

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A SITE DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF FIVE COMMERCIAL STRUCTURES TOTALING APPROXIMATELY 12,500 SQUARE FEET, CONSTRUCTION OF A SEVEN-STORY MIXED-USE DEVELOPMENT CONSISTING OF 94 ONE HUNDRED PERCENT AFFORDABLE UNITS, INCLUDING A MANAGER’S UNIT, AND APPROXIMATELY 1,800 SQUARE FEET OF COMMERCIAL SPACE, AND A REQUEST FOR FOUR DENSITY BONUS INCENTIVES AND EIGHT WAIVERS, ON AN APPROXIMATELY 0.56-GROSS-ACRE SITE, LOCATED ON THE NORTHEASTERLY CORNER OF WEST SAN CARLOS STREET AND CLEVELAND AVENUE (1921, 1927 WEST SAN CARLOS STREET AND 30, 40, 58 CLEVELAND AVENUE) (APNS 274-17-018, 019, 020, 021, & 022)

FILE NO. H23-005

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on February 13, 2023, Henry Guan of PATH Ventures filed an application (File No. H23-005), on behalf of property owner PATH Villas at Buena Vista, LLC, with the City of San José for a Site Development Permit to allow the demolition of five commercial structures (formerly Baja Tires, piano store, Victoria’s Dance and Theatrical Supply) totaling approximately 12,500 square-feet, the construction of a mixed-use development Project consisting of 94 one hundred percent affordable units, except for one manager unit, and approximately 1,800 square feet of commercial space, and a request for four Density Bonus concessions and eight waivers on an approximately 0.56-gross-acre site(the “Project”) and, upon annexation certification, on that certain real property situated in the UV Urban Village Zoning District and located on the northeast corner of West San Carlos Street and Cleveland Avenue (1921, 1927 West San Carlos Street and 30, 40, 58 Cleveland Avenue, APNs 274-17-018, 019, 020, 021, and 022) (the “subject property”); and

WHEREAS, a legal description of the subject property is attached as Exhibit "A," entitled "Legal Description" and depicted in Exhibit "B," entitled "Plat Map," and incorporated by reference; and

WHEREAS, at a duly noticed public hearing on April 9, 2025, the Planning Commission considered public comments and all evidence and testimony received at the public hearing regarding the Project and recommended that the City Council approve the Project; and

WHEREAS, this City Council received and considered the reports and recommendations of the City's Planning Commission and City's Director of Planning, Building, and Code Enforcement and conducted a duly noticed public hearing on the Project, giving all persons full opportunity to be heard and to present evidence and testimony; and

WHEREAS, at said hearing, the City Council received in evidence a plan for the subject property entitled, "PATH Villas on the Row" dated April 28, 2024, and last revised on June 28, 2024; said plan is on file in the Department of Planning, Building and Code Enforcement, available for inspection, and incorporated by reference; 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:

The foregoing recitals are hereby incorporated by reference, and, 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 Uses.** The subject property consists of an approximately 0.56-gross-acre parcel located at the northeast corner of West San Carlos Street and Cleveland Avenue and is comprised of five contiguous lots, two

of which front West San Carlos Street. The Project site is currently occupied by five commercial buildings totaling approximately 12,500 square feet and associated paved areas and driveways. The Project site is immediately adjacent to Cleveland Avenue (west), West San Carlos Street (south), commercial building and surface parking lot (east), and a single-family residence (north) and envelopes two sides of the commercial property to the east (APN 274-17-087 lands of 99 Cents Only Stores LLC). The site is located within the West San Carlos Urban Village Plan and is designated Urban Village in the Mixed Use Commercial Character Area and is generally surrounded by other commercial and residential uses.

2. **Project Description.** The Project consists of a Site Development Permit to allow the demolition of five existing commercial buildings totaling approximately 12,500 square feet, the construction of a seven-story mixed-use development consisting of 94 one hundred percent affordable units, including 39 Permanent Supportive Housing units and a manager's unit, approximately 1,800 square feet of ground floor commercial space, and a Density Bonus request for four concessions and eight waivers on a 0.56-acre site. The Project includes 37 vehicle parking spaces: 10 spaces for the commercial use and 27 spaces utilizing a stacker parking system for the residential use in a covered parking garage that is accessed from two separate driveways on Cleveland Avenue. The ground floor commercial space includes main entry from West San Carlos Street and the residential lobby is accessed from Cleveland Avenue.
3. **General Plan Conformance.** Upon certification of annexation into the City of San José, the subject property will be designated Urban Village on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan and the West San Carlos Urban Village Plan. This designation provides flexibility and supports both residential and commercial development. New development under this designation must meet the Plan's urban design guidelines and be designed in a way that promotes walking, transit use, and public interaction. Per the West San Carlos Urban Village, there is no minimum or maximum density for residential projects with the Urban Village designation. Where an existing use redevelops within the Mixed Use Commercial Character Area, the existing commercial square footage must be replaced with an equivalent commercial square footage in the new development, at a minimum. The replacement of existing commercial square footage does not apply to certain one hundred percent affordable housing developments.

Analysis: The Project includes 94 affordable rental units, including one manager's unit, resulting in a density of 168 dwelling units per acre (168 DU/AC) and approximately 1,800 square feet of ground-floor commercial space. A General Plan Amendment from the Mixed Use Commercial designation to the Urban Village designation was concurrently filed (File No. GP23-001) with the Site Development Permit (File No. H23-005). Therefore, the proposed pre-zoning of the site to Urban

Village Zoning District is the conforming district to the Urban Village General Plan land use designation and allows the described Project, including the intensity. Consistent with the Urban Village designation, the Project is designed with widened sidewalks, tree wells, and a ground-floor commercial use to promote walking and public interaction. The Project is also located near two VTA bus routes (Route 61 and Route 523) to encourage public transit use. The General Plan Amendment also includes a text amendment to Figure 3-1 (Land Use Map) in the West San Carlos Urban Village Plan to ensure the Plan's map shows the Project site as Urban Village instead of Mixed Use Commercial. The Project includes the demolition of approximately 12,500 square feet of commercial buildings and will replace approximately 1,800 square feet of commercial space; however, the residential portion of the Project is one hundred percent affordable and will not be subject to the commercial replacement requirement under the West San Carlos Urban Village Plan for properties located in the Mixed Use Commercial Character Area. In addition, pursuant to General Plan Policy H-2.11, commercial space requirements for residential developments found in the General Plan or approved Urban Village Plan do not apply to one hundred percent affordable housing developments that are deed restricted by a public agency for a period not less than 55 years to low-income residents.

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

Major Strategy #3 – Focused Growth: Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods.

Fiscally Sustainable Land Use Framework Policy FS-3.9: Per City, County and LAFCO policy, locate existing and future urban development within city boundaries. Implement this policy through San José's existing agreement with Santa Clara County which requires that unincorporated properties within the Urban Service Area either annex to the City, if possible, or execute a deferred annexation agreement prior to approval of development.

Housing Development Goal IP-19: Implement the Envision General Plan Land Use/Transportation Diagram and Envision General Plan Goals, Policies and Implementation. Actions related to housing development (Housing Program) to meet San José's needs and to address State and regional housing production requirements.

Housing – Social Equity and Diversity Policy H-1.2: Facilitate the provision of housing sites and structures across location, type, price, and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.

Housing – Social Equity and Diversity Policy H-2.2: Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the Envision General Plan.

General Land Use, Residential Neighborhoods Policy LU-11.3: Direct all significant new residential growth to identified Growth Areas to further the environmental, transit, healthy community, and other Envision General Plan objectives. Limit infill development within areas designated as Residential Neighborhood on the Land Use/Transportation Diagram to projects that maintain the prevailing neighborhood form and density as it exists on adjoining properties, with particular emphasis upon establishing and/or maintaining a consistent streetscape form between new and existing development.

Analysis: The Project site is within the City's Urban Growth Boundary and Urban Service Area and is connected to parcels and streets that are or will be within the jurisdiction of the City of San José. The annexation and associated entitlements are to facilitate the development of a mixed-use development consisting of 94 affordable rental units, including one manager's unit, and approximately 1,800 square feet of commercial space. The one hundred percent affordable units will contribute to the City's Regional Housing Needs Allocation for lower-income units and address the wider housing production requirements. The affordable housing development is located within a growth area (West San Carlos Urban Village) and includes a variety of unit sizes to accommodate both individuals and families earning between 30 to 60 percent Area Median Income ("AMI"); ninety-three of the units will be deed-restricted for a period of 55 years minimum. The mixed-use development is compatible with the surrounding context and furthers the General Plan's environmental, transit and healthy community objectives by being located in a growth area, including a project with high density, reducing onsite parking, and providing a ground-floor commercial use to maintain a consistent streetscape.

4. **Zoning Ordinance Compliance.**

The Project site was pre-rezoned to the UV Urban Village Zoning District.

Use Regulations

Pursuant to Table 20-138 in Section 20.55.203 of the Zoning Code, a mixed use development is permitted in the UV Urban Village Zoning District with a Site Development Permit. Because the Project site is within the West San Carlos Urban Village Plan, the Plan's development standards apply. Where the Plan is silent, standards enumerated in Table 20-136 of Section 20.55.100 of the Municipal Code apply.

Development Standards

The development standards are included in the Land Use chapter of the West San Carlos Urban Village Plan and includes policies relating to the setbacks, height, massing, and design. The West San Carlos Urban Village Plan was adopted by

the City Council on May 8, 2018, and subsequently amended on November 7, 2021, and December 13, 2022. The area within the West San Carlos Urban Village boundary represents 129 acres and includes a major commercial strip connecting the key nodes of Downtown San José, Diridon Transit Center, and Santana Row/Valley Fair Mall. The Mixed Use Commercial Character Area comprises the middle section of the West San Carlos Urban Village. This area is currently entirely commercial, composed of strip mall retail, single-story retail along the sidewalk, and used car sales lots.

Development Standard	Requirement	Provided
Setback, front (West San Carlos Street) (UVP)	10 feet maximum	4 feet
Side (corner); adjacent to Cleveland Avenue (UVP)	10 feet maximum	3 feet, 11 inches
Side (interior); adjacent to commercial use	30 feet minimum	10 inches (Density Bonus waiver requested)
Side (interior); adjacent to surface parking lot	30 feet minimum	6 inches (Density Bonus waiver requested)
Side (interior); north side of adjacent commercial building	30 feet minimum	6 inches (Density Bonus waiver requested)
Setback, rear (UVP)	15 feet minimum	5 feet to 9 feet, 11 inches (Density Bonus waiver requested)
Height	85 feet maximum	87 feet, 10 inches (Density Bonus provision requested)

Analysis: The Project is located on a corner lot and has six corresponding setbacks. As shown in the setbacks table, the Project is not in conformance with four of the setback minimums or the maximum height dictated by the West San Carlos Urban Village Plan policies and standards. The Project applicant requested a Density Bonus waiver to reduce the rear setback from the minimum 15 feet to 5 feet and an incentive to address the interior side setbacks and stepback requirements. The applicant is also utilizing a provision of the Density Bonus Law which entitles one hundred percent affordable projects an additional 33 feet in height if the Project site is within a half mile of a major transit stop. The Project site is within a half mile of VTA bus routes 61 and 523 which are considered major

transit stops. Therefore, with the inclusion of Density Bonus incentives and waivers, the Project conforms with the development standards of the Urban Village Plan.

Transportation Demand Management Plan

Pursuant to Section 20.90.900 (5) in Chapter 20.90 (Parking Ordinance) of the Municipal Code, projects that provide one hundred percent restricted affordable units, excluding unrestricted manager units, that are: a) Deed restricted by a public entity for a period not less than 55 years for rental units and 45 years for for-sale units to low-income residents (earning 80 percent or less of AMI) and; b) Are developed at a minimum density of 35 DU/AC and are located in a High Quality Transit Area are exempt from the Transportation Demand Management Plan (TDM) requirement. Projects in which the new floor area constructed consists of 10,000 square feet or less of any combination of commute end uses are also exempt from a TDM Plan.

Analysis: The Project is a mixed-use development consisting of rental units that are one hundred percent affordable and deed-restricted for low-income residents and approximately 1,800 square feet of commercial space. The Project site is also located within one-half mile of two major transit stops. Therefore, the Project is exempt from the Transportation Demand Management Plan requirement and is not required to provide onsite vehicle parking. As detailed above, however, the Project includes a total of 37 vehicle parking spaces in a covered parking garage: 10 spaces for the retail use and 27 spaces for the residential use. Therefore, the Project meets the parking requirements of the Municipal Code.

Bicycle Parking

Use	Ratio	Required	Provided
Multiple dwelling	1 per 4 living units	24 spaces	50
Retail sales, goods and merchandise	1 per 3,000 square feet of floor area	1 space	8

Analysis: Pursuant to Table 20-190 of the Zoning Ordinance, the Project is required to provide 24 bicycle parking spaces for the residential use. The Project provides a total of 50 bicycle parking spaces, including two short-term bicycle parking spaces. A total of one bicycle parking space is required for the retail use and eight are provided, including two short-term bicycling parking spaces. Therefore, the Project meets the requirement.

Two-Wheeled Parking

<u>Vehicle Parking Provided</u>	<u>Two-wheeled Parking Ratio</u>	<u>Required</u>	<u>Provided</u>
37	2.5% of total vehicle parking spaces provided	1	2

Analysis: Based on the provided vehicle parking, the Project would be required to provide one motorcycle parking space. The Project includes two motorcycle parking space and therefore, meets the requirement.

Common and Private Open Space

<u>Standard</u>	<u>Ratio</u>	<u>Required</u>	<u>Provided</u>
Common Open Space	Minimum 75 sf per unit	7,050 sf	9,191 sf
Private Open Space	Studio/1-bedroom = minimum 30 sf per unit; 2-bedroom units or more = Minimum 45 sf per unit	3,540 sf	3,718 sf

Analysis: The Project includes 6,824 square feet of courtyards and 2,367 square feet of common roof deck areas, totaling 9,191 square feet of common open space which meets the requirement. The Project includes 3,718 square feet of private open space provided in the form of private balconies; more than 50 percent of the units (51 units) have access to the provided balconies.

Lighting

Pursuant to Section 20.55.103 of the Zoning Ordinance, any and all lighting facilities constructed or used in connection with any use conducted on any property situate adjacent to a site or lot used for residential purposes shall be arranged and shielded that all light will be reflected away from any residential use so that there will be no glare which will cause unreasonable annoyance to occupants of such property, or otherwise interfere with the public health, safety or welfare.

Analysis: The Project's rear property line abuts a residential property, and the Project building is set back approximately 5 feet from said property line. Per the project's Lighting Plan, seven mounted wall sconces placed at approximately 6 feet above ground are included on the rear façade. The lighting fixtures include bulbs that are shielded, and light is directed downward to avoid light spillage to

neighboring property. To ensure that the proposed lighting fixtures will not affect the adjacent residential use, the Project applicant completed a Lighting and Glowing Plan (prepared by Electrolight, dated August 4, 2023, sheets LT1.1-LT1.2 of the approved plan set and included in the Initial Study document) that included a light trespassing calculation which specifically analyzed the lighting impact 10 feet beyond the northern property line. Per the lighting analysis, the proposed lighting will not impact the adjacent residential use.

Performance Standards

Pursuant to Section 20.55.202 (B), the following specific standards apply in the UVC, UV, MUC, MUN, UR and TR Districts:

1. Air Pollution. Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the director of planning.
2. Vibration. There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

Analysis: The Project's environmental impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) in an Initial Study/Mitigated Negative Declaration entitled 1921 and 1927 West San Carlos Street Project. The document included analysis of the Project's potential impacts to greenhouse gas emissions, air quality, and noise during construction and operation of the Project. As discussed in the Air Quality section of the document (Section 4.3), significance thresholds established by the Bay Area Air Quality Management District (BAAQMD) for emissions associated with proposed Project construction and operations were used for the impact analysis. Per the impact analysis, all associated air quality impacts from construction and operation of the Project, would be less than significant with the inclusion of one mitigation measure (AQ-1 for construction activities) and standard air quality environmental permit conditions. Similarly, identified noise and vibration impacts (Section 4.13) during construction of the Project will be addressed with mitigation measures that are incorporated into the Mitigation Monitoring and Reporting Program (MMRP). Therefore, with the Project applicant's agreement to the mitigation measures listed in the MMRP, the Project will have less than significant impact on air pollution and vibration.

5. West San Carlos Urban Village Plan

The Project is consistent with the following goals and policies of the approved West San Carlos Urban Village Plan.

- a. Goal LU-2. Create a high-density, mixed-use, pedestrian-focused Urban Village that supports the commercial activity along West San Carlos Street and enhances the quality of life of residents in surrounding communities.

- b. Goal LU-4. Support a range of housing types within the West San Carlos Urban Village and increase the supply of the Village's residential units consistent with the housing growth assigned by the Envision San José 2040 General Plan, about, 1,245 units.
- c. Policy LU-4.2. Integrate affordable housing within the West San Carlos Urban Village by prioritizing the use of the City's affordable housing programs within this Village.
- d. Policy LU-4.3. Facilitate housing that is affordable to those employed in population serving business in the Urban Village area.

Analysis: The Project includes a high-density mixed-use development that will support commercial and pedestrian activity along West San Carlos Street by bringing additional residents as well as providing commercial space and widened sidewalks and street wells to complement the commercial corridor. As discussed above, the Project's 94 units, not including the manager's unit, are one hundred percent affordable, with at least fifty percent designated for lower-income tenants. All of the provided units will contribute towards the supply of housing units in the city and the RHNA obligation.

6. Citywide Design Standards and Guidelines

The Project was analyzed for consistency with the following standards of the Citywide Design Standards and Guidelines, last amended on October 4, 2022.

4.2.2: Common and Private Open Space Design

Standard 2: When one or more building walls facing a common open space are four to eight stories tall, at least one of the common open space dimensions must be equal to or greater than the height of the tallest building wall facing the common open space. The other dimension must be 50 percent or more of the height of the tallest building wall facing the common open space.

Analysis: The Project is seven stories and includes a podium-level courtyard space that extends approximately 67 feet on the north end and approximately 120 feet on the south end; the width of the open spaces are approximately 35 feet and 29 feet, respectively. The height of the tallest building wall facing the common open space is approximately 66 feet. The second dimension (width of the open space) is addressed through a Density Bonus waiver.

3.3.3: Decks and Balconies

Standard 2: Occupied decks and balconies must be at least six feet wide and four feet deep to encourage outdoor seating.

Analysis: Project balconies are approximately 9.5 feet wide by 5.5 feet deep, consistent with the standard. Provided common decks also meet the standard.

7. State Density Bonus Law (Government Code Section 65915).

Pursuant to Government Code Section 65915(b)(1) State Density Bonus Law requires a rental project to provide one hundred percent of its total units to lower income households with incomes of less than 80 percent AMI (except that up to 20 percent of the units in the development may be for moderate-income households) to be eligible for an 80 percent density bonus and up to five incentives and unlimited waivers. The proposed Project is a 100 percent affordable project with all units (94 units) affordable to households earning less than 80 percent AMI and is requesting waivers and incentives under California Government Code Section 65915, subdivision (d) and (e). As requested by the applicant in a Density Bonus Application received March 12, 2025, the following is an analysis of the requested incentives and waivers.

- a. Incentive 1: West San Carlos Urban Village Plan, Urban Design Policy UD-5.3. For new development adjacent to properties designated Residential Neighborhood (both inside and outside the Urban Village boundary), buildings and structures are encouraged to not intercept the 45-degree daylight plane as measured from the adjoining side or rear property line.

Analysis: Per the applicant's statement, complying with this standard would affect the Project along the northern property line. Specifically, the Project is set back 5 to 11 feet, 9 inches from the rear property line and the rear building façade intercepts the 45-degree daylight plane at 35 feet in height – the Project would have to be redesigned to accommodate the minimum 30-foot setback (for buildings taller than 45 feet) and step the rear building façade back resulting in the loss of 20 units and would increase construction costs by an estimated \$61,480 per unit or a total of \$1,229,600. Therefore, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

- b. Incentive 2: West San Carlos Urban Village Plan, Urban Design Policy UD-5.4. For new development taller than 45 feet, provide a minimum 30-foot side and/or rear setback along the shared property lines with adjacent Mixed-Use.

Analysis: The Project is more than 45 feet in height and provides no stepback from the side interior lot adjacent to the property designated Mixed Use Commercial on the eastern property line and intercepts the 45-degree daylight plane. Per the applicant's statement, adherence with the stepback requirement would reduce the seven-story height of the building on the east to approximately three stories to not intercept the 45-degree daylight plane and would affect all of the units proposed within the side interior setback – a loss representing approximately 20 units. Due to development economies of scale, this would increase estimated construction costs by \$61,480 per unit, or a total \$1,229,600 cost to the project.. Therefore, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

- c. Incentive 3: West San Carlos Urban Village Plan, Urban Design Policy UD-5.6. Provide a minimum five-foot landscaped buffer planted with evergreen trees between new development and existing Residential Neighborhood designated properties.

Analysis: Per the applicant's statement, the five-foot landscaped buffer requirement is not feasible with the current design and layout because the area within the five-foot rear setback is designed with clearance to provide emergency access and a pedestrian walkway. Per the applicant's estimates, adding the buffer (adding five feet to the proposed five-foot rear setback) would result in the loss of five units overall and increase the construction costs by an estimated \$12,900 per unit, or a total of \$64,500. Therefore, granting the incentive would result in an actual and identifiable cost savings.

- d. Incentive 4: West San Carlos Urban Village Plan, Stepback No. 1. Step building developments back to transition from the commercial frontage along West San Carlos Street to the lower profile residential homes of the surrounding neighborhoods.

Analysis: The Project abuts a single-family residence on the northern property line. Per the applicant's statement, the western half of the front building facade steps back from the commercial frontage along West San Carlos Street to the residential homes on the north and incorporates other stepbacks on the northern façade; however, further stepping back the building in compliance with the standard would result in the loss of 23 affordable housing units.. Due to development economies of scale, this would increase estimated construction costs by \$73,780 per unit, or a total \$1,696,940 cost to the Project. Thus, granting the incentive would result in an actual and identifiable cost savings. The incentive is granted.

- e. Waiver 1: West San Carlos Urban Village Plan, Urban Design Policy UD-5.2. Provide proper height transitions between new, higher-density commercial and mixed-use development and adjacent single-family homes by using building setback, upper-story stepback, and landscaping to soften the transitions near property lines.

Analysis: The Project includes a step back design for a segment of the rear façade with lower building heights along the northern edge adjacent to the single-family residence. Per the applicant's statement, designing the Project to provide the required step back would materially reduce the buildable and leasable area, reducing the quantity and quality of affordable units that can be built and therefore, preclude the physical development of the Project. The waiver is granted.

- f. Waiver 2: West San Carlos Urban Village Plan, Building Height No. 3. Provide a minimum clear 12-foot floor-to-floor height for office and residential uses above the ground floor.

Analysis: Per the applicant's statement, the policy is not typical of units intended for affordable housing and represents a luxury housing product scenario. Complying with the standard would impact the overall height of the Project and the number of units the Project could provide. Incorporating the height standard for the second floor would result in the loss of one floor of affordable residential units and would physically preclude the development of the Project. The waiver is granted.

- g. Waiver 3: West San Carlos Urban Village Plan, Stepback No. 3. Provide a minimum 15-foot setback from a common property for buildings next to existing single-family residences.

Analysis: Per the applicant's statement, a 15-foot setback from the rear property line would create a physical hardship for the Project as it affects the units proposed in the northern side of the building as well as the parking stalls proposed for the residential use. Complying with the standard would reduce the residential parking and building systems or lose 11 units in order to relocate building services to the upper floors of the development. Adherence with the standard would physically preclude the Project as proposed. The waiver is granted.

- h. Waiver 4: West San Carlos Urban Village Plan, Setback No. 4. Provide a minimum 15-foot rear setback for all deep parcels (depth more than 100 feet) fronting West San Carlos Street.

Analysis: The Project site has a depth of over 200 feet. Similar to the request under Waiver No. 3, a 15-foot rear setback cannot be accommodated because it would affect the ground-floor residential parking and upper units. Adherence with the standard would physically preclude the Project as proposed. The waiver is granted.

- i. Waiver 5: West San Carlos Urban Village Plan, Parking Structures No. 2. Activate passive ground floor parking structures with linear retail.

Analysis: The Project includes a parking structure along Cleveland Avenue, a secondary street. Per the applicant's statement, complying with the requirement would greatly affect the building along the western property line, constricting the amount of available parking and decreasing internal operations space such as offices that are necessary to provide supportive services to residents. The Project includes commercial space that activates West San Carlos Street and would not be able to include a second commercial space along Cleveland Avenue without losing critical facilities on the ground floor. Complying with the standard would physically preclude the development. The waiver is granted.

- j. Waiver 6: West San Carlos Urban Village Plan, Policy UD-5.7. Non-occupiable architectural features such as roof forms, chimneys, stairwells, and elevator

housings may project above the maximum height limits as allowed per Section 20.85.040 of the Municipal Code, but shall not exceed the established daylight plane.

Analysis: The Project has an elevator overrun which meets the exception in the Municipal Code; however, the overrun intrudes into the 45-degree daylight plane. Per the applicant's statement, the location of the elevator is crucial to the operation of the building and cannot be relocated within the building without impacting the arrangement of residential units. Complying with the standard would physically preclude the construction of the project as proposed. The waiver is granted.

- k. Waiver 7: Citywide Design Standards and Guidelines, Section 4.2.2, S2 (Common and Private Open Space Design Standard). When one or more building walls facing a common open space are four to eight stories tall, at least one of the common open space dimensions must be equal to or greater than the height of the tallest building wall facing the common open space. The other dimension must be 50 percent or more of the height of the tallest building wall facing the common open space.

Analysis: The Project is seven stories high and includes a podium-level courtyard space that extends approximately 67 feet on the north end and approximately 120 feet on the south end; the width of the open spaces are approximately 35 feet and 29 feet, respectively. The height of the tallest building wall facing the common open space is approximately 66 feet. Fifty percent of 66 feet is 33 feet. The second dimension for the south courtyard (width of the open space) is deficient by approximately 4 feet. Per the applicant's statement, adjusting the southern courtyard to meet the standard would shrink unit sizes to below standard sizes and create internal conflicts with doorways, plumbing, and internal fixtures. Therefore, complying with the standard would physically preclude the development of the Project. The waiver is granted.

- l. Waiver 8: West San Carlos Urban Village Plan, Policy UD 5.4. For new development taller than 45 feet, provide a minimum 30-foot side and/or rear setback along the shared property lines with adjacent Mixed-Use Neighborhood designated properties (both inside and outside the Urban Village boundary).

Analysis: This standard affects the property line along the three interior side setback areas on the eastern boundary line. Adherence to the 30-foot side setback requirement would increase the side setbacks along the eastern edge of the property line from six to ten inches to a minimum of 30 feet. Per the applicant's statement, complying with the standard would reduce the seven-story portion of the building to approximately three stories and physically preclude the development of the Project as proposed. The waiver is granted.

8. State Density Bonus and Waivers/Incentives Findings. Chapter 20.190.090 of the San José Municipal Code requires that any projects with a Density Bonus waiver or incentive be consistent with the following findings:

- a. The Housing Development is eligible for a Density Bonus and any incentives, waivers or modifications requested.

Analysis: The Project is eligible for a Density Bonus and incentives, waivers and modifications because it includes a one hundred percent affordable housing development consisting of 94 affordable units, excepting one manager unit, that is designated for residents earning 80 percent of the area median income (AMI) or less; 39 units are specifically designated Permanent Supportive Housing units. The Project applicant will be subject to a Regulatory Agreement to ensure the proposed housing affordability is locked in.

- b. If the Density Bonus is based on all or in part on donation of land, a finding that all the requirements for a land transfer Density Bonus that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The Project does not include a land donation.

- c. If the Density Bonus or Incentive request is based all or in part on the inclusion of a Child Care Facility, a finding that all of the requirements for a Child Care Facility Density Bonus that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The Project does not include a childcare facility.

- d. If the Incentive request is for a Mixed-Use development, a finding that all the requirements for a Mixed-Use Incentive development approval that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The Project is not requesting an incentive for a mixed-use development.

- e. If the Incentive includes a request for approval of a condominium conversion, a finding that all the requirements for a condominium conversion Incentive that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.

Analysis: The Project does not include a request for a condominium conversion.

9. 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.

- a. 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: The Project includes a mixed use development that will add affordable units and include a commercial space in a Growth area (West San Carlos Urban Village Plan area). It is consistent with Major Strategy #3—Focus Growth of the Envision San José General Plan.

- b. 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.
- c. *Analysis: With the inclusion of Density Bonus waivers and incentives, the Project complies with all required minimum lot sizes, residential density, heights, and setbacks of the West San Carlos Urban Village Plan and the Zoning Ordinance.* The Site Development Permit, as approved, is consistent with applicable City Council Policies or counterbalancing considerations justify the inconsistency.

Analysis: The Project complies with the exterior lighting standards referenced in the Outdoor Lighting policy and the Project site relative to the Project proposal have been reviewed by the appropriate departments for consistency with the City's stormwater management and onsite treatment to prevent runoff; permit conditions have been incorporated to ensure the Project meets all post-construction standards. Under City Council Policy 6-30, the Project is a Large Development Proposal and required the applicant to install a visible sign onsite. Per the applicant's statement, the sign was posted onsite on September 23, 2023, and remained onsite through the public hearing process. A virtual community meeting was conducted via Zoom Meeting on September 23, 2024, and four people attended. A 1,000-foot noticing radius was used for both the community meeting and the public hearings; notices were also posted on the City's website. The staff report and associated hearing documents are also posted on the City's website. Staff has been available to respond to questions from the public.

- d. 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: The Project consists of a single seven-story building with commercial and residential uses. The design of the building and fenestration is consistent throughout the floors and includes onsite amenities and open space that promote pedestrian flow and connectivity. The Project site has a lot-depth that is over 200 feet which has been maximized by concentrating the units on the upper floors and orienting the open space to take advantage of the natural light. Therefore, the onsite uses, location and elevations of buildings and structures are mutually compatible and aesthetically harmonious.

- e. 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: The Project site is a corner lot on the northeast corner of Cleveland Avenue and West San Carlos Street. West San Carlos Street is a Grand Boulevard that serves as a commercial corridor with residential uses generally abutting the rear property lines of the commercial lots. The Project's design steps back and breaks up the façade fronting the residential use to the extent feasible; however, Density Bonus waivers and incentives are utilized to fully address the massing policies of the West San Carlos Plan. Vehicular driveways are sited on the secondary street, Cleveland Avenue, to avoid roadway and pedestrian conflicts on West San Carlos Street; covered parking garage is located away from the main street; main pedestrian entry to the commercial use is sited on West San Carlos Street frontage to activate the ground floor which is compatible with the existing conditions of the commercial corridor. Colors and materials are also compatible and aesthetically harmonious with the surrounding context.

- f. 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 is located within an already urbanized area that is served by all necessary public and private utilities. The Project will be required to adhere to standard building and grading permit conditions. The Project is also required to adhere to City standard environmental permit conditions related to air quality, biological resources, cultural resources, geology and soils, paleontological resources, hazards and hazardous materials, hydrology and water quality, and noise. The operation of the Project is mostly residential and therefore will not be a generating source for excessive noise or odor. The Project is conditioned to appoint a Construction Disturbance Coordinator to address any construction related concerns from surrounding neighbors and businesses. Therefore, the Project will not contribute any significant adverse effects to the surrounding environment.

- g. 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: To complement and facilitate the new mixed-use Project, new landscaping, irrigation, and screening walls and fences will be installed onsite. Trash facilities are located interior to the Project and trash pick-up service will

occur from Cleveland Avenue. In addition to new onsite trees, new street trees will also be planted to maintain and upgrade the appearance of the neighborhood.

- h. Traffic and pedestrian access are adequate.

Analysis: The Project site is accessed by two driveways on Cleveland Avenue: one driveway for entry to the residential parking garage and one driveway for entry to the commercial parking garage. The Project complies with the vehicle, bicycle, and two-wheeled-motorized vehicle minimum parking requirements. To improve pedestrian access to the site, the Project will provide street improvements, including sidewalk widening and street tree planting, and monetary contributions for future Class IV protected bike lane implementation along the West San Carlos Street, which are included as conditions of approval in the Site Development Permit.

10. Demolition Permit Findings. Chapter 20.80 of the San José Municipal Code establishes evaluation criteria for the issuance of a permit to allow demolition.

- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
- b. The failure to approve the permit would jeopardize public health, safety or welfare;
- c. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
- d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and
- g. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The Project includes demolition of five existing commercial buildings totaling approximately 12,500 square feet. The approval of the demolition permit will not result in the creation or continued existence of a nuisance, blight, or dangerous condition because some of the existing commercial uses will remain until demolition can occur. The Project applicant is required to adhere to the conditions of approval, including performing a pre-demolition survey to address and properly dispose of the potential presence of asbestos and lead-based paint and follow standard construction management practices. The timing of the demolition is contingent on the submittal of a complete Building

Permit which means the Project site will not be vacant for a long period until actual Project construction commences. . The failure to approve the permit will not jeopardize public health, safety or welfare as the demolition will facilitate a Project that is compatible with the surrounding neighborhood. The mixed-use Project is surrounded by other residential and commercial uses and will be serviced by the water, sewer, utility, and trash management services. In addition, , the Project is consistent with the West San Carlos Urban Village, zoning code requirements, and applicable city council policies. Furthermore, the demolition of the existing building will increase the supply of housing by allowing the construction of 94 residential units. Given the scope of the Project, the rehabilitation or reuse of any of the existing buildings on site will not be feasible. The existing buildings are not historic or eligible for the Historic Resources Inventory. Therefore, demolition of the buildings on the subject property will not result in any impacts to potentially historic resources. The demolition of any existing buildings on-site will not be approved until the application for a grading or building permit is submitted, whichever comes first, as conditioned in this Site Development for the subject site.

- 11. Environmental Review.** The City of San José, as the lead agency for the Project, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2024101398) for the 1921 and 1927 West San Carlos Project (Burbank 45/C21-034/GPA23-001/H23-005/T23-003/ER23-026) in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The potential environmental impacts of the subject Project were analyzed in the IS/MND, which was circulated for public review and comment from October 28, 2024, through November 20, 2024. The Mitigated Negative Declaration was approved by the Director of Planning, Building, and Code Enforcement on October 22, 2024.

The IS/MND identified potential impacts to Air Quality, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. The Project includes a Mitigation Monitoring and Reporting Program (MMRP) which outlines specific mitigation measures that the applicant must comply with to address the impact and incorporates standard conditions and best management practices for construction activities. The IS/MND concluded that the proposed Project would not result in a significant and unavoidable impact and an MND is the appropriate level of CEQA clearance for the Project.

Five comment letters were received during the public review period. The comments received did not result in any substantive changes to the Project description, analyses, and/or impacts that were previously disclosed in the IS/MND. While not required under the CEQA Guidelines for an IS/MND, these environmental comments were addressed in a formal response in the Responses to Comments document, posted on the City's Environmental Review page under

the subject Project's heading; commenters also received a response from staff via email.

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. **Annexation Certification.** The City will issue a Site Development permit upon the successful certification of annexation of the subject property into the City of San José, which includes satisfying all conditions of annexation as laid out in the initiating and ordering annexation resolutions adopted by the City Council.
2. **Acceptance of Permit.** Per San José Municipal Code Section 20.100.290(B), should 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.
3. **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.
4. **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.

5. **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, "PATH Villas on the Row" dated April 28, 2024, last revised on June 28, 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."
6. **Demolition Permit.** A demolition permit may be issued for the demolition of five existing commercial structures totaling approximately 12,500 square feet only upon the submittal of a complete Building Permit application for new construction.
7. **Regulatory Agreement.** Prior to the issuance of the first Building Permit, the Permittee shall submit a Permit Adjustment Application and enter into a Density Bonus Regulatory Agreement with the City. The final Regulatory Agreement, as amended and as approved by the City Attorney and by the Director of Planning, shall be recorded in the Office of the County Recorder by the City.
8. **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.
9. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.

10. **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.
11. **Conformance to Other Permits.** Unless specifically modified with this Permit, this Project shall conform to all of the requirements of existing permit(s) including: File Nos. Burbank 45, GP23-001, C21-034, T23-003, as may be amended.
12. **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.
13. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
14. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
15. **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.
16. **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.
17. **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.
18. **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.
19. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
20. **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.
21. **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.

22. **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.
23. **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.
24. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
25. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
26. **Certification.** Pursuant to San José Municipal Code, Section 15.11.1050 certificates of substantial completion for landscape and irrigation installation shall be completed by a licensed or certified professional and included on the Landscape Sheets in the plan set submitted to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the Project.
27. **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. H23-005 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.
28. **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.

29. 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.

30. Inclusionary Housing Ordinance Requirements for Mixed Use Developments. The permittee has submitted an Affordable Housing Compliance Plan Application ("Plan") and processing/application fees. Approval of the Plan is required prior to the development's planning application being deemed complete and prior to Planning's first approval.

- a. Prior to earliest of: Approval of any parcel or final map or issuance of any building permits, the permittee must execute and record their Affordable Housing Agreement 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 or a City covenant against contiguous property under common ownership and control. No building permit may issue except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.
- b. Permittee 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.
- c. 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.

31. 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. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:** A Local Transportation Analysis (LTA) has been completed for this project based on 45 net AM peak-hour trips and 48 net PM peak hour trips. See separate Traffic Memo dated November 5, 2024, for additional information. The following conditions shall be implemented:

- i. Provide two (2) 26-foot-wide, full-access driveways along Cleveland Avenue.
- ii. Provide a monetary contribution for an in-lieu fee (\$144 per linear foot) for future Class IV protected bike lane implementation along the West San Carlos Street project frontage per the CSJ Better Bike Plan 2025.
- iii. Contribute a \$25K monetary contribution toward a potential future enhanced pedestrian crosswalk at the intersection of San Carlos Street/Vaughn Avenue.
- c. **Urban Village Plan:** This Project is located in the West San Carlos Urban Village which is a designated Urban Village per the Envision San José 2040 General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.
- d. **Grand Boulevard:** This Project fronts W. San Carlos Street which is designated as one of the seven Grand Boulevards per the Envision San José 2040 General Plan. Grand Boulevards are identified to serve as major transportation corridors for primary routes for VTA light-rail, bus rapid transit, standard or community buses, and other public transit vehicles.
- e. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The Project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San José Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
 - iii. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations.
- f. **Stormwater Runoff Pollution Control Measures:** This Project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact

Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- i. The Project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this Project shall be in conformance with City Policy 6-29.
- ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- iii. A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
- iv. Media Filter Unit(s) located within Building footprints must conform to Building Division Directive P-005 located at the following:
<http://www.sanjoseca.gov/home/showdocument?id=27405>
- g. **Stormwater Peak Flow Control Measures:** The Project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- h. **Flood: Zone D:** The Project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- i. **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.
- j. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San José Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San José Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the "Formula for Dedication of Land" and/or "Schedule of Fees and Credits" contained within in the chapter.
- k. **Undergrounding:** Undergrounding fees will not be collected as West San Carlos Street is an Underground District formed prior to 07/01/1988 and is exempt from future underground fees.

I. Street Improvements:

- i. Construct 20-foot-wide attached sidewalk with 5 feet by 5 feet tree wells along San Carlos St. Project frontage per San Carlos St Urban Village Document. Provide approximately 3' wide street easement and 9' wide sidewalk easement to accommodate the new sidewalk width.
 - a. The recommended street trees are *Ulmus* 'Morton' spaced 35 feet on center. Construct 10-foot-wide detached sidewalk with parkstrip along Cleveland Avenue Project frontage.
- ii. Construct 10-foot-wide detached sidewalk with parkstrip along Cleveland Avenue Project frontage.
 - a. The recommended street trees are *Aesculus carnea* spaced 30-foot on center.
- iii. Construct two (2) 26-foot-wide driveways along Cleveland Avenue frontage per City of San José Standards.
- iv. Install a red curb along the Cleveland Avenue Project frontage to ensure adequate sight distance.
- v. Construct or provide monetary contribution for an in-lieu fee to the Class IV protected bike lane along the San Carlos Street Project frontage per the CSJ Better Bike Plan 2025 (\$144 per linear foot).
- vi. Provide a voluntary \$25K monetary contribution for implementation of a future enhanced crosswalk (curb ramps, RRFBs, median island work) at the w. San Carlos/Vaughn Avenue intersection.
- vii. Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed Project.
- viii. Remove and replace broken, uplifted curb and gutter as well as broken, uplifted or non-ADA compliant sidewalk along Project frontage and within boundaries of annexation area to meet current city standards.
- ix. Permittee shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the Project frontage.
- x. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- xi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

- m. **Strong Neighborhoods Initiative:** This Project is located within the Burbank/Del Monte SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
- n. **Electrical:** Existing electroliers along the Project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- o. **Street Trees:**
 - i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire Project street frontage per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Street trees along West San Carlos Street shall be planted 35’ on center and shall be *Ulmus* ‘Morton’. Street trees along Cleveland Avenue shall be in the parkstrip planted 30’ on center and shall be *Aesculus Carnea*. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
 - ii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
- p. **Public Infrastructure Condition Assessment:** Prior to annexation certification, Permittee shall prepare a Condition Assessment in coordination with Department of Public Works of all public infrastructure within the annexation boundary, including but not limited to, sidewalk, street pavement, street trees, and streetlights for City of San José review. Permittee shall repair, reconstruct, or install street improvements as deemed necessary for public safety to the satisfaction of the Director of Public Works. The street improvements associated with the annexation shall be guaranteed through the execution of a City-Developer agreement, including bonds and improved public improvement plans. Street improvements associated with the annexation shall be completed during construction phase, along with all other project frontage improvements.
- q. **Sanitary Sewer Condition Assessment:** Prior to the annexation certification, the Permittee shall retain a Pipeline Assessment and Certification Program (PACP) certified professional and coordinate with Department of Public Works to complete a condition assessment/evaluation of the Burbank Sanitary sewer pipes within the certified boundary of Burbank 45 (i.e., portion of Cleveland Avenue). The City of San José’s Department of Public Works and/or Department of Transportation staff shall be present during assessment of sewer pipes. The Permittee shall be responsible for repairing any grade 3 or higher defects as defined by the PACP rating system.

32. **Conformance to MMRP.** This Project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program approved for this development by City Council Resolution No. [REDACTED].

33. **Standard Environmental Conditions:**

- a. **Construction-related Air Quality.** The following measures shall be implemented during all phases of construction to control dust and exhaust at the Project site:
 - i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 - ii. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - iii. Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
 - iv. Limit all vehicle speeds on unpaved roads to 15 mph.
 - v. Pave all new roadways, driveways, and sidewalks as soon as possible.
 - vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - vii. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
 - viii. Wash off all trucks and equipment, including their tires, prior to leaving the site.
 - ix. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - x. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (a 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
 - xi. Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- b. Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

- c. **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- d. **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Project Permittee shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance.
 - i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - ii. The MLD identified fails to make a recommendation; or

- iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

e. Seismic Hazards:

- i. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
- ii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- iii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- iv. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- v. The Project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- vi. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development Projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

- f. **Paleontological Resources.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Permittee shall be responsible

for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

g. Asbestos and Lead-Based Paint.

- i. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- ii. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- iii. All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- iv. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- v. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

h. Construction-related Water Quality.

- i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

- vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- vii. Vegetation in disturbed areas shall be replanted as quickly as possible.
- viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- ix. The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- i. **Construction-related Noise.** Noise minimization measures include, but are not limited to, the following:
 - i. Pile Driving is prohibited.
 - ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
 - iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - v. Prohibit unnecessary idling of internal combustion engines.
 - vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
 - vii. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - viii. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site.
 - ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.

- x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- xi. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

34. 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. H23-005) shall be the effective date the Local Agency Formation Commission (LAFCO) certifies the annexation of the subject property into the City of San José, and shall be no earlier than the effective date of said annexation certification.

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.

**ANNEXATION NO.
ANNEXATION TO CITY OF SAN JOSE**

THE LAND REFERRED TO IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF CLEVELAND AVENUE AND LOT 9 AND ALL OF LOTS 10, 11, 12, AND 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEASTERN CORNER OF THE AFOREMENTIONED LOT 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, SAME BEING THE TRUE POINT OF BEGINNING OF THE BURBANK NO. 40 ANNEXATION TO THE CITY OF SAN JOSE AS DESCRIBED IN RESOLUTION NO. 74505 DATED MAY 20, 2008; FROM WHICH A 3/4" IRON PIPE FOUND BEARS NORTH 89°59'38" WEST, 103.28 FEET, BEING 5 FEET EAST OF THE CENTERLINE OF SAID CLEVELAND;

THENCE ALONG THE NORTHERLY LINE OF WEST SAN CARLOS STREET, (1) NORTH 89°59'38" WEST, 133.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID CLEVELAND AVENUE, (2) NORTH 0°08'17" WEST, 260.03 FEET;

THENCE (3) NORTH 89°51'43" EAST, 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 9, SAME BEING THE EASTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID LOT 9, (4) SOUTH 0°08'17" EAST, 22.49 FEET;

THENCE CROSSING SAID LOT 9, (5) SOUTH 89°59'38" EAST, 124.92 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9, SAME BEING THE WEST LINE OF LOT 23;


THENCE ALONG SAID COMMON LINE, (6) SOUTH 0°08'17" EAST, 112.66 FEET TO THE SOUTHERLY LINE OF SAID LOT 11, BLOCK 13 OF SAID INTERURBAN PARK TRACT;

THENCE ALONG SAID SOUTHERLY LINE, (7) NORTH 89°59'38" WEST, 41.63 FEET TO THE EASTERLY LINE OF SAID LOT 13, ALSO BEING THE WESTERLY LINE OF PARCEL 1 OF THAT CERTAIN PARCEL MAP DATED DECEMBER 18, 2009 AND RECORDED IN BOOK 834 OF MAPS, PAGES 50-51, SANTA CLARA COUNTY RECORDS;

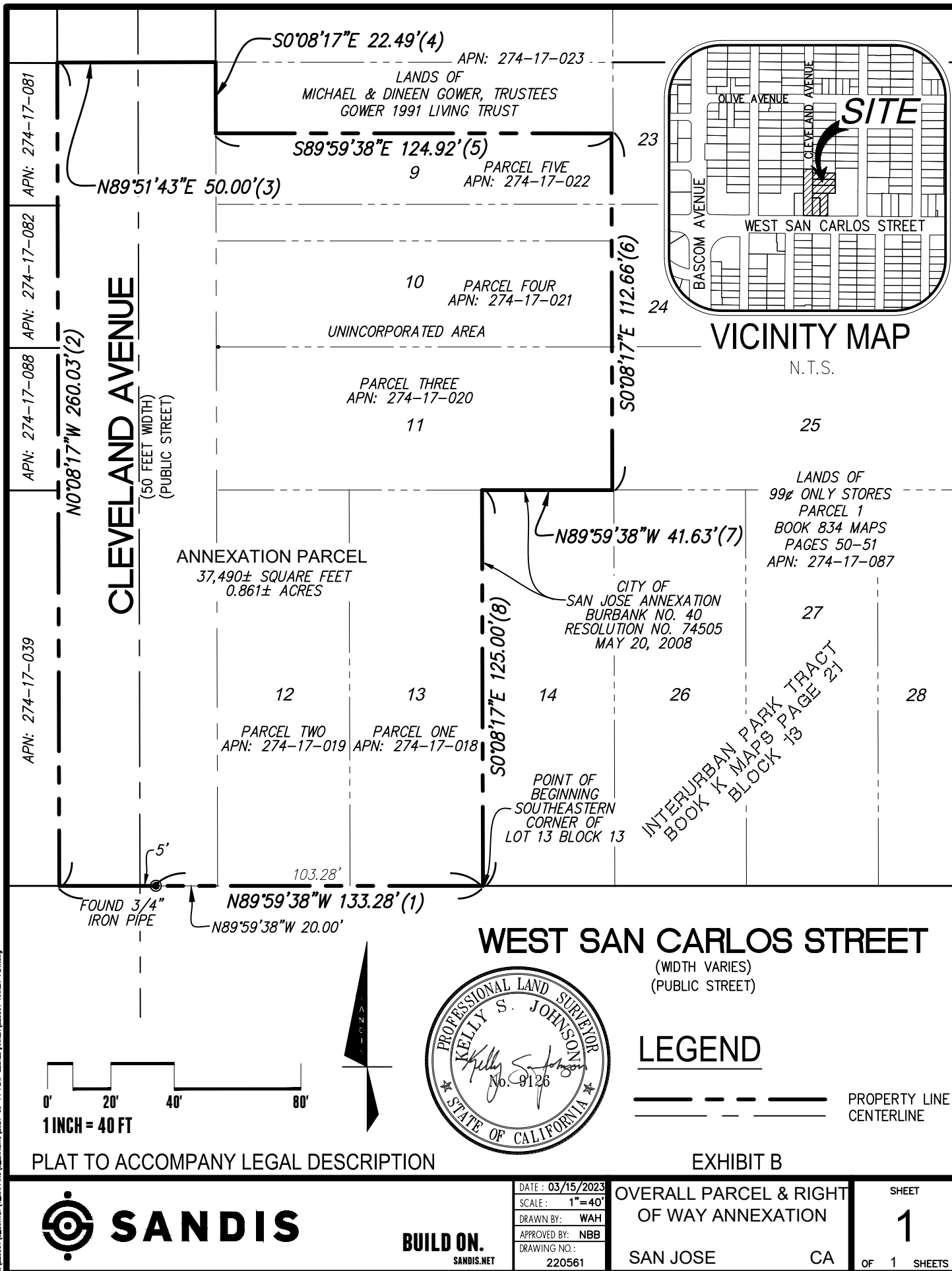
THENCE ALONG SAID COMMON LINE, (8) SOUTH 0°08'17" EAST, 125.00 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL AREA CONTAINING 24,485 SQUARE FEET OR 0.562 ACRES, AS SHOWN ON ATTACHED EXHIBIT "B", WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.


Kelly S. Johnson, PLS 9126
Date: March 17, 2023





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**220561-MAPCHECK
ANNEXATION PARCEL**

Survey Tech: Wayne Holland

Closure Summary

Precision, 1 part in: 74427.01'

Error distance: 0.01'

Error direction: N60°12'21"E

Area: 37489.79 Sq. Ft.

Square area: 37489.789

Perimeter: 870.01'

Point of Beginning

Easting: 5193.5461'

Northing: 1989.3279'

Side 1: Line

Direction: N89°59'38"W

Angle: [90°00'22"]

Deflection angle: [-89°59'38"]

Distance: 133.28'

Easting: 5060.2661'

Northing: 1989.3422'

Side 2: Line

Direction: N0°08'17"W

Angle: [-90°08'39"]

Deflection angle: [89°51'21"]

Distance: 260.03'

Easting: 5059.6396'

Northing: 2249.3714'

Side 3: Line

Direction: N89°51'43"E
Angle: [-90°00'00"]
Deflection angle: [90°00'00"]
Distance: 50.00'
Easting: 5109.6394'
Northing: 2249.4919'

Side 4: Line

Direction: S0°08'17"E
Angle: [-90°00'00"]
Deflection angle: [90°00'00"]
Distance: 22.49'
Easting: 5109.6936'
Northing: 2227.0019'

Side 5: Line

Direction: S89°59'38"E
Angle: [90°08'39"]
Deflection angle: [-89°51'21"]
Distance: 124.92'
Easting: 5234.6136'
Northing: 2226.9886'

Side 6: Line

Direction: S0°08'17"E
Angle: [-90°08'39"]
Deflection angle: [89°51'21"]
Distance: 112.66'
Easting: 5234.8851'
Northing: 2114.3290'

Side 7: Line

Direction: N89°59'38"W

EXHIBIT "B" (File Nos. C21-034, GP23-001, H23-005, T23-003)

Angle: [-89°51'21"]

Deflection angle: [90°08'39"]

Distance: 41.63'

Easting: 5193.2551'

Northing: 2114.3334'

Side 8: Line

Direction: S0°08'17"E

Angle: [89°51'21"]

Deflection angle: [-90°08'39"]

Distance: 125.00'

Easting: 5193.5563'

Northing: 1989.3338'.0054'

