

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A SITE DEVELOPMENT PERMIT TO ALLOW THE CONVERSION OF APPROXIMATELY 22,051 SQUARE FEET OF EXISTING UPPER LEVEL COMMERCIAL SPACE INTO 16 MULTIFAMILY RESIDENTIAL UNITS (INCLUDING 10 LIVE/WORK UNITS) WITHIN AN EXISTING SEVEN-STORY MIXED-USE BUILDING ON AN APPROXIMATELY 1.72-GROSS-ACRE SITE, LOCATED ON THE NORTHEASTERLY SIDE OF STOCKTON AVENUE APPROXIMATELY 230 FEET NORTHWEST OF WEST SANTA CLARA STREET (130 STOCKTON AVENUE) (APN 259-28-046)

FILE NO. H23-035

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 19, 2023, Jamie D’Alessandro, the property owner representing Windy Hill Property Ventures (“Project applicant”) filed an application (File No. H23-035) with the City of San José for a Site Development Permit to allow the conversion of approximately 22,051 square feet of existing upper-level commercial space into 16 new multifamily residential units (including 10 live/work units) within an existing seven-story mixed-use residential building (“Project”) on an approximately 1.72-gross-acre site, on that certain real property situated in the DC Downtown Primary Commercial Zoning District and located on the northeasterly side of Stockton Avenue approximately 230 feet northwest of West Santa Clara Street (130 Stockton Avenue, APN 259-28-046, San José, 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 “Lot Line Adjustment” and depicted in Exhibit "B," entitled “Vespaio @ Diridon,” which are 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 City Council conducted a Public Hearing on said application on January 28, 2025, notice of which was duly given; and

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

WHEREAS, at said hearing, the City Council received in evidence a plan for the subject property entitled, “Rezoning Application for Vespaio” dated February 1, 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 all of the 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 Uses.** The subject site consists of an approximately 1.72-gross-acre parcel located at the northeasterly side of Stockton Avenue approximately 230 feet northwest of West Santa Clara Street (130 Stockton Avenue (APN 259-28-046). The site is currently occupied by an existing seven-story mixed-use building consisting of 162 multifamily residential units and approximately 39,965 square feet of commercial space. The site is located within the A(PD) Planned

Development Zoning District (File No. PDC15-010). The first and second floors of the building include commercial space and structured parking. The third floor consists of residential units and commercial space. Floors four through seven consist of residential space. The site is bounded by a vacant commercial building to the north, SAP Center to the east, an autobody shop and car wash to the south, and a Whole Foods Market to the west. The site is accessed by one driveway along Stockton Avenue, providing ingress and egress to the site.

2. **Project Description.** The Project consists of a Site Development Permit to allow the conversion of approximately 22,051 square feet of existing upper-level commercial space into 16 new multifamily residential units (including 10 live/work units) within an existing seven-story mixed-use building on an approximately 1.72-gross-acre site. The existing commercial space on the first floor will remain. Approximately 18,033 square feet of commercial space on the second floor will be converted to 10 live/work units, an exercise room and residential storage units. Approximately 4,018 square feet of commercial space on the third floor will be converted to six residential units and residential storage units. The existing approximately 2,662-square-foot leasing center on the third floor will be converted into coworking space. No private open space or additional common open space will be provided. There are no proposed changes to the existing building structure or exterior façade. No trees will be removed.
3. **General Plan Conformance.** The site is designated Downtown on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan and Diridon Station Area Plan. This designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the Envision General Plan (such as Historic Preservation Policies) indicates otherwise. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use Projects that may include small amounts of residential in combination with significant amounts of non-residential use. The maximum allowed residential density is 800 DU/AC.

Analysis: The existing and proposed mixed-use residential and commercial building is consistent with the land use designation of Downtown for both the General Plan and Diridon Station Area Plan. The Downtown designation supports high-density mixed-use Projects within the downtown core to facilitate housing, jobs, and retail. The Project proposes a residential density of approximately 103 DU/AC, within the maximum allowed residential density of 800 DU/AC. The Project will retain existing commercial and retail square footage on the ground floor.

The Project is consistent with the following General Plan Goals and Policies:

1. Land Use Policy LU-2.1: Provide significant job and housing growth capacity within strategically identified “Growth Areas” in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental

impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

Analysis: The Project will provide 16 new multifamily residential units within the Diridon Station Area Plan Growth Area. The increase in housing units will foster the development of a more vibrant mixed-use area.

2. Commercial Lands Policy L-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José’s workers, residents, and visitors.

Analysis: The Project will retain approximately 15,252 square feet of existing commercial space. The commercial space, located on the ground floor, will continue to provide jobs, goods, and services to San José residents.

3. Land Use Policy LU-10.2: Distribute higher residential densities throughout our city in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.

Analysis: The Project will facilitate further development of residences within the Diridon Station Area Plan Growth Area by increasing the site’s residential density to approximately 103 DU/AC.

4. Land Use Policy LU-10.5: Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Analysis: The Project will provide new residential units within walking distance to Diridon Station and multiple employment areas downtown.

4. **Zoning Ordinance Compliance.**

The Project site was rezoned from the A(PD) Planned Development Zoning District (File No. PDC15-010) to the DC Downtown Primary Commercial Zoning District.

Use Regulations

Pursuant to Table 20-40, multifamily residential uses and live/work uses are both permitted uses within the DC Zoning District. Pursuant to Section 20.100.610.A.1, since the Project includes enlargement of the multifamily residential use, this, this Site Development Permit is the appropriate permit for the Project. Future development of the site will be subject to the allowed uses outlined in Table 20-40 in Section 20.70.100, as amended. The allowable live/work uses are subject to the criteria within Section 20.70.120, as amended.

Development Standards

Pursuant to Chapter 20.70, Part 3 of the Zoning Code, there are no minimum setbacks or height limits for Projects within the DC Downtown Primary Commercial Zoning District, except as otherwise necessary for the safe operation of San Jose International Airport. The Project does not propose any changes to square footage or

existing height. Therefore, the Project is consistent with the development standards of the DC Zoning District.

Vehicle Parking

Pursuant to Section 20.90.900 of the Zoning Code, the Project is exempt from requiring the preparation of a Transportation Demand Management (TDM) Plan as the Project has fewer than 26 new multifamily residential units proposed. The Project provides 290 vehicle parking spaces.

Bicycle Parking

Pursuant to Section 20.90.060, bicycle parking shall be provided at the following ratios based on land use categorization.

Use	Ratio	Units/Floor Area	Required
Multifamily residential	1 per 4 living units	178 units	45 spaces
Live/Work	1 per 5,000 sf of floor area	11,175 square feet	3 spaces
Commercial Retail	1 per 3,000 sf of floor area	15,252 square feet	6 spaces
Total Required			54 spaces
Total Provided			58 spaces

Analysis: Based on the number of living units and square feet provided, a total of 54 bicycle parking spaces are required. The Project provides 58 bicycle parking spaces, meeting this standard.

Two-Wheeled Motorized Vehicle Parking

Pursuant to Section 20.90.350.A, two-wheeled motorized vehicle parking shall be provided at a rate of 2.5 percent of vehicle parking provided.

Analysis: As the Project provides 290 vehicle parking spaces, eight two-wheeled motorized vehicle parking spaces are required. The Project provides 43 two-wheeled motorized vehicle parking spaces, meeting this standard.

- 5. City Council Policy 6-30: Public Outreach Policy for Pending Land Use Decisions.** Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed Project. On-site signs have been posted on the Project frontages and were last inspected on January 6, 2025. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City’s website. The staff report is also posted on the City’s website. Staff has also been available to respond to questions from the public.

6. **Environmental Review.** On December 18, 2018, the City Council certified the Downtown Strategy 2040 FEIR and adopted the Downtown Strategy 2040. The Downtown Strategy 2040 is an update and replacement of the Strategy 2000. The new Downtown Strategy 2040 was necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides Project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with downtown development. All other environmental impacts were evaluated at a program level.

In May 2021, the City Council approved an amendment to the Diridon Station Area Plan (DSAP Amendment) which modified planned land uses, altered DSAP boundaries, and increased maximum heights and development capacity within the DSAP. The City prepared an Initial Study/Addendum on the Downtown Strategy 2040 FEIR, which analyzed the increase in density and development capacity that will be added to the DSAP area. The Downtown Strategy 2040 FEIR analysis and subsequent Initial Study/Addendum for the DSAP Amendment assumed that Project-level, site-specific environmental issues for a given parcel proposed for redevelopment will require additional review.

The Stockton Avenue Mixed Use Development has been constructed and operational since 2020. The Project site is located within the boundaries of the Diridon Station Area Plan (DSAP). Renovations, cited above in the Project description, are proposed to the Stockton Avenue Mixed Use Development and are the subject of this Addendum to the Downtown Strategy 2040 FEIR. This Addendum analyzes the impacts which may result from the proposed renovations.

No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2040 FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FEIR been identified. The Project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the FEIR. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2040 FEIR and addenda thereto has been prepared for the proposed Project.

7. **Site Development Permit Findings:** Section 20.100.630 of the San José Municipal Code specifies the required findings for the approval of a Site Development Permit.
 1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies.

Analysis: As discussed in the General Plan Conformance section above, the Project is consistent with the General Plan land use designation of Downtown. The Project will increase the number of housing units while still providing commercial retail space on the ground floor and live/workspace on the upper levels.

2. The Site Development Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the Project.

Analysis: As discussed in the Zoning Code Conformance section above, the Project is consistent with all permitted uses, development standards, and parking requirements of the DC Downtown Primary Commercial Zoning District.

3. The Site Development Permit, as approved, is consistent with applicable City Council Policies or counterbalancing considerations justify the inconsistency.

Analysis: The Project complies with Council Policy 6-30: Public Outreach Policy for Pending Land Use and Development Proposals. An on-site sign describing the Project has been posted at the Project site visible to the public right-of-way . The sign was last inspected on January 6, 2025. Notices for public hearing were mailed to property owners and tenants within a 500-foot radius of the Project site. Staff has been available to answer questions from the public.

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: There are no proposed exterior changes to the existing building. Therefore, there will be no effect on the orientation, location, and elevation of the existing building on-site.

5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: There are no proposed exterior changes to the existing building. Therefore, there will be no effect on the site's compatibility with the surrounding area.

6. 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 purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The Project occurs in an urbanized area that is adequately served by all required utilities and public services. There are no proposed exterior changes to the existing building. All construction will occur indoors, minimizing short term construction effects of the Project.

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility, and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: There are no proposed changes to any landscaping, walls, fencing, or utilities inside or outside of the existing building.

8. Traffic and pedestrian access are adequate.

Analysis: There are no proposed changes to vehicular or pedestrian access to the building. The building will continue to be served by a single driveway accessible from Stockton Avenue. The driveway is sufficient to serve the Project.

In accordance with the findings set forth above, a Site Development Permit to use the subject property 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 Permit 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 Permit.** Per Section 20.100.290(B), should the Permittee fail to file a timely and valid appeal of this Site Development Permit ("Permit") within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said

conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee 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.
5. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Site Development Permit plans entitled, "Rezoning Application for Vespaio" dated February 1, 2024, on file with the Department 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."
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance under State law, the City's Municipal Code, or other law and requirements. Any such nuisance must be abated immediately upon notice by the City.
7. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
8. **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.
9. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the

trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.

10. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
11. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
12. **Anti-Graffiti.** All graffiti shall be removed from buildings, signs, and wall surfaces, including job sites for Projects under construction, within 48 hours of defacement.
13. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts, and garbage.
14. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a subsequent Permit Adjustment.
15. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
16. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
17. **Mechanical Equipment.** The location and type of mechanical equipment shall be as shown on the Approved Plans and shall be screened from view. Changes to the mechanical equipment require the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning, Building, and Code Enforcement.
18. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators will require a separate administrative Backup/Standby Generator Facility Permit and shall conform to the regulations of Title 20 of the Municipal Code.
19. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
20. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
21. **Replacement Landscaping.** All landscaping removed with the construction of the Project shall be replaced with similar landscaping in the immediate area. All landscaped replacement areas shall be automatically irrigated.

22. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the Project, including information on available haulers and processors.
23. **Building Division Clearance for Issuing Permits:** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit File No. H23-035 shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A Project construction plan conformance review by the Planning Division is required. Planning Division review for Project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
 - d. *Other.* Such other requirements as may be specified by the Chief Building Official.
24. **Bureau of Fire Department Clearance for Issuing Permits:** Prior to the issuance of any Building Permit, the Project must comply with the California Fire Code as adopted by the City.
25. **Housing Department Conditions.**
 - a. **Conditions of Approval for Inclusionary Housing Ordinance for Residential Developments.** A site development permit has been submitted to convert a portion of existing upper level commercial space into 16 new multifamily residential units at an existing mixed-use residential building and will be complying with the IHO through the Mixed Compliance with Rental Inclusionary Units on Site pursuant with the San Jose Municipal Code 5.08.525. The applicant will restrict 5% of the total Dwelling Units in the Residential Development at 100% AMI and pay an adjusted in lieu fee calculated based on the rentable square footage of the Residential Development. The development is in a strong market area and will be subject to an in lieu fee of \$1,533,419.18 (\$10.87 X 14,114 net residential square footage). To account for inflation in affordable housing development costs the adjusted In Lieu fee is subject to change on July 1 of each year.
26. **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 Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building

permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources>.

- a. **Transportation:** The Project would not require a detailed CEQA transportation analysis because the Project is expected to result in less-than-significant VMT impacts as a small infill Project of multi-family residential of 25 or fewer units. Furthermore, the Projected traffic for the Project was reviewed and found to be minimal. No additional transportation analysis is required.
- b. **Diridon Station Area Infrastructure Impact Fee**
 - i. Associated with the implementation of the Diridon Station Area Plan (Chapter 14.35 of Title 14 of the San Jose Municipal Code) this Project is subject to the City's Diridon Station Area Basic Infrastructure Impact Fee. Projects located within the Diridon Station Area are required to pay an impact fee in categories of Transportation, Plaza, Sanitary Sewer, and Storm Drainage.
 - ii. The 2024 Infrastructure Impact Fee, that includes all infrastructure categories, is \$7.57 per square foot of Office/R&D, \$5.00 per square foot of Retail, \$3,652 per Hotel room and \$3,409 per residential unit. This fee is subject to an annual escalation on January 1st per the Engineering News-Record (ENR) Construction Cost Index for San Francisco. This fee must be paid prior to issuance of Public Works Clearance. Credits will be applied for any infrastructure built as identified in the Diridon Nexus Study by the developer.
- c. **Flood: Portion of site in Zone D and in Zone AO, Depth 1 Foot.**
 - i. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
 - ii. Adhere to the minimum engineering considerations described in the FEMA Technical Bulletin 3-93 Non-Residential Floodproofing-Requirements and Certification. See the attached website <http://www.fema.gov/media-library-data/20130726-1511-20490-5294/job6.pdf>.
- 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 prior to issuance of Public Works clearance.
- e. **Parks:** This residential Project is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code).
- f. **Greater Downtown Area Master Plans:** This Project is located within the Greater Downtown area. Public improvements shall conform to the Council approved San Jose Downtown Streetscape and Street and Pedestrian Lighting Master Plans.

27. Revocation, Suspension, Modification. This Site Development Permit may be revoked, suspended, or modified by the City Council, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Site Development Permit was not abated, corrected, or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected, or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

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EFFECTIVE DATE

The effective date of this Permit (File No. H23-035) shall be the effective date of the Conforming Rezoning Ordinance for File No. C23-118, passed for publication on _____, 2025 (the “Conforming Rezoning Ordinance”) and shall be no earlier than the effective date of said Conforming Rezoning Ordinance.

ADOPTED this _____ day of _____, 2025, 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.

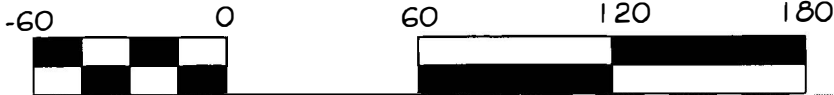
LOT LINE ADJUSTMENT

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

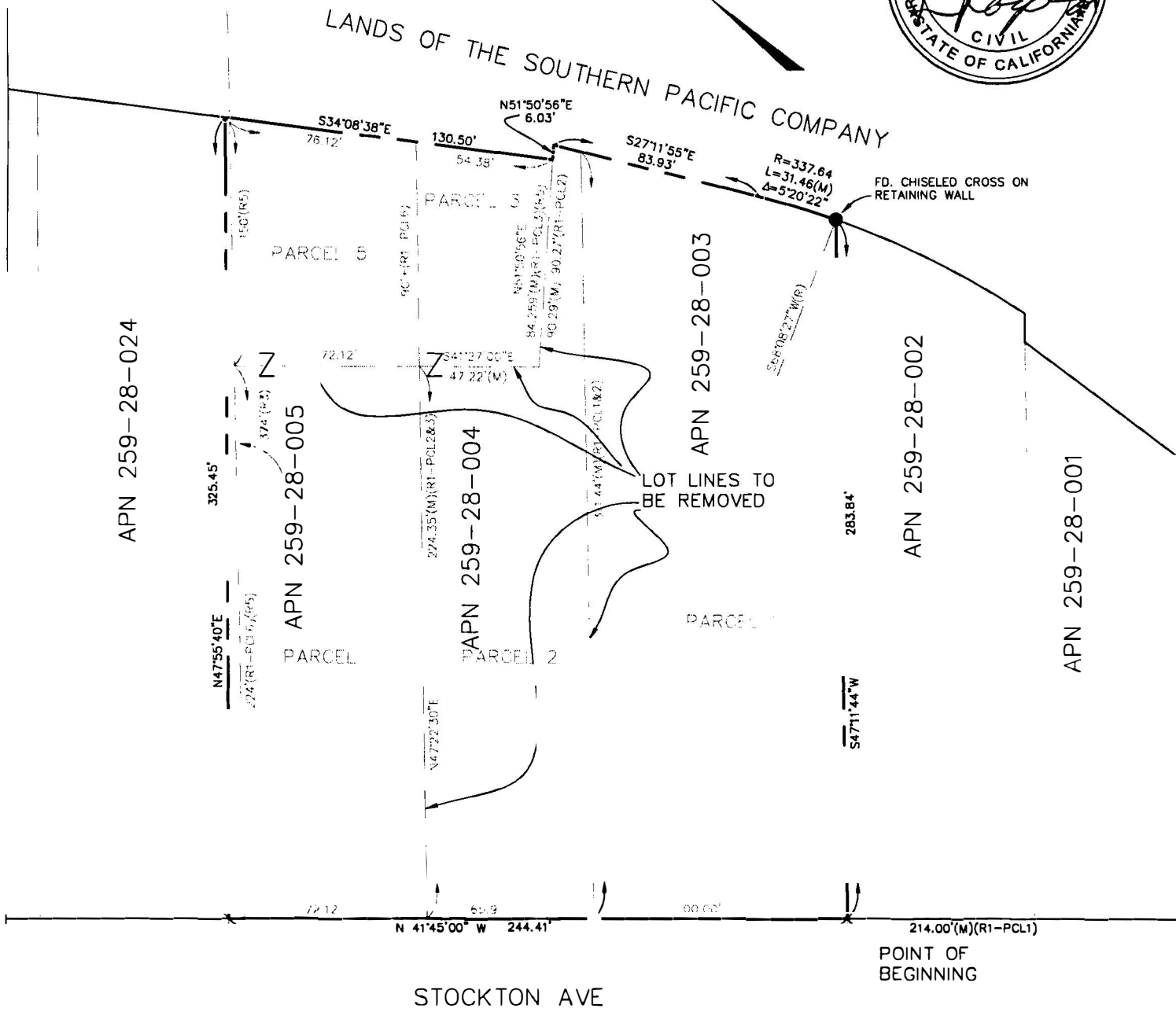
Beginning at the most southerly corner of Parcel one as said is stated in that certain Grant Deed recorded August 02, 2004 as Document No 17931129, Santa Clara County Records; Thence from said True Point of Beginning, along the Northeasterly line of Stockton Avenue, North 41°45'00" West, 244.41 feet; Thence leaving said northeasterly line of Stockton Avenue, North 47°55'40" East, 325.45 feet to a point in the westerly line of lands of the Southern Pacific Company; Thence along said westerly line of said lands of Southern Pacific Company, South 34°08'38" East, 130.50 feet; Thence continuing along said westerly line of said lands of Southern Pacific Company, North 51°50'56" East, 6.03 feet; Thence continuing along said westerly line of said lands of Southern Pacific Company, South 27°11'55", 83.93 feet to the beginning of a tangent curve to the right; Thence, Southeasterly, along said curve, having radius of 337.64 feet, through a central angle of 5°20'22", an arc length of 31.46 feet to a found chiseled cross on retaining wall; Thence South 47°11'44" West, 283.84 feet to the True Point of Beginning.

Containing 1.719 Acres, more or less.





SCALE IN FEET
1" = 60'



SHEET 2 OF 3



EXHIBIT B
VESPAIO @ DIRIDON
STOCKTON AVENUE
San Jose, CA

PROJECT:	2012.356
FILE:	EXHIBIT B.DWG
DATE:	MAY 03, 2017
SCALE:	1" = 60'
PREPARED:	YC
REVIEWED:	DRR

DRAFT - Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document