows:

Beginning at a point on the northwesterly line of Saratoga Avenue, where the said point is intersected by the southwesterly line of that 11.65 acre tract deeded by Rasmus Neilson to Lucile C. Fair, by deed recorded February 8, 1937, in Book 810 of Official Records, Page 37; running thence northeasterly along the northwesterly line of Saratoga Avenue, on the arc of a curve to the right, from a tangent bearing N. 41° 05' 12" E. through an angle of 0° 34' 0" with a radius of 13,694 feet to a distance of 67.75 feet; thence leaving said line of Saratoga Avenue and running westerly and parallel with the southwesterly line of that parcel of land conveyed to Lucile C. Fair, hereinabove referred to N. 81° 46' W. 195.55 feet; thence running southerly and parallel with the westerly line of said parcel of land S. 08° 14' W. 56.75 feet to a point on the southwesterly line thereof; thence running easterly and along said southwesterly line thereof S. 81° 46' E. 158.5 feet to the point of beginning and being a portion of the Quito Rancho.

Also excepting therefrom the interest for street purposes conveyed by Yasuto Kato, et al., to the City of San Jose, by Instrument, dated August 29, 1962 and recorded October 26, 1962 in Book 5769 of Official Records, Page 649, affecting that portion of the premises lying within the following described parcel of land:

Beginning at the point of intersection of the centerlines of Saratoga Avenue and Prospect Road, as shown on the map of Tract 811 filed in Book 31 of Maps, Pages 22 and 34, Records of Santa Clara County, California, thence along the centerline of Saratoga Avenue South 42° 45' West 372.91 feet to a point of tangency, thence southerly along a curve to the left with a radius of 13,644 feet, through a central angle of 1° 31' 32" an arc distance of 363.28 feet, thence North 81° 46' West 59.55 feet to the true point of beginning, thence northerly from a tangent bearing of North 41° 05' 20" East along a curve to the right with a radius of 13,694 feet, through a central angle of 0° 34' 01" an arc distance of 135.50 feet to the Southeast corner of Lot 9, Tract 811, thence North 81° 46' West 11.98 feet, thence from a tangent bearing South 41° 37' 42" West southerly along a curve to the left with a radius of 13,704 feet through a central angle of 0° 33' 59" an arc distance of 135.41 feet South 81° 46' East 11.90 feet to the point of beginning.

**PARCEL FIVE:**

Beginning at a point in the southeasterly line of that certain 1.444 acre tract of land described as Parcel No. 2, in the deed to the County of Santa Clara, which deed was filed for record in Office of the Recorder of the County of Santa Clara, State of California on August 1, 1962 in Book 5667 of Official Records, at Page 380, at the northernmost corner of that certain parcel of land described in the deed to Western States Land Corporation, which deed was filed for record in the Office of the above said Recorder on September 3, 1958 in Book 4164 of Official Records, at Page 443, thence from said point of beginning following the southeasterly line of the lands of the County of Santa Clara hereinabove first referred to, along the arc of a curve to the left from a tangent which bears South 39° 54' 16" West, with a radius of 12,314.99 feet, through a central angle of 0° 12' 02", an arc distance of 43.11 feet thence North 47° 25' 44" West 180.31 feet to a point in the northerly line of the above said 1.444 acres tract of land, thence along last said northerly line South 82° 01' 20"



East 212.41 feet to the easternmost corner thereof, thence following the southeasterly line of said 1.444 acres tract of land along the arc of a curve to the left from a tangent which bears South 40° 15' 56" West, with a radius of 12,314.99 feet through a central angle of 0° 21' 40", an arc distance of 77.61 feet to the point of beginning.

Being a portion of the Quito Rancho.

\_\_\_\_\_  
Benjamin H. Santos  
P.L.S. No. 9251

\_\_\_\_\_  
Date



# LEGEND



CITY OF SAN JOSE, ZONE CP - COMMERCIAL PEDESTRIAN  
 CITY OF SARATOGA, ZONE PA - PROFESSIONAL & ADMINISTRATIVE

PTR PARCEL [ONE] PRELIMINARY TITLE REPORT PARCEL NUMBER [ONE], PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. FWPS-TO16001065, DATED AUGUST 14, 2019

EXISTING BUILDING TO BE DEMOLISHED  
 CITY LIMITS

P.O.B. POINT OF BEGINNING

APN 386-10-040

P.O.B. PARCEL TWO  
 S80°44'52"E 142.44'

PTR PARCEL FIVE  
 APN 386-10-049

PARCEL TWO  
 G. S. KATO, LLC  
 & M. R. KATO, LLC  
 6,941 S.F.±

PARCEL ONE  
 G. S. KATO, LLC  
 & M. R. KATO, LLC  
 79,233 S.F.±

PTR PARCEL TWO  
 APN 386-10-036

PTR PARCEL ONE  
 APN 386-10-046

PARCEL ONE  
 P.O.B.

PTR PARCEL FOUR  
 APN 386-10-044 &  
 APN 386-10-045

PTR PARCEL THREE  
 APN 386-10-033

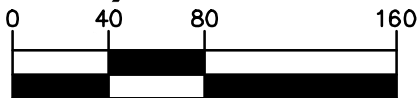
SARATOGA AVENUE

LAWRENCE EXPRESSWAY

LINE TABLE		
NO.	BEARING	LENGTH
L1	S41°51'28"W	21.02'
L2	N49°56'00"W	6.52'
L3	S57°01'36"W	15.00'



1" = 80'



(SCALE IN FEET)

## BASIS OF BEARINGS

BASIS OF BEARINGS: THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.



## EXHIBIT "B"

PLAT TO ACCOMPANY  
 LEGAL DESCRIPTION

\\BKF-SJ\VOL4\2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\ZONE.DWG



1730 N. FIRST STREET  
 SUITE 600  
 SAN JOSE, CA 95112  
 408-467-9100  
 408-467-9199 (FAX)

Subject 1777 SARATOGA AVENUE  
 PLAT MAP

Job No. 20191362

By MDB Date 12-16-09 Chkd. BHS  
 SHEET 1 OF 1