

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT AMENDMENT, TO AMEND THE AFFORDABLE HOUSING COMPLIANCE PLAN IN ACCORDANCE WITH THE INCLUSIONARY HOUSING ORDINANCE AND ALLOW MODIFICATIONS TO BUILDINGS 1, 2, AND 4 WITHIN THE PREVIOUSLY APPROVED 1312 EL PASEO AND 1777 SARATOGA AVENUE MIXED-USE VILLAGE PROJECT, INCLUDING THE CONSTRUCTION OF TWO MIXED-USE BUILDINGS CONSISTING OF 772 MULTIFAMILY RESIDENTIAL UNITS (WITH 39 DEED-RESTRICTED AFFORDABLE UNITS) AND APPROXIMATELY 31,586 SQUARE FEET OF COMMERCIAL RETAIL SPACE AND THE CONSTRUCTION OF A SEVEN-STORY, APPROXIMATEY 230,305-SQUARE-FOOT, 263-BED RESIDENTIAL CARE FACILITY WITH UP TO 20 COMMERCIAL CONDOMINIUM UNITS ON AN APPROXIMATELY 10.76-GROSS-ACRE SITE, LOCATED EAST OF THE INTERSECTION OF SARATOGA AVENUE AND QUITO ROAD (1312 EL PASEO DE SARATOGA) AND NORTH OF THE INTERSECTION OF SARATOGA AVENUE AND LAWRENCE EXPRESSWAY (1777 SARATOGA AVENUE) (APN 403-33-014 & 386-10-033, -036, -044, -045, -046)**

**FILE NO. PDA20-006-02**

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 6, 2023, an application (File No. PDA20-006-02) was filed by Steve Lynch on behalf of property owner El Paseo Property Owner, LLC (Peter Pau) (“Permittee”) with the City of San José (“City”), for a Planned Development Permit Amendment to amend the Affordable Housing Compliance Plan in accordance with the Inclusionary Housing Ordinance and allow changes to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (with 39 deed-restricted affordable units) and approximately 31,586

square feet of commercial retail space and the construction of a seven-story, approximately 230,305-square-foot, 263-bed residential care facility with up to 20 commercial condominium units on an approximately 10.76-gross-acre site ("Project"), on that certain real property situated in the CG(PD) Planned Development Zoning District (File No. PDC19-049) and located east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway (1312 El Paseo de Saratoga and 1777 Saratoga Avenue, San José, (APN 403-33-014 & 386-10-033, -036, -044, -045, -046) which real property is sometimes referred to herein as the "subject property"); and

**WHEREAS**, the subject property is all that real property more particularly described in Exhibit "A," entitled "Legal Description," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a Public Hearing on said application on November 20, 2024, notice of which was duly given; and

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

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

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

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

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

**WHEREAS**, at said hearing, this City Council received in evidence a plan for the subject property entitled, "El Paseo Shopping Center Mixed Use Village Buildings 1, 2 & 4" dated August 2, 2024, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

**WHEREAS**, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

**WHEREAS**, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the Project applicant, City staff, and other interested parties;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

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

- 1. Site Description and Surrounding Area.** The subject site is located on two sites, separated by Saratoga Avenue. The El Paseo site is located east of the intersection of Saratoga Avenue and Quito Road, at the southwestern end of the El Paseo de Saratoga Shopping Center. The 1777 Saratoga site is located north of the intersection of Saratoga Avenue and Lawrence Expressway. The El Paseo site is bounded by Quito Road to the west, Saratoga Avenue to the northwest, the remainder of the

existing El Paseo shopping center to the north and east, and single-family residences to the south. The El Paseo site is currently developed with a vacant commercial tenant space that would be demolished (demolition was previously approved by PD20-006) for the construction of the Project. The 1777 Saratoga area is bounded by Lawrence Expressway to the southwest, a church (WestGate Church) to the north and west, and Saratoga Avenue to the southeast. The 1777 Saratoga area is developed with four existing single-story commercial structures that would also be demolished for the construction of the Project (demolition was previously approved by PD20-006).

- 2. Project Description.** The Project consists of a Planned Development Permit Amendment (File No. PDA20-006-02) to allow modifications to the Affordable Housing Compliance Plan under the City's Inclusionary Housing Ordinance (IHO) and changes to Buildings 1, 2, and 4.

This Planned Development Permit Amendment includes changes to the Project's Affordable Housing Compliance Plan in accordance with the IHO. Pursuant to Section 5.08.610.E of the San José Municipal Code, the City Manager may grant a request for a minor modification of an approved Affordable Housing Compliance Plan if the modification is substantially in compliance with the original Affordable Housing Plan and conditions of approval. Other modifications to the Affordable Housing Plan shall be processed in the same manner as the original plan. The previously approved Planned Development Permit (File No. PD20-006) included 150 affordable housing units, or 15% of the 994 total units originally proposed. This amendment proposes providing 39 affordable units to be restricted for 99 years under IHO, or 5% of the 772 total units proposed. The 39 units would be provided to households earning up to 100% of Area Median Income (AMI). The applicant would also pay an adjusted in-lieu fee, estimated at approximately \$13,935,731. Therefore, this proposed change is not considered a minor modification, and this Planned Development Permit Amendment must be processed in the same manner as the original proposal. Therefore, the Planning Commission must be the recommending body, and the City Council must be the final decision-making body.

In addition to amending the Affordable Housing Compliance Plan, the Project also includes physical changes to Buildings 1, 2, and 4. Buildings 1 and 2 would be placed in the same location and oriented in roughly the same manner as the previously approved project. Building 1 would decrease in height by one foot and increase from 11 to 12 stories. Building 2 would increase in height by three feet and would increase from nine to 10 stories. Building 2 would maintain a stepback so as not to intercept the 45-degree daylight plane and would maintain an 84-foot setback from the single-family residences to the south. Vehicular access is provided from multiple driveways along Saratoga Avenue and West Campbell Avenue. Two levels of subterranean parking are provided below Buildings 1 and 2, and the garage is accessible from two internal drive aisles. Building 2 also includes two levels of above-ground parking. The location and orientation of the previously approved "Main Street" and park space would not change.

Building 4 includes a change from the previously approved 12-story, 248-unit mixed-use building to a seven-story, 230,305-square foot, 263-bed, residential care and memory care facility. The ground level consists of a lobby/reception area, dining room and kitchen, lounge, offices, storage space, and eight resident units. Floors two through seven consist of resident units and associated amenity space. A central courtyard is provided on the ground floor, and vehicular access is provided from one driveway along Saratoga Avenue. A vehicle pick-up/drop off circle is provided at the entrance to the building. The Project also includes one level of subterranean parking. Based on the Operations Plan provided, the facility would be fully licensed as a Registered Care for the Elderly (RCFE) and would provide 24-hour care for elderly persons. Services provided include personalized elderly care, supportive 24-hour assistance with the Activities of Daily Living (ADLs), Alzheimer's and memory care, food and restaurant-quality dining, housekeeping and laundry, transportation, programs and activities for daily fitness, creative, social, learning and spiritual opportunities, and medication coordination. The facility would be staffed by approximately 100 full-time employees spanning three shifts. A nurse would be available on-site or on-call 24-hours per day.

To facilitate the Project's construction and associated public improvements, the Project includes an application for a Vesting Tentative Map to reconfigure six lots into four lots and to allow up to 20 commercial condominium units on an approximately 10.6-gross acre site.

There are no changes to previous approvals for demolition, tree removals, off-sale alcohol, or construction hours with this Planned Development Permit Amendment.

- 3. General Plan Conformance.** The site is designated Regional Commercial and Neighborhood/Community Commercial on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. The subject site is also located in the Paseo de Saratoga Urban Village, which does not have an approved Urban Village Plan. The existing Planned Development Zoning and previously approved Planned Development Permit were reviewed and approved through the Signature Project Process (Implementation Policy IP-5.12) that was in effect prior to December 2021. With the proposed amendment, the Project would result in a combined Floor Area Ratio of approximately 2.27, in conformance with both the allowable FAR of both Regional Commercial (maximum FAR of 12.0) and Neighborhood/Community Commercial (maximum FAR of 3.5) designations.

The proposed Planned Development Permit Amendment is consistent with the following Envision San José 2040 General Plan policies:

Major Strategy #3 – Focus Growth: The Focused Growth Major Strategy plans for new residential and commercial growth capacity in specifically identified “Growth Areas” (Urban Villages, Specific Plan areas, Employment Areas, Downtown) while the majority of the City is not planned for additional growth or intensification. The strategy focuses new growth into areas of San José that will enable the

achievement of economic growth, fiscal sustainability, and environmental stewardship goals, while supporting the development of new, attractive urban neighborhoods. While the Focused Growth strategy directs and promotes growth within identified Growth Areas, it also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City's Urban Growth Boundary.

Efficient Use of Residential and Mixed-Use Lands Policy LU-10.2: Distribute higher residential densities throughout the City in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.

Land Use and Employment Policy IE-1.3: As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, childcare, restaurants, and retail goods and services that serve employees of these businesses and nearby businesses.

Housing 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 Policy H-1.3: Create new housing opportunities and preserve and rehabilitate the City's existing housing stock to allow seniors to age in place, either in the same home, assisted living facilities, continuing care facilities, or other housing types within the same community.

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

#### 4. Municipal Code Compliance.

##### Inclusionary Housing Ordinance

This Planned Development Permit Amendment includes changes to the Project's Affordable Housing Compliance Plan in accordance with the IHO. Pursuant to Section 5.08.610.E of the San José Municipal Code, a request for a minor modification of an approved Affordable Housing Plan may be granted by the City Manager if the modification is substantially in compliance with the original Affordable Housing Plan and conditions of approval. Other modifications to the Affordable Housing Plan shall be processed in the same manner as the original plan. The previously approved Planned Development Permit (File No. PD20-006) proposed 150 affordable housing units, or 15% of the 994 total units originally proposed. This amendment proposes providing 39 affordable units to be restricted for 99 years under IHO, or 5% of the 772 total units proposed. The 39 units would be provided to households earning up to 100% of Area Median Income (AMI). The applicant would also pay an adjusted in-lieu fee, estimated at approximately \$13,935,731. Therefore, this proposed change is not considered a minor modification, and this Planned Development Permit Amendment must be processed in the same manner as the original proposal. Therefore, the Planning Commission must be the recommending body, and the City Council must be the final decision-making body.

##### Commercial Linkage Fee

The Permittee has completed a CLF Satisfaction Plan Application related to the Project's obligations under the Commercial Linkage Fee Ordinance, Chapter 5.11 of the San José Municipal Code. The estimated Commercial Linkage Fee is \$1,631,348.72, subject to annual adjustment, based on the proposed floor area of 227,842 square feet. The Commercial Linkage Fee will be due by First Building Final Inspection (SJMC 5.11.030). If paid by Building Permit Issuance, a 20% reduction will apply to the total current fee.

##### General Development Plan

The subject site is located within a CG(PD) Planned Development Zoning District (File No. PDC19-049). This Planned Development Zoning District is subject to the permitted, special, and conditional uses of the UV Urban Village Zoning District pursuant to Section 20.55.203 of the Zoning Code. Mixed-use developments are permitted uses. Additionally, per Section 20.60.070 of the Zoning Code, residential care facilities serving seven or more persons are permitted in any Planned Development Zoning District with the issuance of a Planned Development Permit. As the Project includes modifications to the existing approved Planned Development Permit, a Planned Development Permit Amendment is required to be issued. Planned Development Permit Amendments are typically heard at a Planning Director's Hearing. However, as the Project includes a substantial modification to the Affordable

Housing Compliance Plan, the Project must be heard by the Planning Commission for a recommendation and the City Council for a final decision.

Development Standards

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

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

Setbacks – El Paseo Site

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

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

Setbacks – 1777 Saratoga Site

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

| <b>Setback</b> | <b>Required</b> | <b>Provided</b> |
|----------------|-----------------|-----------------|
| North setback  | 5 feet minimum  | 5 feet          |
| West setback   | 4 feet minimum  | 4 feet          |



|               |                 |         |
|---------------|-----------------|---------|
| South setback | 17 feet minimum | 17 feet |
| East setback  | 10 feet minimum | 10 feet |

Open Space

The Project is subject to the open space requirements of the UV Zoning District pursuant to Section 20.55.102 of the Zoning Code. The Project is required to provide 58,125 square feet of common open space and 6,603 square feet of private open space. The Project provides 58,574 square feet of common open space and 26,294 square feet of private open space in excess of this requirement.

| Standard           | Ratio                             | Required           | Provided           |
|--------------------|-----------------------------------|--------------------|--------------------|
| Common Open Space  | 75 square feet per unit           | 58,125 square feet | 58,574 square feet |
| Private Open Space | Studio/1 bedroom = 30 sf per unit | 4,162 square feet  | 19,117 square feet |
|                    | 2 bedroom = 45 sf per unit        | 2,441 square feet  | 7,177 square feet  |

Vehicle Parking and Transportation Demand Management

Effective April 10, 2023, there are no longer any minimum parking requirements in the City of San José. Instead, pursuant to Section 20.90.900 of the Zoning Code, the Project is subject to the Transportation Demand Management (TDM) requirements of Section 20.90, Part 9. Projects including a TDM Plan are required to implement the selected TDM measures for the life of the Project and fulfill ongoing compliance and/or monitoring requirements. The Project shall implement two separate Transportation Demand Management Plans, one for the mixed-use portion of the property (Buildings 1 & 2) and one for the residential care facility (Building 4) as described below.

Buildings 1 and 2 – Pursuant to Section 20.90.060 of the Zoning Code, the residential portion of Buildings 1 & 2 is defined as a Home End Use (HEU). The commercial retail portion of the Project is classified as a Visit-End Use (VEU). However, pursuant to Section 20.90.900.B.2.d, the Project consists of less than 100,000 square feet of a retail space (VEU). Therefore, the commercial portion of Buildings 1 & 2 is exempt from TDM requirements, and a TDM plan is only required for the residential portion of the Project. The multifamily residential use is classified as a Level 2 project under Section 20.90.910, Table 20-250 and requires 25 TDM points per Table 20-255 of the same section. A TDM Plan was prepared by Hexagon Transportation Consultants, Inc., entitled “El Paseo Mixed-Use Development Modified Project Residential

Transportation Demand Management (TDM) Plan”, dated August 1, 2024. The Project achieves 25 points through the following methods:

| <b>TDM Measure</b>                         | <b>Description</b>  | <b>Points</b>    |
|--|---|------------------|
| Provide pedestrian network improvements    | The Project shall fund or perform the design and/or construction of pedestrian street improvements beyond and within 1 mile of the Project’s frontage for a total cost equivalent to \$3 per square feet for the assisted living facility.  | 3 points         |
| Right-size off-site vehicle parking supply | The Project will provide parking at a ratio of 1.30 spaces per dwelling unit. This Project is located in “high-quality transit areas” of the City, which is defined as projects located within ½ miles of an existing major transit stop or an existing stop along a high-quality transit corridor. The Project is located within ½ miles of an existing major transit stop.  | 18 points        |
| Provide education, marketing, and outreach | Welcome packets will be provided to all new residents with information about nearby amenities (e.g., bus stops, parks and multi-use trails, schools, nearby retail uses, etc.), travel options (e.g., transit services, bike facilities/maps, walking routes, VTA’s Guaranteed Ride Home program, etc.), and transit schedules (e.g., VTA, Caltrain, BART, etc.). In addition, the Project will organize educational programs to raise awareness of travel options. | 2 points         |
| Unbundle parking costs from property costs | The Project will provide 100 percent unbundled parking for residents for the life of the Project.   | 2 points         |
| <b>Total</b>                               |   | <b>25 points</b> |

Building 4 – Pursuant to Section 20.90.060 of the Zoning Code, a Residential Care Facility is defined as a Commute End Use (CEU). The Residential Care Facility is classified as a Level 2 project under Section 20.90.910, Table 20-250 and requires 25 TDM points per Table 20-255 of the same section. A TDM Plan was prepared by Hexagon Transportation Consultants, Inc., entitled “El Paseo Mixed-Use Development Modified Project Assisted Living Facility Transportation Demand

Management (TDM) Plan”, dated August 1, 2024. The Project achieves 25 points through the following methods:

| TDM Measure                                | Description  | Points    |
|--|--|-----------|
| Provide pedestrian network improvements    | The Project shall fund or perform the design and/or construction of pedestrian street improvements beyond and within 1 mile of the Project’s frontage for a total cost equivalent to \$3 per square feet for the assisted living facility.   | 3 points  |
| Right-size off-site vehicle parking supply | The Project will provide parking at a ratio of 1.59 spaces per s.f. of assisted living. This Project is located in “high-quality transit areas” of the City, which is defined as projects located within ½ miles of an existing major transit stop or an existing stop along a high-quality transit corridor. The Project is located within ½ miles of an existing major transit stop.   | 18 points |
| Provide education, marketing and outreach  | Welcome packets will be provided to all new employees with, information about nearby amenities (e.g., bus stops, parks and multi-use trails, schools, nearby retail uses, etc.), travel options (e.g., transit services, bike facilities/maps, walking routes, VTA’s Guaranteed Ride Home program, etc.), and transit schedules (e.g., VTA, Caltrain, BART, etc.). . In addition, the Project will organize educational programs to raise awareness of travel options. | 2 points  |
| Provide ride-share programs                | The Project shall enroll all Project employees in the MTC’s Bay Area Carpool and Vanpool Programs (Merge) or other online ride-matching services that connect them through a secure network to post and search for shared rides.   | 1 point   |

|  |  |                  |
|--|--|------------------|
| Provide voluntary travel behavior change program | All employees would qualify as participants in this TDM program. The designated TDM/Transportation Coordinator would implement the voluntary travel behavior change program, including an annual employee travel survey and year-round communications. The TDM coordinator will ensure that all employees know the transportation options available to them through mass communication campaigns | 1 point          |
| <b>Total</b>                                     |  | <b>25 points</b> |

Motorcycle Parking

| Building              | Parking Provided | Motorcycle Parking Ratio                      | Required         |
|-----------------------|------------------|---|------------------|
| Buildings 1 & 2       | 995 spaces       | 2.5% of total vehicle parking spaces provided | 25 spaces        |
| Building 4            | 118 spaces       |   | 3 spaces         |
| <b>Total Required</b> |                  |   | <b>28 spaces</b> |
| <b>Total Provided</b> |                  |   | <b>68 spaces</b> |

Pursuant to Section 20.90.350 of the Zoning Code, the Project is required to provides 28 motorcycle parking spaces. A total of 68 spaces are provided, in excess of this requirement.

Bicycle Parking

| Use                       | Number of Units/Floor Area    | Ratio                                 | Required          |
|---------------------------|-------------------------------|---------------------------------------|-------------------|
| Multifamily residential   | 772 units                     | 1 per 4 living units                  | 193 spaces        |
| Retail                    | 26,849 sf                     | 1 per 4,000 square feet of floor area | 7 spaces          |
| Residential Care Facility | 44 employees in largest shift | 1 per 10 full-time employees          | 5 spaces          |
| <b>Total Required</b>     |                               |                                       | <b>205 spaces</b> |

|                       |                   |
|-----------------------|-------------------|
| <b>Total Provided</b> | <b>326 spaces</b> |
|-----------------------|-------------------|

The Project is required to provide 205 bicycle parking spaces pursuant to the General Development Plan and Table 20-190, Section 20.90.060 of the Zoning Code. A total of 326 bicycle parking spaces are provided in conformance with this requirement.

5. **Design Guidelines Consistency.** The Project was analyzed for consistency with the following Citywide Design Standards and Guidelines.

Section 2.2.1 – Pedestrian and Bicycle Access Location

Standard 5 – Place primary building entrance such that it can be accessed from a street, public open space, semi-private open space, or POPOS.

Guideline 1 – Provide frequent entrances and openings in building facades to connect buildings to the public realm.

*Analysis: The primary building entrances are all located with direct access to public or private streets. The orientation of Buildings 1 and 2 remains the same as the previously approved Planned Development Permit. Primary retail entrances for Buildings 1 and 2 are provided along “Main Street”, with multiple secondary residential entrances provided throughout each building. The primary entrance for Building 4 has direct access from a walkway along Saratoga Avenue.*

Section 2.3.8 – Site Lighting

Standard 1 - Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.

Standard 6 - All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.

Standard 7 - Keep the maximum color temperature for outdoor lighting below 2700 Kelvin, except for outdoor decorative lighting from November 15 to January 15.

*Analysis: As shown on the Project lighting plans (Sheet L11.01), the maximum color temperature for outdoor lighting is 2700K. All outdoor lighting fixtures shall be downward-facing and fully cut-off.*

Section 2.3.1 Building Placement

Standard 1 - To create a continuous streetwall, place at least 75 percent of the ground floor primary street-, paseo-, or public open space-facing (except riparian corridor) façades of buildings with the primary commercial or residential use within five feet of the setback or easement line (whichever is more restrictive). When there are multiple buildings on the site, 75 percent of the sum of all primary street-, paseo-, and public open space-facing ground floor building façades must be considered in the calculation above.

*Analysis: The entirety of the ground floor commercial frontages for Buildings 1 and 2 are placed directly along Main Street and the primary paseo connecting to the park. Similarly, the entirety of Building 4 is placed along the Saratoga Avenue and Lawrence Expressway frontages within five feet of the setback line of the Planned Development Zoning District.*

### Section 3.1.2 – Form, Proportion, and Scale

Standard 1 - Buildings at street intersections with traffic signals, terminus points, and open spaces must include at least two of the following architectural features for a minimum of 20 percent of each building frontage along the street:

Corner plaza.

Articulated corner with vertical or horizontal projections.

Taller massing or exaggerated roof elements.

Building entrances with a minimum recess of three feet.

Different façade treatments such as variations in materials and color.

*Analysis: Buildings 1 and 4 are located at the signalized intersection of Saratoga Avenue and Quito Road/Lawrence Expressway. Building 1 incorporates a corner retail plaza at the northwest corner of the building, adjacent to the intersection. Building 1 also includes a fully articulated corner with balconies provided at the corner of the building. Building 4 incorporates an articulated corner with vertical and horizontal projections as well as changes in color and material at the signalized intersection of Saratoga Avenue and Lawrence Expressway.*

Standard 2 – For street walls more than 200 feet in length, provide at least one recess or projection in the façade that is at least 15 feet wide and 10 feet deep for residential, commercial, and mixed-use developments.

*Analysis: Building 1, adjacent to Quito Road, provides an approximately 109-foot long and 27-foot-deep recess in the central portion of the building, consistent with the requirement.*

### Section 3.2.3 - Services and Utilities Entrances and Design

Standard 1 - Screen solid waste, utilities, and service areas from residential and commercial uses, and on-site and off-site views to limit visual impact on the public realm using fences, walls, or landscaping that:

Use durable and weather-resistant materials.

Are four to five feet tall.

Do not interrupt the line-of-sight of drivers entering or exiting the site.

*Analysis: The majority of utilities are located interior to the buildings and are not visible from the public realm. The generator, trash rooms, loading docks, fire control, and*

*electrical rooms are all located interior to the Buildings 1, 2, and 4. The transformer yard, located outside of the Building 1 footprint are screened from the public right-of-way with fencing and trees.*

#### Section 3.3.1 – Façade Design and Articulation

Standard 1 - Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and plane changes or by providing a rhythmic pattern of bays, columns, balconies, and other architectural elements to break up the building mass.

*Analysis: As shown on the plan elevations, Building 1 is fully articulated with approximately 85% of the façade articulated on the east elevation, 97% of the façade articulated on the north elevation, 91% of the façade articulated on the south elevation, and 83% of the façade articulated on the west elevation. Building 2 is also fully articulated with approximately 82% of the façade articulated on the east elevation, 96% of the façade articulated on the north elevation, 91% of the façade articulated on the south elevation, and 81% of the façade articulated on the west elevation. Building 4 also complies with the standard with 82% articulation on the south elevation, 85% articulation on the northeast elevation, 80% articulation on the southeast elevation, and 80% articulation on the southwest elevation.*

#### Section 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: All private decks and balconies range in width from nine feet to 13 feet. All balconies and decks have a minimum six-foot depth.*

#### Section 3.3.6 – Bird Safety

Standard 5 - Do not use mirrored glass or glazing with a reflective index above 20 percent.

*Analysis: As conditioned in this Planned Development Permit Amendment Resolution, the Project shall not use mirrored glass or glazing with a reflective index above 20 percent.*

#### Section 3.3.7 – Materials and Color

Standard 3 - For buildings taller than four stories, limit the use of stucco to a maximum of 60 percent of any façade that faces a street, open space, or paseo in General Plan growth areas.

*Analysis: As shown on the plan elevations, the use of stucco on Building 4 is limited to as low as 11% and no higher than 30%. Stucco is not utilized in Buildings 1 and 2.*

### Section 4.2.1 – Privately-Owned (and Maintained) Public Open Space Design

Standard 1 - When adjacent to retail spaces and mixed-use buildings, designate five percent of the total POPOS area for seating. If there are food service businesses adjacent to it, designate 10 percent of the total POPOS area for seating. This seating could be a combination of built-in or movable furniture.

Standard 2 - The length and width of POPOS must each be at least 25 feet long when any building on its perimeter is 30 feet or taller.

*Analysis: As shown on the Project landscape plans (Sheet L10.15C), a total of 6% of the area designated as a POPOS is utilized for seating. Additional adjustments may be made depending on the tenants that occupy the retail spaces adjacent to the open space.*

### Exceptions Requests

Section 2.3.8, Standard 1 – The Project includes an exception request for Section 2.3.8, Standard 1 which requires applicants to select trees at maturity which create a tree canopy cover that shades a minimum 50% of each common open space and POPOS.

*Analysis: The applicant has requested an exception for both the park area for Buildings 1 and 2, as well as the common open space area in Building 4.*

The decision-maker shall only grant an exception if all of the following findings are made:

- a. There is a physical constraint or unique situation that:
  - a. Is not created by the project applicant or property owner; and
  - b. Is not caused by financial or economic considerations.
- b. Approving the exception will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located.
- c. The proposed project meets the intent of the design standard to the extent feasible.

*Analysis: While the park space was originally approved with a Planned Development Permit (File No. PD20-006), the applicant has provided justification for why this standard cannot be met. The park includes youth play space, an open grand lawn and pet park area that will remain tree-free. Planting additional trees in these areas would result in the loss of useable active park space. Nevertheless, the Project still meets the intent of the design standard by providing a variety of trees that shade approximately 35% of the total park space. For Building 4, the location of trees to be planted in the common open space area is constrained by the underground parking garage and necessary areas for pedestrian circulation between the two wings of the building. However, the applicant will provide shading for*



*approximately 47.7% of the total common open space area, meeting the design standard's intent.*

Section 4.1.2, Standard 1 - The project includes an exception request for Section 4.1.2, Standard 1 which requires projects to include a minimum three-foot-deep frontage zone at the building entrances for residential and mixed-use developments. This transition space is useful for any doors opening out to the sidewalk and for providing stoops for raised residential units.

*Analysis: Building 1 includes ground-level residential units that face Quito Road. Therefore, those units are subject to this standard.*

The decision-maker shall only grant an exception if all of the following findings are made:

- d. There is a physical constraint or unique situation that:
  - a. Is not created by the project applicant or property owner; and
  - b. Is not caused by financial or economic considerations.
- e. Approving the exception will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located.
- f. The proposed project meets the intent of the design standard to the extent feasible.

*Analysis: In some areas, the grade change between Quito Road and the ground-level residential units varies from four feet to more than six feet. The space between the building and the street is required to accommodate the overland release from the park in the south to the site's north side. Adding frontage zones would disrupt this connection. The previously approved plans did not include any direct access from residential units to Quito Road, and will would not create a safety hazard or impair the integrity or character of the neighborhood. While the primary entrance to these ground-floor units will be provided from the main building lobby, a visual connection is still provided to Quito Road with the provision of large windows, which maintain eyes on the street.*

## **6. City Council Policies**

### City Council Policy 6-30: Public Outreach Policy for Pending Land Use Decisions

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed Project. An on-site sign has been posted on the Project frontage since January 22, 2024. A Community Meeting to discuss the proposed amendment was held on May 6, 2024 via Zoom. Community concerns raised at the meeting included the size of the publicly accessible open space, traffic impacts, residential density, building setbacks, and building heights. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the Project site and posted on the City website. The Project webpage has also been updated with

each proposed amendment. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on November 5, 2024. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

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

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

The current proposed Project would involve alterations to Building 1, 2, and 4, resulting in a reduced development size (i.e., residential units and building size) and similar land uses as the previously approved project. No substantive revisions to the 2022 FEIR are needed because the proposed Project would not result in new or significant effects to resources beyond those previously studied and disclosed. Since approval of the 2022 FEIR, there have been no significant changes to the circumstances under which the Project would be undertaken, and no new significant environmental effects have been identified.

8. **Planned Development Permit Amendment Findings:** Section 20.100.940 of the San José Municipal Code specifies the required findings for the approval of a Planned Development Permit.

- a. The Planned Development Permit Amendment, as issued, is consistent with and furthers the policies of the General Plan; and

*Analysis: This Planned Development Permit Amendment allows for a high-density mixed-use project in an unapproved Urban Village (Paseo de Saratoga Urban Village) by implementing the Planned Development Zoning District (File No. PDC19-049) that was approved under General Plan Policy IP-5.12 for the development of Signature Projects. The Project maintains a minimum residential density of 71 DU/AC with the provision of 772 multifamily residential units. The Project also provides approximately 89,956 square feet commercial retail space between Buildings 1, 2, and 3, which would serve the new development and*

*existing surrounding residences and businesses. The new retail space would provide employment and retail options as well as tax revenue for the City. Additionally, the Project provides a 230,305-square foot, 263-bed Senior Care Facility. The facility will provide housing and services for seniors to age in place within the community.*

- b. The Planned Development Permit Amendment, as issued, conforms in all respects to the Planned Development Zoning of the property; and

*Analysis: The Project conforms with the Development Standards of the General Development Plan for the Planned Development Zoning District established for the site (File No. PDC19-049). As discussed in Section 4, "Municipal Code Compliance", above, the Project conforms with all required setbacks, heights, open space, and TDM requirements, bicycle parking, and motorcycle parking requirements of the Planned Development Zoning District.*

- c. The Planned Development Permit Amendment, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed Project. An on-site sign has been posted on the Project frontage since January 22, 2024. A Community Meeting to discuss the proposed amendment was held on May 6, 2024 via Zoom. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the Project site and posted on the City website. The Project webpage has also been updated with each proposed amendment. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on November 5, 2024. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.*

- d. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures, and other uses on-site are appropriate, compatible and aesthetically harmonious; and

*Analysis: The Project anchors the north and southeast corners of the Saratoga Avenue and Lawrence Expressway/Quito Road intersection. Buildings 1 and 2, located at the El Paseo site are oriented around the primary pedestrian Paseo (Main Street), the focal point of the development. The buildings include similar massing, articulation, materials, and colors, while each maintaining a unique identity. The retail uses are compatible with the development as they are located on the ground floor with frontage directly on the primary paseo, further activating the streetscape. Open space is provided in the form of a privately-owned publicly-accessible park at the southern end of Buildings 1 and 2. Building 4, located at the 1777 Saratoga Site, maintains a distinct architectural style while remaining oriented towards the Saratoga Avenue/Lawrence Expressway intersection. The*

*interrelationship between the orientation, location, mass and scale of the building volumes and elevations of the Project buildings and other uses onsite are appropriate, compatible, and aesthetically harmonious.*

- e. 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 CEQA, will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: Environmental impacts related to noise, vibration, dust, drainage, erosion, storm water runoff, and odor would be temporary and may only occur during construction. The Project is required to conform 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 discharge. The Project also includes standard environmental permit conditions to reduce and mitigate impacts regarding air quality, dust and emissions control, water quality, and noise. Additionally, the Project is required to adhere to the Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project in association with the associated Environmental Impact Report and Addendum. The Project does include extended construction hours on Saturdays from 8:00 am to 5:00 pm. The Project requires the appointment of a Construction Disturbance Coordinator to address any constructed related complaints or concerns. Therefore, the Project will not have an unacceptable impact on adjacent properties.*

**9. Commercial Common Interest Development Findings.** Section 20.175.050 of the San José Municipal Code specifies the required findings for Commercial Common Interest Development.

- a. The proposed common interest development will not adversely impact the economic viability of large-scale commercial and industrial uses in the vicinity of the development, or in the city as a whole;

*Analysis: The Project's common interest development would not adversely impact the economic viability of the surrounding residential, commercial, or industrial uses in the vicinity in that the size of the commercial units adequately accommodates a variety of potential uses, and the anticipated uses, including general retail. The retail uses would add to the economic viability of the area by providing general services to the surrounding neighborhood, creating jobs, and increasing tax revenue for the City.*

- b. The proposed common interest development includes sufficient provisions for governance, funding and capitalization, and enforcement mechanisms to ensure that the common area continues to be adequately and safely maintained and repaired for the life of the common interest development; and

*Analysis: A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) is required, and when approved by the City in accordance with the Zoning Ordinance prior to the relevant final map approval, would include sufficient provisions for governance, funding and capitalization, and enforcement mechanisms to ensure that the common area continues to be adequately and safely maintained and repaired for the life of the common interest development.*

- c. The proposed common interest development includes sufficient provisions for the retention of such common areas for the use of all owners of separate interests therein.

*Analysis: The CC&Rs, required for review when the relevant Final Map is approved by the City in accordance with the Zoning Ordinance, would state that each commercial owner shall have, as appurtenant to their unit, an undivided interest in the common areas. This would ensure that each common interest development has sufficient retention of common areas for use by all owners as noted in the conditions of approval. The CC&Rs would also include provisions for ingress, egress, parking, emergency access, utilities, landscaping, and the like.*

In accordance with the findings set forth above, a Planned Development Permit Amendment to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the Permittee fail to file a timely and valid appeal of this Planned 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 of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may

approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.

3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
5. **Use Authorization.** Subject to all conditions herein, this Permit allows the following:
  - a. An amendment the Affordable Housing Compliance Plan in accordance with the Inclusionary Housing Ordinance. Refer to Condition #22 below.
  - b. Changes to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (39 affordable) and approximately 31,586 square feet of commercial retail space.
  - c. The construction and operation of a seven-story, approximately 230,305-square foot, 263-bed residential care facility.

- d. Up to 20 commercial condominium units on an approximately 10.76-gross-acre site. In accordance with Section 20.175.042 of the Zoning Code, the minimum unit size for nonresidential condominium units shall be seven hundred fifty square feet.
6. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Planned Development Permit Amendment plans entitled, “El Paseo Shopping Center Mixed Use Village Buildings 1, 2 & 4 – Design for Revised PD Permit PDA20-006-02” dated August 2, 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.
7. **Conformance with Previously Approved Zoning.** All conditions of approval and environmental mitigation measures required by the approved Planned Development Zoning (File No. PDC19-049) applicable at the time of issuance of this Permit, or by the environmental clearance for such zoning, are hereby incorporated by reference into and made a part of this Permit.
8. **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 No. PD20-006 and PDA20-006-01 as may be amended.
9. **Green Building Requirements.** This development is subject to the City’s Green Building Ordinance for Private Sector New Construction as set forth in Municipal Code Chapter 17.84. Prior to the issuance of any shell permits, or complete building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the Project must achieve the minimum requirements as set forth in Municipal Code Chapter 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Chapter 17.84 shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
10. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
11. **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.
12. **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 requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning, Building, and Code Enforcement.

13. **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 would require the Permittee to secure appropriate permits and conform to the regulations of Title 20 of the Municipal Code.
14. **Bird Safe Design.** The Project shall not use mirrored glass or glazing with a reflective index above 20 percent.
15. **Transportation Demand Management Plan Requirements.** This Project requires a Transportation Demand Management (TDM) plan for the lifetime of the Project, which shall mean until such time as the Project is demolished, or such time as the Project is added to or replaced with a new Project that is subject to the requirements of Section 20.90, Part 9, as may be amended.
  - a. **Covenant and Agreement.** The Project shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the Project. A TDM Plan may be modified at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C. No Building Permit shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.
  - b. **Strategy Implementation.** The Project shall implement the TDM Strategies in the Project's approved TDM Plan throughout the lifetime of the Project.
  - c. **Compliance Documentation.** The Project shall submit to the TDM Plan Compliance Documentation to the TDM Coordinator not more than one year after receiving its Certificate of Occupancy. The Project shall henceforth submit TDM Plan Compliance Documentation annually to the TDM Coordinator that includes:
    - i. Documentation showing maintenance of the TDM Strategies in the Project's approved TDM Plan.
    - ii. *(For Level 2 projects)* A travel survey and parking data, as described in the TDM Program Standards.
    - iii. Upon five consecutive years of a Project submitting timely TDM Plan Compliance Documentation demonstrating compliance with the TDM Program, the annual TDM Plan Compliance Documentation requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.
  - d. *(For Level 2 projects)* **Trip Count and Parking Data.** The Project shall install available technology to collect ongoing on-site trip count and parking data and submit to the TDM Coordinator no less than once a year. The technology shall be approved by the TDM Coordinator to ensure compatibility with City monitoring methods.



- e. **(For Level 2 projects) Trip Reduction Requirements.** This Project is subject to trip reductions pursuant to the requirements of the TDM Program Standards. If the Project is not meeting these trip reduction requirements, the TDM coordinator shall require modifications to the TDM plan or the Project will be subject to enforcement pursuant to Section 20.90.920 of the Municipal Code, as amended.

**16. TDM Compliance and Enforcement.** The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program.

- a. **Compliance with TDM Program.** No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.
- b. **City Access.** The Project shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.

**17. Common Interest Development.**

- a. The Permittee, at its sole cost, shall prepare, submit for prior review and approval by the City, governing documents for the common interest development that include sufficient provisions for governance, funding and capitalization, and enforcement mechanisms, including enforcement by the City, to ensure that the common area continues to be adequately and safely maintained and repaired for the life of the common interest development and that such common area shall be retained for the use of all owners within the development. Prior to approval of the parcel or final map by the City, the Permittee shall submit the proposed governing documents to the City for review for compliance with the requirements of Municipal Code Chapter 20.175.
- b. The Permittee shall, at its sole cost, prepare grant deeds for all mutual or reciprocal easement rights, which shall be reviewed by the City for compliance with the terms of Municipal Code Chapter 20.175 and the requirements of Title 19 of this Code, and shall upon City approval be recorded concurrently with the approved parcel or final map.

**18. Landscaping Conditions**

- a. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this Project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director

of Planning, Building, and Code Enforcement. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

- b. Tree Replacement Enforcement. Failure to plant trees in conformance with the Approved Plan Set may be subject to in-lieu fees for trees not planted.
- c. Verification of Payment and/or Planting of Replacement Tree(s). After payment of the in-lieu fee and/or the planting of replacement trees on-site, the Permittee shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager to verify compliance with the mitigation requirements. Such evidence shall be uploaded to [www.sjpermits.org](http://www.sjpermits.org) using these instructions:
  - i. How to set up an account: <https://www.sanjoseca.gov/business/development-services-permit-center/online-permits-at-sjpermits-org>
  - ii. How to upload: <https://www.sanjoseca.gov/home/showpublisheddocument/88853/638088605255430000>
  - iii. Such evidence shall also be emailed to the Planning Project Manager and labeled File No. PD20-006 & PDA20-006-02.
- d. 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.
- e. 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 provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the Project.

**19. Conformance to Mitigation Monitoring and Reporting Program.** This Project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program (“MMRP”) approved for this development by City Council Resolution No. 80605.

**20. Standard Environmental Permit Conditions.** Refer to Condition #31 of the previously approved Planned Development Permit (File No. PD20-006).

**21. 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.

**22. Housing Department.**

a. Conditions of Approval for Inclusionary Housing Ordinance Requirements for Residential Developments and Mixed-Use Developments.

- i. The Permittee has submitted an amended Affordable Housing Compliance Plan Application (“Plan”) and processing/application fees. Approval of the Plan is required prior to the development’s first Planning approval. The Permittee understands the Plan is binding and can only be modified through approval of the City’s process set forth under Municipal Code Section 5.08.610 (E).

The Plan sets forth the Permittee’s Inclusionary Housing obligation under the submitted special use permit amendment to create 772 residential units with 39 units to be deed-restricted for 99 years under the IHO. The Permittee has selected to comply with the IHO through the Mixed Compliance with Rental Inclusionary Units On-Site pursuant to San José Municipal Code 5.08.525. The Permittee will deed-restrict 5% of the total units in the Residential Development at an Affordable Housing Cost to be made available to and occupied by households earning no more than 100% AMI, and in addition pay an adjusted in lieu fee in Strong Market area (\$21.74) calculated based on the rentable square footage of the Residential Development and will be subject to an in-lieu fee of \$13,935,731.30 (\$21.74 X 641,018 net residential square footage). To account for inflation in affordable housing development costs the adjusted In Lieu fee is subject to change by City Council effective July 1 of each year. The below chart summarizes the Unit breakdown of the IHO units based upon bedroom size, square footage, and unit count.

| Unit Type    | Avg. SF    | Market Rate Units | Market Rate SF | IHO Units | IHO SF        | Total      | Total SF       | Tenure | Bedrooms | Affordability |
|--------------|------------|-------------------|----------------|-----------|---------------|------------|----------------|--------|----------|---------------|
| Studio       | 507        | 61                | 30,950         | 13        | 6,596         | 74         | 37,546         | Rental | 0.5      | 100% AMI      |
| Urban        | 602        | 83                | 50,003         | 11        | 7,832         | 96         | 57,835         | Rental | 1        | 100% AMI      |
| 1 Bd         | 768        | 372               | 285,806        | 15        | 9,988         | 385        | 295,794        | Rental | 1        | 100% AMI      |
| 2 Bd         | 1151       | 217               | 249,843        | 0         | -             | 217        | 249,843        | -      | -        | -             |
| <b>Total</b> | <b>830</b> | <b>733</b>        | <b>616,603</b> | <b>39</b> | <b>24,416</b> | <b>772</b> | <b>641,018</b> |        |          |               |

- ii. Prior to earliest of: approval of any parcel or final map or issuance of any building permits, the Permittee must execute and record their Affordable Housing Agreement on a City-drafted form memorializing the IHO obligations against the property, any other property required for the satisfaction of the compliance option selected in the Plan, and record the Affordable Housing Agreement and, if applicable, a City covenant against contiguous property under common ownership and control. No building permit may be issued except consistent with the requirements of the IHO and the proposed Plan to fulfill the affordable housing obligations.
  - iii. 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 and to complete the Affordable Housing Agreement.
  - iv. No Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units shall be issued until all requirements of the IHO, its guidelines and the Affordable Housing Agreement are met.
- b. Conditions for Projects with Non-Residential Uses Adding at Least 5,000 Square – Commercial Linkage (CLF)

- i. The Permittee has completed a CLF Satisfaction Plan Application related to the Project’s obligations under the Commercial Linkage Fee Ordinance, Chapter 5.11 of the San José Municipal Code. The Permittee’s CLF obligation is set forth in the below table.
  - (i) Permittee must strictly comply with each requirement of the approved CLF Satisfaction Plan Application, Processing Fee, and Agreement, and any other applicable requirements of the CLF.
  - (ii) No scheduling of the first Final Building Inspection will occur until all requirements of the Commercial Linkage Fee Ordinance and Guidelines are met.
  - (iii) The estimated Commercial Linkage Fee, as described in the below chart, will be due by First Building Final Inspection (SJMC 5.11.030). If paid by Building Permit Issuance, a 20% reduction will apply to the total current fee.

| Use                       | Proposed Floor Area* | Sub Area                     | FY24/25 Fee per SF** | Current Total  | CLF | Current Total with 20% Reduction*** |
|---------------------------|----------------------|------------------------------|----------------------|----------------|-----|-------------------------------------|
| Residential Care Facility | 227,842 SF           | West San Jose Urban Villages | \$7.16               | \$1,631,348.72 |     | \$1,305,078.98                      |

\*Proposed Floor Area (SF) is subject to change based on updated approved plans, supporting documentation must be provided to justify any modifications. The applicable SF calculation excludes all common areas.

\*\*CLF rates are subject to change every new Fiscal Year on July 1.

\*\*\*20% reduction applies if CLF is paid by Building Permit Issuance

Fees are from Resolution No. RES2024-230

**23. Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This permit File No. PDA20-006-02 shall be printed on all construction plans submitted to the Building Division.
- b. *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.
- c. *San José's Natural Gas Infrastructure Prohibition and Reach Code Ordinances.* The City's Natural Gas Infrastructure Prohibition and Reach Code Ordinances apply to this Project and all requirements shall be met. For more information, please visit [www.sjenvironment.org/reachcode](http://www.sjenvironment.org/reachcode).
- d. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- e. *Emergency Address Card.* The Project Permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- f. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official: The Project Permittee shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street
- g. *Other.* Such other requirements as may be specified by the Chief Building Official.

**24. Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the Project must comply with the California Fire Code as adopted or updated by the City.

**25. Public Works Clearance for Building Permit(s) or Map Approval.** Prior to the approval of the Final Subdivision Map 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. The Non-Education Option is projected to add 386 net AM peak hour trips and 434 net PM peak hour trips. The Education Option is estimated to generate 1,525 net AM peak hour trips and 447 net PM peak hour trips. The “Modified Project” Option is projected to add up to 219 net AM peak hour trips and 262 net PM peak hour trips. See separate Traffic Memo dated October 28, 2024 for additional information. The following conditions shall be implemented:

**Modified Project Option:**

Phase 1:

1. Implement street improvements on Saratoga Avenue segment between Lawrence Expressway-Quito Road and 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways:
  - i. Modify traffic signal at Saratoga Avenue & 1312 El Paseo de Saratoga-1777 Saratoga Avenue. Driveways shall be 8-phase operation with crosswalks on all intersection approaches.

Phase 2:

- ii. Implement street improvements on Quito Road Project frontage and the remainder of the southside of Saratoga Avenue, including lane striping. (Prior to the issuance of Building occupancy of the first unit in Building 1 or 2, whichever occurs first).
- iii. Remove the pork-chop islands at the southeast corner of the Lawrence Expressway-Quito Road/Saratoga Avenue intersection and modify the signal to accommodate the pork-chop removal. (Prior to the issuance of Building occupancy of the first unit in Building 1 or 2, whichever occurs first).
- iv. Implement the following programmatic Transportation Demand Management (TDM) measure, to reduce the residential project VMT to less-than-significant levels, prior to Planning Permit approval:

1. Provide Unbundled On-site Parking Costs for \$275 per parking space monthly at minimum. Unbundled parking costs may be subject to annual escalation (TP-16).
2. On-Site TDM Coordinator
  - a. Provide a TDM plan prior to issuance of Planning Permit. Include an annual monitoring requirement establishing an average daily trip (ADT) cap of 203 AM peak-hour trips and 222 PM peak-hour trips. The annual monitoring report must demonstrate the Project is within 10% of the ADT cap and must be prepared by a traffic engineer.
  - b. If the Project is not in conformance with the trip cap, the Project may add additional TDM measures to meet the trip cap. A follow up report will be required within six months. If the Project is still out of conformance, penalties will be assessed. See Council Policy 5-1.

Phase 3:

- v. Implement the following multimodal infrastructure and programmatic TDM measure, to reduce the residential project VMT to less-than-significant levels and fully mitigate the VMT impact:
  1. Traffic Calming Measures **and** Pedestrian Network Improvements (MI-05) (Prior to the issuance of Building occupancy of the first unit in Building 1 or 2, whichever occurs first).
    - a. Construct traffic calming measures to improve pedestrian access between West Campbell Avenue and the south side of Hamilton Avenue by removing the pork-chop island at the southwest corner of Campbell Avenue and Hamilton Avenue. A signal modification will be required, and improvements may include the following:
      - i. Provide a signalized pedestrian crosswalk for the south leg.
      - ii. Construct new ADA directional curb ramps at all corners (total of 5) including crosswalk across Campbell Avenue northbound right turn onto eastbound Hamilton Avenue.
      - iii. Construct curb/gutter/10' wide detached sidewalk with trees along eastbound Campbell

Avenue and southbound Hamilton Ave, while maintaining existing drainage patterns.

- iv. Implement Class II bikeway to the left of the eastbound right-turn lane along Campbell Avenue.
  - b. Provide Unbundled On-site Parking Costs for \$110 per parking space monthly at minimum. Unbundled parking costs may be subject to annual escalation (TP-16).
  - c. On-Site TDM Coordinator (see above).
- vi. Submit a TDM Plan to meet the Parking TDM requirements for the Home-End Use prior to Planning Permit approval or Certificate of Occupancy including the following measures:
  1. Pedestrian network improvement (MI-05)
    - a. If it is determined that the cost of implementing the Hamilton Avenue/Campbell Avenue improvement is less than the cost to receive credit for 3 TDM Points for MI-05, the Project shall pay the City the remaining delta amount by Phase 3.
  2. Reduced parking supply (PK-01)
  3. Education/marketing & outreach about multimodal travel options (TP-04)
  4. Unbundle parking costs from unit leasing costs (TP-16)

Phase 4:

- vii. Remove the pork-chop island at the northeast of the Lawrence Expressway-Quito Road/Saratoga Avenue intersection and modify the signal to accommodate pork-chop removal.
- viii. Implement street improvements on Saratoga Avenue segment between Lawrence Expressway-Quito Road and 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways, including:
  1. Install a second westbound left-turn pocket on Saratoga Avenue approach of the Quito Road-Lawrence Expressway intersection.
  2. Install a new eastbound left turn pocket for the 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways.
  3. Median island modifications between 1312 El Paseo de Saratoga-1777 Saratoga Avenue. Driveways shall be



configured to maintain existing Saratoga Avenue configurations at the Saratoga Avenue & Campbell Avenue-Prospect Road intersection.

- ix. Implement the following multimodal infrastructure and programmatic TDM measure, to reduce the assisted living project VMT to less-than-significant levels and fully mitigate the VMT impact (Prior to issuance of Building occupancy for the assisted living facility):
  1. Traffic Calming Measures **and** Pedestrian Network Improvements (MI-05) (see above)
  2. Commute Trip Reduction Marketing and Education (TP-04)
    - a. Provide education promoting multimodal travel to 100% of employees.
  3. Implement Ride-Sharing Program (TP-13)
    - a. Provide a ride-matching service for employees who have similar commute pattern with at least 3% expected employee participation.
  4. On-Site TDM Coordinator
    - a. Provide a TDM plan prior to issuance of Planning Permit. Include an annual monitoring requirement establishing an average daily trip (ADT) cap of 42 AM peak-hour trips and 59 PM peak-hour trips. The annual monitoring report must demonstrate the Project is within 10% of the ADT cap and must be prepared by a traffic engineer.
    - b. If the Project is not in conformance with the trip cap, the Project may add additional TDM measures to meet the trip cap. A follow up report will be required within six months. If the Project is still out of conformance, penalties will be assessed. See Council Policy 5-1.
- x. Submit a TDM Plan to meet the Parking TDM requirements for the Commute-End Use prior to Planning Permit approval or Certificate of Occupancy including the following measures:
  1. Pedestrian network improvement (MI-05)
  2. Reduced parking supply (PK-01)
  3. Education/marketing & outreach about multimodal travel options (TP-04)
  4. Provide Ride-Sharing Program (TP-13)

5. Provide Voluntary Travel Behavior Change Program (TP-18)

**Non-Education Option:**

2. Implement the following multimodal infrastructure and TDM mitigation measures to reduce the project VMT to less-than-significant levels and fully mitigate the VMT impact:
  - a. Traffic Calming Measures and Pedestrian Network Improvements (see above)
    - i. Provide Unbundled On-Site Parking Costs for \$110 per parking space monthly at minimum. Unbundled costs may be subject to annual escalation.
    - ii. Provide Commute Trip Reduction Marketing and Education to 100% of office employees.
    - iii. Provide Telecommuting and Alternative Work Schedule Program with a 4/40 work week schedule (10-hour workdays for four days a week) with at least 10% expected participation from office employees).
    - iv. On-Site TDM Coordinator
      1. Provide a TDM plan prior to issuance of Planning Permit. Include an annual monitoring requirement establishing an average daily trip (ADT) cap of 475AM peak-hour trips and 633 PM peak-hour trips. The annual monitoring report must demonstrate the Project is within 10% of the ADT cap and must be prepared by a traffic engineer.
    - v. If the Project is not in conformance with the trip cap, the Project may add additional TDM measures to meet the trip cap. A follow up report will be required within six months. If the Project is still out of conformance, penalties will be assessed. See Council Policy 5-1.
3. Implement street improvements on Saratoga Avenue segment between Lawrence Expressway-Quito Road and 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways, including:
  - i. Install a second westbound left-turn pocket on Saratoga Avenue approach of the Quito Road-Lawrence Expressway intersection.
  - ii. Install a new eastbound left turn pocket for the 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways.
  - iii. Modify traffic signal at Saratoga Avenue & 1312 El Paseo de Saratoga-1777 Saratoga Avenue. Driveways shall be 8-phase operation with crosswalks on all intersection approaches.

- iv. Median island modifications between 1312 El Paseo de Saratoga-1777 Saratoga Avenue. Driveways shall be configured to maintain existing Saratoga Avenue configurations at the Saratoga Avenue & Campbell Avenue-Prospect Road intersection.
4. Remove the pork-chop islands at the northeast and southeast corners of the Lawrence Expressway-Quito Road/Saratoga Avenue intersection and modify the signal to accommodate pork-chop removals.
5. Install signage at the Quito Road driveway entrance that the driveway only provides access for residents and office employees and should not be used to access the shopping mall.
6. Provide a voluntary monetary contribution towards the construction of Class IV bikeways of \$121 per linear foot along the Project frontage along Saratoga Avenue and Quito Road per San José Better Bike Plan 2025.

### **Education Option**

7. Implement the following multimodal infrastructure and TDM mitigation measures to reduce the project VMT to less-than-significant levels and fully mitigate the VMT impact:
  - i. Traffic Calming Measures and Pedestrian Network Improvements (see above)
  - ii. Provide Unbundled On-Site Parking Costs for \$110 per parking space monthly at minimum. Unbundled parking costs may be subject to annual escalation.
  - iii. Provide Commute Trip Reduction Marketing and Education with a 95% expected participation rate of faculty, staff, student drivers, and parents. Provide Rideshare/Carpool Program with at expected participation rate of 2%.
  - iv. Provide Telecommuting and Alternative Work Schedule Program with a 4/40 work week schedule (10-hour workdays for four days a week) with at least 10% expected participation from office employees).
  - v. On-Site TDM Coordinator
    1. Provide a TDM plan prior to issuance of Planning Permit. Include an annual monitoring requirement establishing an average daily trip (ADT) cap of 1,614 AM peak-hour trips and 646 PM peak-hour trips. The annual monitoring report must demonstrate the Project is within 10% of the ADT cap and must be prepared by a traffic engineer.

2. If the Project is not in conformance with the trip cap, the Project may add additional TDM measures to meet the trip cap. A follow up report will be required within six months. If the Project is still out of conformance, penalties will be assessed. See Council Policy 5-1.
  8. Implement street improvements on Saratoga Avenue segment between Lawrence Expressway-Quito Road and 1312 El Paseo de Saratoga-1777 Saratoga Avenue Project driveways (see above).
  9. Remove the pork-chop islands at the northeast and southeast corners of the Lawrence Expressway-Quito Road/Saratoga Avenue intersection and modify the signal to accommodate pork-chop removals.
  10. Submit a supplemental Local Transportation Analysis (LTA) detailing the on-site circulation and student pick-up/drop-off.
  11. Install signage at the Quito Road driveway entrance that the driveway only provides access for residents and office employees and should not be used to access the shopping mall.
  12. Provide a voluntary monetary contribution towards the construction of Class IV bikeways of \$121 per linear foot along the Project frontage along Saratoga Avenue and Quito Road per San José Better Bike Plan 2025.
- c. **Urban Village Plan:** This Project is located in the Paseo de Saratoga 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 Saratoga Avenue 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. **Private Improvements within Public Property:** The proposed minor encroachment in the right-of-way for benches shall be subject to Chapter 13.37 of the Municipal Code. No further discretionary approval by City Council is required for these improvements. The property owner shall execute an Encroachment Agreement as part of Public Works Clearance requirement(s) and prior to Building Permit issuance.
- f. **Grading/Geology:**
1. A grading permit is required prior to the issuance of a Public Works Clearance.

2. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot 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.
3. If the Project proposes to haul more than 10,000 cubic yards of cut/fill to or from the Project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
4. Because this Project involves a land disturbance of one or more acres, the Permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
5. 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.

**g. Shoring:**

1. Shoring plans will be required for review and approval as part of the Grading Permit for this Project.
2. If tie-backs are proposed in the Public right-of-way as a part of the shoring operation, a separate Revocable Encroachment Permit must be obtained by the Developer or Contractor and must provide security, in the form of a CD or Letter of Credit, in the amount of \$100,000. All other shoring will not be allowed to encroach more than 12" within the public right-of-way (i.e. soldier beams).
3. If tie-backs are proposed for use along the adjacent property(ies) (403-01-110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 403-32-062, 082, 084, 086, 089, 090, 091, 092, 093, 094, 095, 099, 101, 110, 120, 403-33-009, 015, 386-10-040, 049) agreements between the Permittee and the adjacent property owner(s) will need to be secured,

executed and provided to the Public Works Project Engineer prior to approval of the Grading Permit for this Project.

- h. **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.
1. The Project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this Project is in conformance with City Policy 6-29.
    - i. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  2. 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.
  3. 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>
  4. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- i. **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).
- j. **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.
- k. **Sewage Fees:** In accordance with the San José Municipal Code, all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- l. **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 Chapter 14.25.

**m. Undergrounding:**

1. The In-Lieu Undergrounding Fee shall be paid to the City for all frontage(s) adjacent to Lawrence Expressway and Saratoga Avenue prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2024 base fee is \$627 per linear foot of frontage and is subject to change every January 31st based on the Engineering News Record’s City Average Cost Index for the previous year. The Project will be required to pay the current rate in effect at the time the Public Works Clearance is issued.
2. The Director of Public Works may, at his discretion, allow the Permittee to perform the actual undergrounding of all off-site utility facilities fronting the Project adjacent to Lawrence Expressway and Saratoga Avenue. Permittee shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.

**n. Street Improvements:**

1. PDA20-006-02 shall construct the following public improvements and multimodal physical improvements to the satisfaction of the Public Works Director, and as required by the County of Santa Clara where applicable. Prior to occupancy of any future Building, whichever is built first (Building 1, Building 2 or Building 4) the Permittee shall complete Group 2 and Group 4 improvements, per the Offsite Improvements Grouping Exhibits, by BKF Engineers, dated 9/14/2023. Group 3 Improvements will need to be completed prior to Building Occupancy of the last remaining building. Conditions are subject to change following review of an updated Transportation Analysis:
  - i. Per County of Santa Clara approval, construct 20’ wide City standard attached sidewalk, which includes 4’x5’ tree wells, 6’ wide raised bikeway, and 10’ wide pedestrian through zone along Saratoga Avenue Project frontage per the latest DOT plan line, which will avoid relocating the utility pole at the northeast corner of the Saratoga Avenue/Quito Rd-Lawrence Expressway intersection. Provide public sidewalk easement dedication as required.
  - ii. Construct 15’ wide City Standard attached sidewalk with 4’x5’ tree wells along Lawrence Expressway Project frontage as required by County of Santa Clara. Provide public sidewalk easement dedication as required. Public improvements to be coordinated with the County of Santa Clara.

- iii. Construct 17' wide City standard attached sidewalk, which includes 4'x5' tree wells, 5' wide raised bikeway, and 8' wide pedestrian through zone along Quito Road Project frontage as required by County of Santa Clara. Provide public sidewalk easement dedication as required.
- iv. Construct 26' wide City Standard driveway cuts on all Project driveways, except at signalized intersections.
- v. Reconstruct raised median island along Saratoga Avenue from Lawrence Expressway to Campbell Avenue. Median island modifications between 1312 El Paseo de Saratoga-1777 Saratoga Avenue Driveways shall be configured to maintain existing Saratoga Avenue configurations at the Saratoga Avenue & Campbell Avenue-Prospect Road intersection.
- vi. Replace old bus stop shelter, Southbound Campbell, south of Saratoga bus stop with new VTA standard 13' Full Back Ad shelter.
- vii. Per County of Santa Clara approval, signal modification will be required at the Saratoga Avenue/Lawrence Expressway intersection to remove Northeast, Northwest, and Southeast pork-chop islands, tighten the curb radii, and restripe the eastbound Saratoga Avenue approach to two travel lanes. Traffic signal modification should retain existing 8-phase signal operation.
  1. Coordination will be needed with the County of Santa Clara and VTA for the public frontage improvements along Lawrence Expressway and the existing bus stop locations.
- viii. Signal modification will be required at Campbell Avenue/Hamilton Avenue intersection to install a crosswalk at the south leg to provide enhance pedestrian crossing to the existing site across West Campbell Avenue.
  1. Project shall realign curb line along eastbound Hamilton Avenue to connect to the southeast Campbell Avenue to allow for direct pedestrian/bicycle access from the southeast Campbell Ave/Hamilton Ave intersection corner and to minimize vehicular conflicts. Existing drainage along Campbell Avenue shall be maintained.
- ix. Per County of Santa Clara approval, traffic signal modification will be required at Saratoga Avenue & 1312 El Paseo de Saratoga-1777 Saratoga Avenue driveways to install all crosswalks on all legs and provide 8-phase operation with a new eastbound left turn lane for access to 1777 Saratoga Avenue.



1. Installation of new eastbound left turn to 1777 Saratoga Avenue will require analysis of the westbound left turn operations at the Saratoga Avenue & Lawrence Expressway-Quito Road intersection.
  2. Street improvements along Saratoga Avenue shall include a lane reassignment of the 3 EB lanes along Saratoga Avenue, east of the Quito Road-Lawrence Expressway/Saratoga Avenue intersection to accommodate the new eastbound left turn into 1777 Saratoga Avenue.
    - x. Provide new 3” conduit between El Paseo de Saratoga Driveway/Saratoga Avenue and Campbell/ Hamilton.
    - xi. Provide 24-strand fiber installed in the conduit between the traffic controller cabinets. Existing traffic controller cabinets shall be maintained where feasible.
    - xii. Close unused driveway cut(s).
    - xiii. 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.
    - xiv. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
    - xv. 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.
- o. **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.
- p. **Street Trees:**
1. 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 shall be installed in curb cuts. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

2. Replace any missing street trees in empty tree wells or park strips along Saratoga Avenue and W. Campbell Avenue and match existing trees per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Obtain a DOT street tree planting permit for any proposed street tree plantings.
3. 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.

**q. Referrals**

1. This Project should be referred to the County of Santa Clara for coordination on the Quito Road and Saratoga Avenue improvements including but not limited to the following:
  - i. Removal of NE and SE pork-chop islands at Saratoga Avenue & Lawrence Expressway-Quito Road intersection corners.
  - ii. Construction of up to 15’ wide City Standard attached sidewalk with 4’x5’ tree wells along Lawrence Expressway Project frontage as required by County of Santa Clara. Provide public sidewalk easement dedication as required. Public improvements to be coordinated with the County of Santa Clara.
  - iii. Confirm the final public improvement requirements for the signal modification at Lawrence Expressway and Saratoga Avenue intersection.
2. This Project should be referred to Valley Transportation Authority (VTA) for coordination on the proposed bus stop relocation along the westbound Saratoga Avenue frontage.

**26. Revocation, Suspension, Modification.** This Planned Development Permit Amendment 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 Planned Development Permit Amendment 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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
MATT MAHAN  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, MMC  
City Clerk

**NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

**EXHIBIT "A"**  
Legal Description

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

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

**LOT ONE:**

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT TWO:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

**BASIS OF BEARINGS:**

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

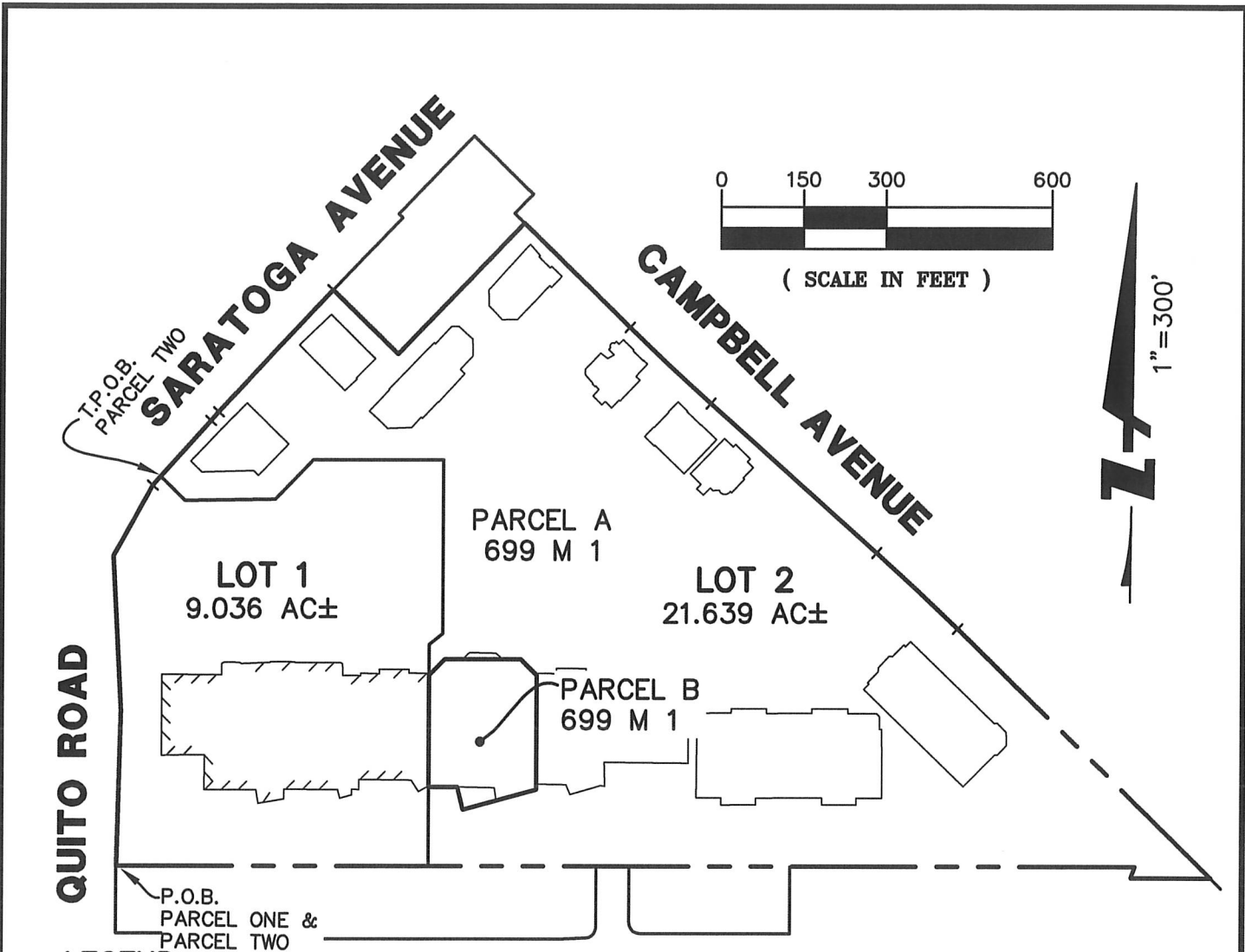
This description was prepared by me or under my direction in conformance with the Professional Land Surveyors' Act.

**PRELIMINARY**

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

\_\_\_\_\_  
Date





**QUITO ROAD**

**SARATOGA AVENUE**

**CAMPBELL AVENUE**

**LOT 1**  
9.036 AC±

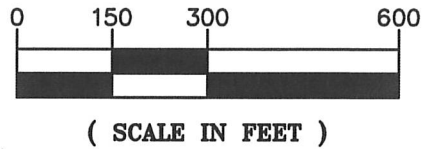
**PARCEL A**  
699 M 1

**LOT 2**  
21.639 AC±

**PARCEL B**  
699 M 1

P.O.B.  
PARCEL ONE &  
PARCEL TWO

T.P.O.B.  
PARCEL TWO



**LEGEND**

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

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

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

**BASIS OF BEARINGS**

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



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

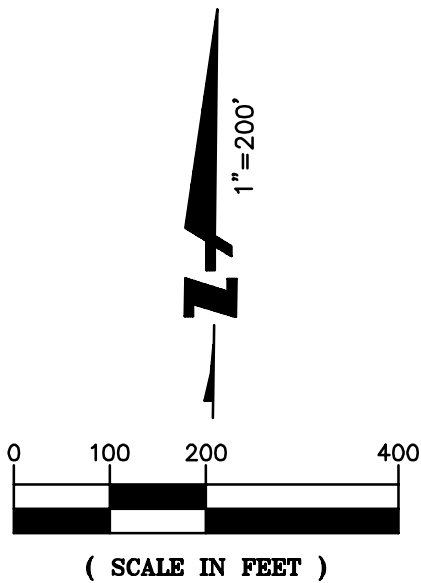
PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

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



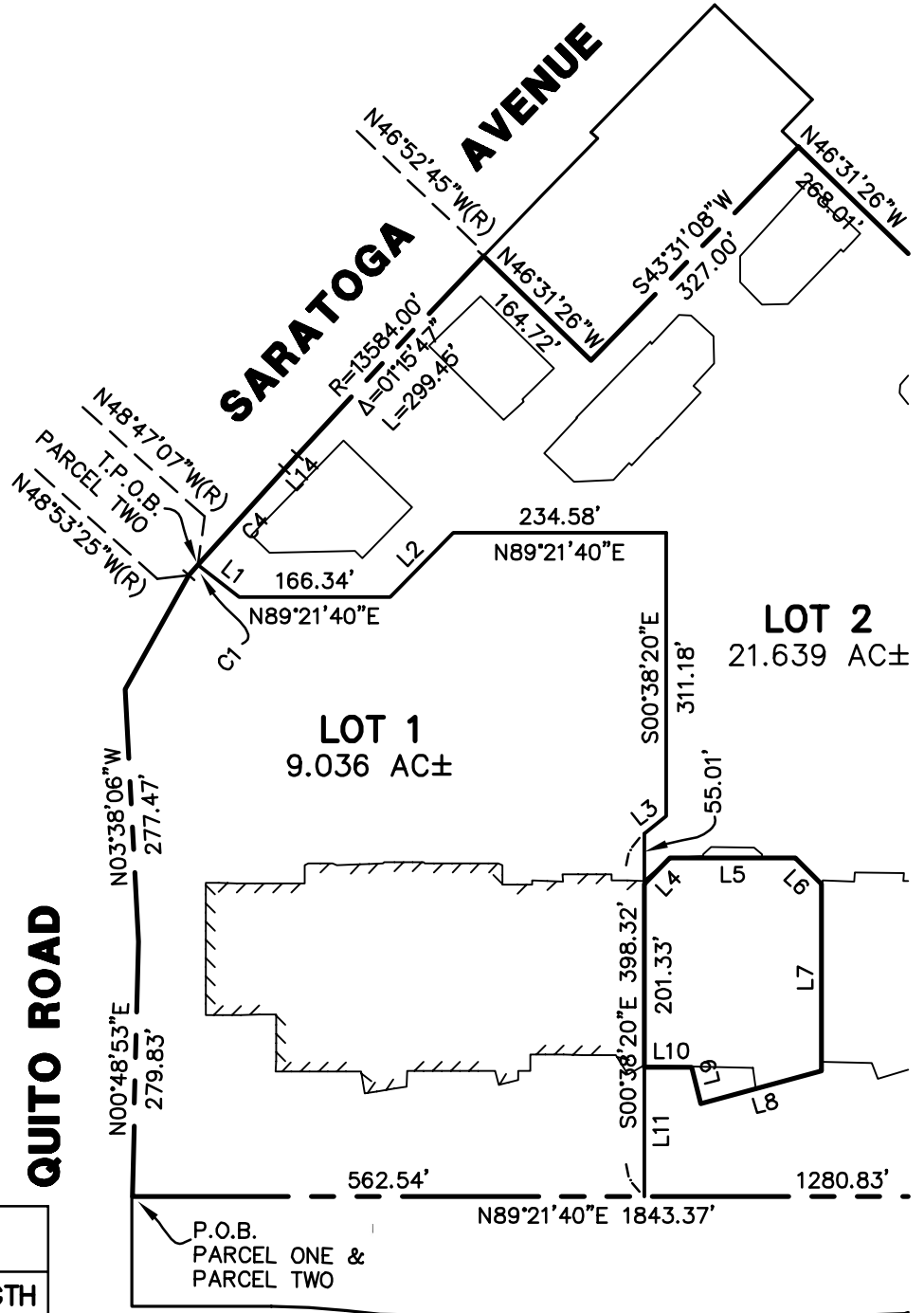
1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
408-467-9199 (FAX)

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



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

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



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

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



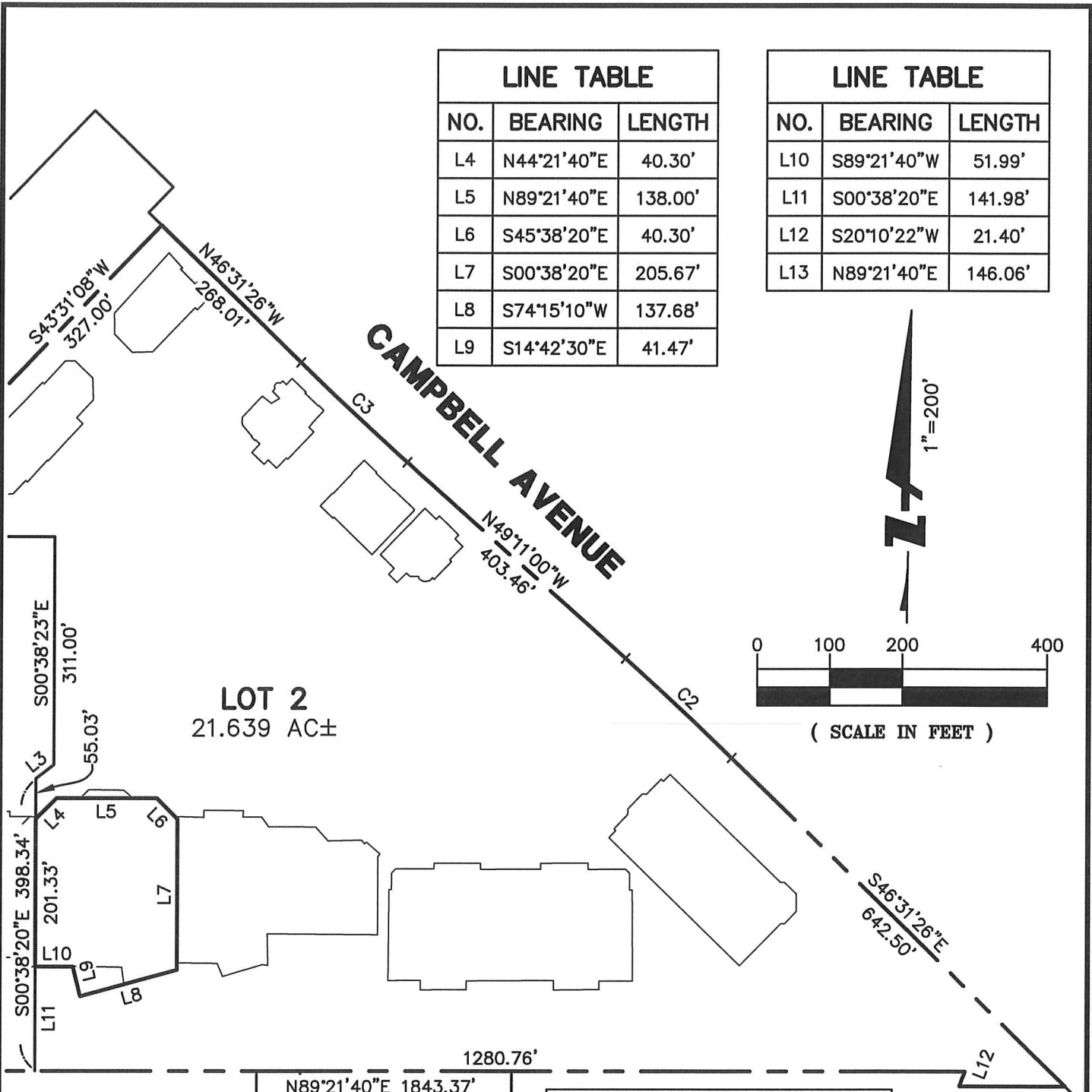
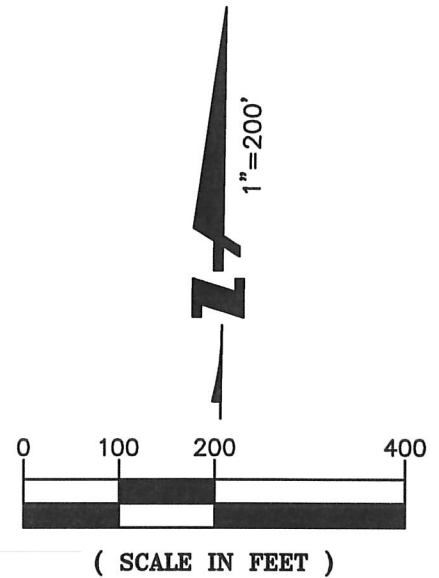
1730 N. FIRST STREET  
 SUITE 600  
 SAN JOSE, CA 95112  
 408-467-9100  
 408-467-9199 (FAX)

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



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

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



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

**EXHIBIT "B"**

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

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



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

Subject PARCEL A, PM 699 M 1  
PLAT MAP

Job No. 20191362 SARATOGA, CA  
By MDB Date 08-17-20 Chkd. JVK  
SHEET 3 OF 3

**EXHIBIT "A"**  
Legal Description

**1777 SARATOGA AVENUE**

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

**PARCEL ONE:**

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

**PARCEL TWO:**

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

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

**PARCEL THREE:**

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

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

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

**PARCEL FOUR:**

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

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

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

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

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

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

**PARCEL FIVE:**

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

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

Being a portion of the Quito Rancho.

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

\_\_\_\_\_  
Date



# LEGEND



CITY OF SAN JOSE, ZONE CP - COMMERCIAL PEDESTRIAN



CITY OF SARATOGA, ZONE PA - PROFESSIONAL & ADMINISTRATIVE

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

EXISTING BUILDING TO BE DEMOLISHED  
CITY LIMITS

P.O.B. POINT OF BEGINNING

APN 386-10-040

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

PTR PARCEL FIVE  
APN 386-10-049

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

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

PTR PARCEL TWO  
APN 386-10-036

PTR PARCEL ONE  
APN 386-10-046

PARCEL ONE  
P.O.B.

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

PTR PARCEL THREE  
APN 386-10-033

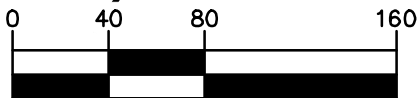
**SARATOGA AVENUE**

**LAWRENCE EXPRESSWAY**

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



1" = 80'



( SCALE IN FEET )

## BASIS OF BEARINGS

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



**EXHIBIT "B"**

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

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



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

Subject **1777 SARATOGA AVENUE**  
**PLAT MAP**

Job No. 20191362

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