

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT, TO ALLOW THE DEMOLITION OF FOUR BUILDINGS TOTALING APPROXIMATELY 15,072 SQUARE FEET, REMOVAL OF 30 TREES (9 ORDINANCE-SIZE, 21 NON-ORDINANCE-SIZE), AND INSTALLATION OF 35 REPLACEMENT TREES FOR THE EXPANSION AND MODERNIZATION OF THE EXISTING GRANITEROCK FACILITY INCLUDING LENGTHENING THE EXISTING ON-SITE RAIL INFRASTRUCTURE, CONTINUATION OF THE CONCRETE AND AGGREGATE RECYCLING USE, INSTALLATION OF A CONCRETE TRUCK WASHOUT AND RECLAIMING SYSTEM, INSTALLATION OF A TRUCK WASH SYSTEM TO ABATE TRUCK TRAFFIC DUSTING, CONSTRUCTION OF VEHICLE AND TRUCK PARKING TO ACCOMMODATE SITE OPERATIONS, RELOCATION OF AN EXISTING MAINTENANCE SHOP AND CONSTRUCTION EQUIPMENT STORAGE FACILITY, AND CONSTRUCTION OF A NEW RAIL CAR OFFLOADING SYSTEM, NINE 122-FOOT-HIGH AGGREGATE SILOS, A NEW CONCRTE FACILITY, A CEMENTITIOUS RAIL CAR UNLOADING; STORAGE; AND DISTRIBUTUION FACILITY, A NEW ASPHALT FACILITY, A NEW WAREHOUSE AND STORAGE FACILITY, AND A NEW QUALITY ASSURANCE/QUALITY CONTROL FACILITY WITH OFFICE SPACE ON AN APPROXIMATELY 22.36-GROSS ACRE SITE, LOCATED AT THE NORTHERN TERMINUS OF GRANITE ROCK WAY (120 GRANITE ROCK WAY) (APNS: 462-17-024 AND 462-17-025)

FILE NO. PD20-013

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on January 11, 2020, an application (File No. PD20-011) was filed by the applicant Pat Mapeli, on behalf of the property owner, Graniterock Company, with the City of San José for a Planned Development Permit to allow the demolition of four buildings totaling approximately 15,072 square feet and the removal of 30 trees (9 ordinance-size, 21 non-ordinance-size) to

allow the expansion and modernization of the existing Graniterock facility, including lengthening the existing on-site rail infrastructure, continuation of the concrete and aggregate recycling use, installation of a concrete truck washout and reclaiming system, installation of a truck wash system to abate truck traffic dusting, vehicle and truck parking to accommodate site operations, relocation of an existing maintenance shop and construction equipment storage facility, and construction of A new rail car offloading system, nine 122-foot-high aggregate silos, a new concrete facility, a cementitious rail car unloading, storage and distribution facility, a new asphalt facility, a new warehouse and storage facility, and a quality assurance/quality control facility with office space on an approximately 22.36-gross acre site, on that certain real property situated in the HI(PD) Planned Development Zoning District and located at the northern terminus of Granite Rock Way (120 Granite Rock Way, APN: 462-17-024 & 025), San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A," entitled “Legal Description,” and Exhibit “B,” entitled “Plat Map,” 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 March 22, 2023, 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, "Planned Development Permit for Granite Rock" dated October 19, 2022, 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 Uses.** The subject 22.36-gross acre site is located at the northern terminus of Granite Rock Way. The site is comprised of two lots (APN: 462-17-024 and 462-17-025). The project site is bounded by a concrete plant to the north, railroad tracks and Monterey Road to the east, the West Wind Capitol Drive-In Theater to the south, and a mix of light and heavy industrial uses to the west. The site is currently developed with an existing recycling, manufacturing, and distribution facility for aggregate, asphalt, concrete, and other construction materials.
- 2. Project Description.** The project consists of the redevelopment and expansion of the existing concrete plant, aggregate and construction materials distribution facility, and recycling yard operations. The project also includes the addition of an asphalt plant and cementitious distribution facility. The existing equipment storage and maintenance yard would be removed from the site. The expanded facility would operate 24 hours per day, seven days per week.

To facilitate the project, the project includes the removal of 30 trees (nine ordinance-size, 21 non-ordinance-size), and 35 replacement trees). More specifically, the project consists of the following elements.

Aggregate Distribution Facility

The site currently receives aggregate from the A.R. Wilson Quarry in Aromas, California (approximately 45 miles south of the site) via railcar and truck. The railcars arrive on-site between the hours of 12:00 AM and 5:00 AM and are stored on an on-site spur track with a 25-railcar capacity located in the northern portion of the site along Monterey Road. The railcars are then unloaded by employees during the typical operating hours of the facility (6:00 AM to 8:00 PM) and the aggregate is stockpiled in open piles. This aggregate is then sold to customers and loaded onto haul trucks for distribution or is used on-site to make concrete, which is then sold and distributed by truck to customers.

A new railcar offloading system and nine 122-foot-high silos would be constructed in the northern portion of the site to enable aggregate to be offloaded, handled, and stored in a fully enclosed environment, instead of the open piles which are utilized now (refer to Figure 2.2-3). The project would also include air handling systems within the facility to abate dusting from the offloading and storage operation. Aggregate customers would also be able to drive under the silos 24-hours per day and self-load product on demand. Currently there is a single railcar unloading operation capable of unloading a railcar at the rate of 400 tons/hour. In order to increase the unloading rate and efficiency of the facility, a double railcar unloading operation would take its place capable of unloading at a combined rate of 2,000 tons per hour. The on-site spur track would be expanded to the eastern portion of the site to accommodate up to 55 railcars. Graniterock would move the railcars within the site with its own private locomotive to position the cars over the unloading pit and then move them out of the way for the next set of railcars.

Overall, the annual throughput of the aggregate distribution facility would increase from 150,000 tons per year to 1,300,000 tons per year, with 715,000 tons per year used on-site to produce asphalt and concrete and 585,000 tons per year exported commercially. This operation is anticipated to happen continuously 24-hours per day, 7 days per week.

Asphalt Plant

The project would construct a new asphalt plant in the central portion of the site. The asphalt plant would reach a maximum height of 98 feet. Aggregate would be conveyed directly from the newly constructed silos to the aggregate distribution facility for the asphalt manufacturing operation. As a result, all materials would be handled within a fully enclosed environment. Piping between the oil tank farm and asphalt tank will run below grade, in a concrete raceway with steel plates over the top. The annual throughput of the asphalt plant would be 750,000 tons per year. The asphalt plant is expected to operate 24 hours per day, 7 days per week.

Cementitious Distribution Facility

The project would construct a new cementitious railcar unloading, storage and distribution facility in the northern portion of the site. The facility would reach a maximum height of 65 feet. Cementitious materials would be handled within a full enclosed system, combined with air abatement devices to mitigate air and noise emissions. The annual throughput of the cementitious distribution facility would be 100,000 tons per year, with 70,000 tons per year used on-site to produce concrete and 30,000 tons per year exported commercially. The

cementitious distribution facility would operate from 6:00 am to 6:00 pm.

Concrete Plant

A new concrete plant would be constructed in the central portion of the site to replace the existing concrete facility on the site. The concrete plant would reach a maximum height of 113 feet. The new concrete plant would enable aggregate to be conveyed directly from the newly constructed silos associated with the aggregate distribution facility and cementitious distribution facility so that all materials could be handled within an enclosed environment. A modern concrete truck washout and reclaiming system would be installed to reclaim left-over concrete, sand and water for reuse. The maximum annual throughput of the concrete plant would increase from 70,000 cubic yards per year to 300,000 cubic yards per year. The concrete plant is expected to operate 24 hours per day, 7 days per week.

Recycle Yard

Currently, a recycle yard consisting of open-air piles of construction materials such as recycled asphalt and concrete, soil, sand and other materials is located in the central portion of the site. These materials are delivered via truck, sorted and processed on-site, and exported via truck to the end users. Under the proposed project, the recycle yard would shift to the eastern portion of the site and receive the same amount of materials (650,000 tons per year). However, instead of exporting all the materials as is the practice under existing conditions, the project would utilize 350,000 tons per year for on-site asphalt processing, resulting in a reduction in export of recycled materials. Recycling operations would occur Monday through Saturday 7:00 am to 4:00 pm.

Equipment Storage and Maintenance Yard

The eastern portion of the project site is currently utilized for equipment storage and maintenance. These operations would be removed from the site, and the area would be utilized for the relocated recycle yard and the new rail spur

Ancillary Facilities

A new one-story 10,000-square foot materials warehouse and storage facility would be constructed in the western portion of the site to support existing and proposed site operations. Additionally, a new two-story 5,500-square-foot quality assurance/quality control ("QA/QC") facility with office space would be constructed in the southern portion of the site to support existing and proposed site operations.

3. **General Plan Conformance.** The site is designated Combined Industrial/Commercial on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. As shown in Figure 3 above, the project includes a General Plan Amendment (File No. GP19-010) to amend the land use designation to Heavy Industrial.

This category is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this category. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. The Heavy Industrial designation is also the appropriate category for solid waste transfer and processing stations, if those sites meet other Envision General Plan policies. Very limited scale retail sales and service establishments serving

nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building.

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

Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

Broad Economic Prosperity Policy IE-6.2: Attract and retain a diverse mix of businesses and industries that can provide jobs for the residents of all skill and education levels to support a thriving community.

Fiscal Sustainability Policy FS-2.3: Encourage development of industrial areas and redevelopment of existing older or marginal industrial areas (e.g., areas which could support intensified employment activity), particularly in locations that facilitate efficient commute patterns. The use of redevelopment tax increment financing to provide necessary public improvements is one means of encouraging this economic development and revitalization.

Land Use Policy LU-6.3: When new uses are proposed in proximity to existing industrial uses, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.

Land Use Policy LU-6.5: Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

Analysis: The Planned Development Zoning rezoning would allow for specifically tailored development standards to facilitate the redevelopment and modernization of the site and allow the continued operation of the facility. The Planned Development Zoning includes reduced building setbacks to the public right-of-way in order to accommodate the necessary uses on site and to better align with the building placement requirements of the Industrial Design Guidelines. The Zoning District establishes maximum height limits of 175 feet for the project equipment (i.e. asphalt and concrete mixers) to allow the installation of the necessary equipment for the continued and future operation of the facility. The project retains a heavy industrial use in the City. The project consists of the redevelopment and expansion of the existing concrete plant, aggregate and construction materials distribution facility, and recycling yard operations. In order to upgrade and modernize the facility, the project includes the demolition of the existing temporary buildings and storage structures for the construction of a new permanent warehouse and office building. The project also

includes the addition of an asphalt plant and cementitious distribution facility. The expansion of the facility provides additional employment opportunities for workers with a wide range of skills and educational levels. Additionally, the project includes the installation of a truck wash system to abate truck traffic dusting. The entire site, with the exception of the landscaped areas, would be paved to further control and reduce dust. The project also preserves 137 trees on site to maintain existing screening to the surrounding properties.

4. Communications Hill Specific Plan

The project site is located within the boundaries of the Communications Hill Specific Plan. Within the identified industrial areas of the Plan, the site is specifically located within the Hillcap Road area. The Plan proposes to maintain the existing industrial uses on the south side of Hillcap Road and does not provide guidance on project design or building heights. Therefore, staff must defer to the previously approved Planned Development Zoning for the site, the Zoning Code, and the Industrial Design Guidelines for guidance on redevelopment of industrial areas for this portion of the Plan.

5. Zoning Ordinance Compliance.

General Development Plan

The project is in the HI(PD) Planned Development Zoning District. Subject to the project's Development Standards (Exhibit G), the newly created HI(PD) Multiple Residence Planned Development Zoning District would allow for uses that conform with the HI Heavy Industrial Zoning District, in alignment with the amended General Plan Land Use Designation of Heavy Industrial. The Planned Development Zoning District allows for processing facilities, as a permitted use with the issuance of a Planned Development Permit.

Setbacks and Height

The table below highlights the proposed Development Standards as outlined in the General Development Plan of the HI(PD) Planned Development Zoning District.

Development Standard	Required	Proposed
Minimum Lot Size	6,000 square feet	22.36 acres
Front Setback (from Granite Rock Way)	Minimum 10 feet	12 feet
Side Setback	0 feet from property line, or 25 feet from residential district, whichever is greater	2 feet (east), 9 feet (southwest), 20 feet (west)
Rear Setback (from Union Pacific ROW)	0 feet from property line, or 25 feet from residential district, whichever is greater	20 feet
Parking Front Setback (from Granite Rock Way)	Minimum 15 feet	22 feet

Parking Side Setback	0 feet	9 feet
Parking Rear Setback (from Union Pacific ROW)	0 from property line, or 25 from residential district, whichever is greater	20 feet
Maximum Building Height	50 feet	36 feet, 6 inches
Maximum Equipment Height (i.e., Asphalt and concrete mixers)	175 feet	168 feet

As shown on the Planned Development Permit plan set, the project conforms with all required height and setback standards pursuant to the General Development Plan of the Planned Development Zoning District. The Planned Development Zoning also allowed for height exceptions for equipment such as asphalt and concrete mixing structures. This Planned Development Zoning establishes the maximum height limit of such equipment at 175 feet, the maximum height of the existing asphalt and concrete mixing structures that are currently operating.

Vehicle Parking

Use	Ratio	Required
Processing Facility	1 per employee of largest shift, plus 1 per facility vehicle (28 employees and 40 work trucks)	68 spaces
	Total Provided	75 spaces

Pursuant to the General Development Plan of the HI(PD) Planned Development Zoning District, the project is required to provide parking consistent with Chapter 20.90 of the Zoning Code, as amended. Pursuant to Section 20.90.060 of the Zoning Code, the project is required to provide 68 vehicle parking spaces. A total of 75 vehicle parking spaces are provided, in excess of the code requirement. In addition to 75 vehicle parking spaces, 40 truck parking spaces are provided for facility operations.

Bicycle Parking

Use	Ratio	Required
Processing Facility	1 per 10 full-time employees (28 employees)	3 spaces
	Total Provided	8 spaces

Pursuant to the General Development Plan of the HI(PD) Planned Development Zoning District, the project is required to provide bicycle parking consistent with Chapter 20.90 of the Zoning Code, as amended. Pursuant to Section 20.90.060 of the Zoning Code, the project is required to provide three bicycle parking spaces. A total of 8 bicycle parking spaces are

provided in bicycle racks, near the entrance of the office/quality assurance building. Therefore, the project exceeds the required amount of bicycle parking spaces.

Noise

Pursuant to the General Development Plan of the HI(PD) Planned Development Zoning District, the project is subject to the performance standards of the HI Heavy Industrial Zoning District. Pursuant to Table 20-135, Section 20.50.300 of the Zoning Code, the maximum allowed noise level for industrial uses adjacent to property used or zoned for industrial purposes is 70 decibels and 60 decibels for industrial uses adjacent to property used or zoned for commercial purposes.

A noise report was prepared by Illingworth & Rodkin, Inc. dated February 18, 2021. Based on the noise study provided, the project would include the installation of new noise generating equipment including rail loading/unloading, the asphalt plant, concrete plant, dust collectors, conveyors, elevators, mixers, hoppers, and truck traffic. While the project site is not adjacent to residences, the noise still measured potential impacts that the nearest noise sensitive residences located approximately 250 feet to the north of site across the Union Pacific Railroad and Monterey Road. The expanded facility would operate 24 hours per day, seven days per week. Currently, the site receives aggregate from the A.R. Wilson Quarry in Aromas, California via railcar and truck between the hours of 12:00 AM and 5:00 AM. Typical operating hours for the facility are from 6:00 AM to 8:00 PM. The noise and vibration assessment accounted for the 24-hour use, but it was assumed that not all processes would occur at all hours on all days (i.e., the noisiest environment would occur during the typical operating hours, Monday through Friday 6:00 AM to 8:00 PM). The hours assumed in the noise model were confirmed by the applicant and therefore, the noise assessment and Environmental Impact Report have accurately analyzed the noise impacts from the proposed project. The noise study found that operational noise would not exceed 55 decibels at the nearest residences. Additionally, the project would not exceed 60 decibels at the nearest commercial uses (Clarion Inn and Capitol Hill Inn) to the east. The noise study also found that the noise levels would not exceed 65 decibels at the nearest industrial uses to the south and west of the project site, below the maximum threshold of 70 decibels.

Therefore, the project conforms with the noise requirements of the HI(PD) Planned Development Zoning District. The Planned Development Permit includes standard environmental permit conditions to reduce construction noise. Additionally, the project is within 500 feet of a residence, therefore hours are limited to 7:00 am to 7:00 pm Monday through Friday. The Planned Development Permit includes a condition for the appointment of a Construction Disturbance Coordinator to address any construction related complaints.

Tree Removals

The project is subject to the following tree replacement ratios as shown in the table below.

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
<p>*x:x = tree replacement to tree loss ratio</p> <p>Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.</p> <p>A 38-inch tree equals 12.1 inches in diameter.</p> <p>** A 24-inch box replacement tree = two 15-gallon replacement trees</p> <p>Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.</p>				

The project includes the removal of 30 trees. Of the trees to be removed, nine are ordinance-size and 21 are non-ordinance-size. A total of 137 trees would be preserved on site. None of the trees to be removed are native species. Based on the arborist report prepared by William Sowa (International Society of Arboriculture Certified Arborist), dated May 6, 2021, the trees to be removed are located either within the project building/equipment footprint, within the path of the newly laid rail spur line, within the path of required public improvements, or are dead. The trees to be removed include 13 Mexican Fan Palms, nine (9) Blue Gums, three (3) Red Ironbarks, two (2) Trees of Heaven, two (2) Black walnuts, and one (1) Canary Island Date Palm. Nine trees would be replaced at a 4:1 ratio, 12 trees would be replaced at a 2:1 ratio, and nine trees would be replaced at a 1:1 ratio. Therefore, the removal of the 30 trees on-site requires the replacement of either 69 15-gallon trees or 35 24-inch box trees on site. The total number of replacement trees to be planted on site is 35 24-inch box trees. The trees to be replanted on site are 15 Coast Live Oaks and 20 Sierra Oaks.

6. Industrial Design Guidelines Consistency

The project was submitted on January 11, 2020, prior to the adoption of the Citywide Design Standards and Guidelines on March 24, 2021. Therefore, the project is subject to the following provisions of the Industrial Design Guidelines:

- Interfaces
 - Activities generating noise, traffic, dust, or odor and activities using hazardous materials should be located adjacent to similar activities on adjacent properties whenever possible. The location of these activities in proximity to residential or other sensitive uses, such as schools or offices, should be avoided. Solutions to interface issues are suggested in the Sections on Service Facilities and on Parking and Circulation.
 - Public entrances and primary building elevations should be oriented toward public

streets wherever possible. Only active building elevations, never blank walls or loading areas, should face public streets.

- Long, uninterrupted facades should be avoided by adding windows and openings, recessed portals, wall off-sets, varying color and texture, building articulation and architectural details.

Analysis: The subject site is not adjacent to any residential uses. The site is bounded by a concrete plant to the north, railroad tracks and Monterey Road to the east, the West Wind Capitol Drive-In Theater to the south, and a mix of light and heavy industrial uses to the west. The asphalt plant, aggregate terminal, and concrete plant are all located at the northwestern end of the site, furthest from adjacent uses and screened with perimeter landscaping. The project also includes the installation of a truck wash system to abate truck traffic dusting. Additionally, the entire site, with the exception of the landscaped areas, would be paved to further control and reduce dust. The primary building entrance is located nearest to the public street at Granite Rock Way. The primary entrance is directly accessible from the street and sidewalk. All visitor and employee parking is located behind the building and screened with landscaping. The building includes variation in materials, colors, wall plane, changes in window pattern and changes in roof line.

- Landscaping

- All areas not covered by structures, service yards, walkways, driveways and parking spaces should be landscaped
- The choice, placement and scale of plants should relate to the project site and architecture. Planting should be used to shade and screen, to accent focal points and entries, to contrast with or reinforce building design, to break up paving or wall expanses, and to define on-site circulation.
- Provide a minimum 5-foot landscape strip, unless a greater perimeter landscape area is recommended based on the Specific Development Type.

Analysis: The project includes a detailed landscaping plan with a variety of trees, shrubs, and ground cover. The project preserves a majority of the trees on site to maintain existing screening to properties to the north, south, and west. All trees to be planted on site are native species. The project includes a perimeter landscape strip that ranges in width from nine feet to 20 feet.

- Service Yards

- Generally, centrally located service yards are encouraged; however, dispersal of service facilities on the site may be necessary if dictated by a particular use. Service yards should include loading areas, garbage dumpsters, trash compactors, recycling, hazardous materials storage, equipment and materials storage, and, if appropriate, utility cabinets, utility meters and transformers.
- Service yards should be easily accessed for service vehicles and tenants. They should be located to minimize conflicts with other site uses and should not create a nuisance for adjacent properties.
- Service yards, storage areas and maintenance equipment should be enclosed and

screened from off-site view. Screening devices can be a combination of buildings, walls, landscaping and/or berming.

Analysis: The project includes the construction of a 16-foot by 15-foot fully covered trash enclosure, which is located at the western portion of the site, away from the primary site operations. Additionally, the outdoor truck parking area is also located at the western portion of the site, to avoid conflicts with general site operations in the remaining portion of the site. The service areas are easily accessible from the primary vehicular entrance along Granite Rock Way and internal drive aisles serving the site. As discussed above, the project includes a detailed landscaping plan, which includes the planting of a variety of trees, shrubs, and ground cover. As discussed above the majority of the trees on site are to be preserved, thereby preserving the existing screening of all service yards and recycling areas from the adjacent properties.

- Trash Enclosures

- Trash/recycle enclosures should be constructed with masonry walls and the enclosure gate should be of metal with heavy duty hardware. Chain link is not appropriate. Finishes and colors for enclosures should be compatible with the buildings.
- The height of trash/recycle enclosures should be at least 6 feet tall and should be adequate to conceal its contents.

Analysis: The project includes the construction of a 16-foot by 15-foot trash enclosure. The enclosure is 6 feet high and includes metal doors. The enclosure is constructed of a concrete block wall with a corrugated metal roof.

- Outdoor Storage

- Enclosed or outdoor storage areas should be identified, planned and included in the site and building design of the project. Outdoor storage should only occur within approved storage areas which are permanently screened from view.

Analysis: As shown on the project plans, the project continues to utilize an approximately 4-acre outdoor recycling area where aggregate is loaded and unloaded from the rail spur. Additionally, the project includes a truck parking area for up to 40 trucks at the southern end of the site. Both storage areas are fully screened with existing fencing and trees.

7. 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 March 5, 2021. A formally noticed Community Meeting was held on Monday, January 25, 2021 to introduce the proposed project to the community. 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 staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

8. Environmental Review.

The City of San José, as the lead agency for the proposed project, prepared a Draft Environmental Impact Report ("DEIR"), which was circulated for public review and comment from September 20, 2022 to November 4, 2022. A First Amendment to the DEIR was prepared

that provided responses to public comments submitted during the public circulation period and revisions to the text of the DEIR. The First Amendment together with the DEIR constitute the Final Environmental Impact Report ("FEIR") for the proposed project.

The EIR identified potential environmental impacts to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, and Hazards and Hazardous Materials, and these impacts would be reduced to less than significant levels with the implementation of the identified mitigation measures. The Draft EIR determined there would be no significant and unavoidable impacts due to the implementation of the project.

Alternatives

The DEIR analyzed two selected project alternatives, the No Project/No Development Alternative and the Reduced Throughput Alternative, that could lessen the significant effects of the project and achieve the project objectives, in accordance with CEQA Guidelines Section 15126.6.

The No Project- No Development alternative would avoid all project impacts however CEQA Section 15126.6(e)(2) requires that when the no-project alternative is the environmentally superior alternative another alternative shall be identified. Therefore, the Reduced Throughput Alternative would be the environmentally superior alternative as it would reduce GHG emissions without the need for mitigation.

DEIR Circulation Comments

Eleven comments were received during public circulation including four from regional and local agencies and seven from members of the public, organizations, and businesses. City staff prepared responses in a First Amendment/Response to Comments document addressing the following topics:

- Air Quality
 - Concern with the project's significant greenhouse gas emissions and proposed mitigation measures to reduce the GHG impact.
 - Request to have the Project Sponsor submit an Air District permit application parallel to the City's permit.
 - Truck and railcar trip increase but are not adequately quantified.
- Transportation
 - Request to provide project trips during the off-peak period and address any potential impacts.
 - Project's fair-share contribution to improve and maintain affected portion of Hillsdale Avenue.
 - Consider improving pedestrian facilities at the Capitol Drive-In access on Hillcap Avenue and at Capitol and Snell.
 - EIR did not sufficiently analyze transportation impacts, specifically missing analysis of the project's impacts on rail operations and did not consider the project's impact to planned future rail service volumes.
- Hazards and Hazardous Materials

- Identification of groundwater monitoring wells and proper permitting for modification and destruction of well(s), and coordination with the utility company to protect facilities.
- Project Description
 - Clarification regarding total project square footage, 24-hour operation, and total number of rail cars proposed.
 - Opposition to project and proposed tree removal.
- Cultural Resources and Tribal Cultural Resources
 - Recommendations to reduce potential impacts to as-yet uncovered tribal cultural resources.

DEIR Circulation Unnecessary

Staff responded to the comments and questions in the First Amendment. None of the comments raised represent new significant information that would warrant recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5(a). The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. "Information" can include changes in the project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not "significant" unless the Draft EIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

The First Amendment was posted on the City's website on March 14, 2023 and all commenters were notified via email of the document's availability. The Draft Environmental Impact Report (DEIR) and First Amendment are available for public review on the City's website: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/graniterock-capitol-modernization-project>

9. Planned Development Permit Findings: Section 20.90.940 of the San José Municipal Code specifies the required findings for the approval of a Planned Development Permit.

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

Analysis: As previously discussed in the General Plan Conformance section above, the project is consistent with the General Plan Land Use Designation of Heavy Industrial. The Heavy Industrial Land Use Designation allows for the continued use of the site as a processing facility. The project consists of the redevelopment and expansion of the existing concrete plant, aggregate and construction materials distribution facility, and recycling yard operations. The project also includes the addition of an asphalt plant and cementitious distribution facility. The expansion of the facility provides additional employment opportunities for workers with a wide range of skills and educational levels. The facility is adjacent to the Capitol Caltrain Station, providing employees with the opportunity to utilize public transportation to access the site.

- b. The Planned Development Permit, 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 (File No. PDC20-023). The newly created HI(PD) Zoning District would allow for uses that conform with the HI Heavy Industrial Zoning District, as amended, which includes the existing and proposed use as a processing facility. Special and Conditional Uses would be subject to the approval of a Planned Development Permit. As discussed in the Zoning Ordinance Compliance section above, the project conforms with all required lot sizes, setbacks, heights, and parking requirements of the Planned Development Zoning District. Additionally, as discussed above, the project is consistent with all applicable noise requirements and tree removal replacement requirements.

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

Analysis: Council Policy 6-30: Public Outreach Policy was implemented in order to inform the public of the project. An on-site sign has been posted on the project frontage since March 5, 2021. 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. Staff has also been available to respond to questions from the public. A formally noticed Community Meeting was held on January 25, 2021 to introduce the project to the community.

- 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 interrelationship between the orientation, location, mass and scale of the building volumes and elevations of the project buildings and other uses on-site are appropriate, compatible, and aesthetically harmonious. The project includes the demolition of four temporary buildings and storage structures for the construction of a new office and warehouse, as well as the removal and replacement of the equipment necessary for the continued operation of the site as a processing facility. The office building is located close to Granite Rock Way, where vehicles and pedestrians enter the site from the public right of way. The warehouse would be centrally located on-site for employees to easily access and store the necessary equipment. The entire site is well screened from surrounding uses with existing landscaping and fencing.

- 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 California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: All environmental impacts related to noise, vibration, dust, drainage, erosion, storm water runoff, and odor would be temporary and would only occur during construction. The project includes standard environmental permit conditions to reduce and mitigate impacts regarding air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water quality, and noise impacts during construction. Construction hours would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. A Construction Disturbance Coordinator would be appointed to respond to any construction related complaints or concerns. As discussed in the Zoning Ordinance Compliance section above, the project operations

would not exceed the noise requirements of the Zoning Code. The project also includes equipment and design features to reduce dust resulting from operation of the site. The project includes the installation of a truck wash system to abate truck traffic dusting. Additionally, the entire site would be paved to further control and reduce dust. 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. Therefore, the project would not have an unacceptable impact on adjacent properties.

10. Tree Removal Permit Findings. Section 13.32.100 of the San José Municipal Code specifies the required findings for live tree removals.

- a. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
- b. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: The project includes the removal of 30 trees. Of the trees to be removed, nine are ordinance-size and 21 are non-ordinance-size. A total of 137 trees would be preserved on site. None of the trees to be removed are native species. Based on the arborist report prepared by William Sowa (ISA Certified Arborist), dated May 6, 2021, the trees to be removed are located either within the project building/equipment footprint, within the path of the newly laid rail spur line, within the path of required public improvements, or are dead. The trees to be removed include 13 Mexican Fan Palms, nine (9) Blue Gums, three (3) Red Ironbarks, two (2) Trees of Heaven, two (2) Black walnuts, and one (1) Canary Island Date Palm. Nine trees would be replaced at a 4:1 ratio, 12 trees would be replaced at a 2:1 ratio, and nine trees would be replaced at a 1:1 ratio. Therefore, the removal of the 30 trees on-site requires the replacement of either 69 15-gallon trees or 35 24-inch box trees on site. The total number of replacement trees to be planted on site is 35 24-inch box trees. The trees to be replanted on site are 15 Coast Live Oaks and 20 Sierra Oaks.

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

- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
- b. The failure to approve the permit would jeopardize public health, safety or welfare;
- c. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
- d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and

- g. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The project includes the demolition of four buildings totaling 15,072 square feet. The approval of the demolition permit would not result in the creation or continued existence of a nuisance, blight or dangerous condition nor would it jeopardize public health, safety or welfare, as it would allow for the modernization and expansion of an existing industrial facility. The demolition permit would facilitate a project that is compatible with the surrounding neighborhood, which consists of primarily industrial uses. As previously discussed, the project is consistent with all applicable General Plan goals and policies, Planned Development Zoning requirements, applicable city council policies, and Industrial Design Guidelines. The project would not demolish any existing housing. Given the scope of the project, the rehabilitation or reuse of any of the existing buildings on-site would not be feasible as the existing buildings are temporary or portable sheds and buildings. The project would include the construction of a permanent office and warehouse building in addition to the installation of the equipment required to upgrade and modernize the facility. As discussed in the Environmental Impact Report, the oldest permanent structures on-site were constructed in 1979 and are less than 45 years old. No buildings or structures on-site are listed on the City's Historic Resources Inventory, nor is the site located within a historic or landmark district. The buildings to be demolished are accessory structures to the existing facility and are not eligible for the California Register of Historic Places or National Register of Historic Places based on their age or architectural style. The demolition of any existing buildings on-site would not be approved until the issuance of a grading permit or building permit, whichever comes first.

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

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the permittee fail to file a timely and valid appeal of this 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 four (4) 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 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 the demolition of four buildings totaling approximately 15,072 square feet and the removal of 30 trees (9 ordinance-size, 21 non-ordinance-size) to allow the expansion and modernization of the existing Graniterock facility, including lengthening the existing on-site rail infrastructure, continuation of the concrete and aggregate recycling use, installation of a concrete truck washout and reclaiming system, installation of a truck wash system to abate truck traffic dusting, vehicle and truck parking to accommodate site operations, relocation of an existing maintenance shop and construction equipment storage facility, and construction of the following on an approximately 22.36-gross acre site:
 - a. A new rail car offloading system,
 - b. Nine 122-foot-high aggregate silos,
 - c. A new concrete facility,
 - d. A cementitious rail car unloading, storage and distribution facility,
 - e. A new asphalt facility,
 - f. A new warehouse and storage facility, and

- g. A quality assurance/quality control facility with office space.
6. **Operations Management Plan.** The project is bound to the Operations Plan, labeled "Operations Plan Graniterock Capitol Site" dated received, November 3, 2022.
 7. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Planned Development Permit plans entitled, "Planned Development Permit for Granite Rock" dated October 19, 2022, on file with the Department of Planning, Building and Code Enforcement ("Approved Plans"), and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
 8. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted pursuant to Condition of Approval No. 1 above, the use of territory not covered by the Permit shall only be land uses consistent with the Planned Development Zoning District (File No. PDC20-023) and only upon issuance of a Planned Development Permit for those uses.
 9. **Demolition Permit.** A demolition permit may be issued for the demolition of four buildings totaling approximately 15,072 square feet only upon the submittal of a complete Public Works Grading Permit application or the submittal of a complete Building Permit application for new construction.
 10. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.
 11. **Tree Protection Standards.** The applicant 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. 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.
 12. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
 13. **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.
 14. **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.

15. **Replacement Landscaping.** All landscaping removed with the construction of the project shall be replaced with similar landscaping in the immediate area. All landscaped replacement areas shall be automatically irrigated.
16. **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set for in Municipal Code Section 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 Section 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 Section 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.
17. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
18. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
19. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
20. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
21. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
22. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
23. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
24. **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 through a subsequent Permit Adjustment.
25. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.

26. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
27. **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.
28. **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 shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
29. **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.
30. **Standard Environmental Permit Conditions.**
 - a. **Air Quality**
 - i. Construction-related Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
 - (i) Water active construction areas at least twice daily or as often as needed to control dust emissions.
 - (ii) Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - (iii) Remove visible mud or dirt track-out onto adjacent public roads using wet-power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - (iv) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - (v) Pave new or improved roadways, driveways, and sidewalks as soon as possible.
 - (vi) Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - (vii) All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - (viii) Replant vegetation in disturbed areas as quickly as possible.
 - (ix) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - (x) Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

- (xi) Maintain and properly tune construction equipment in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- (xii) Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

b. Biological Resources

- i. Santa Clara Valley Habitat Plan. The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.
- ii. Tree Replacement.
 - (i) Trees removed for the project shall be replaced at ratios required by the City, as stated in the table below, as amended:

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed¹	Type of Tree to be Removed²			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more ³	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon
<p>*x:x = tree replacement to tree loss ratio</p> <p>Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.</p> <p>A 38-inch tree equals 12.1 inches in diameter.</p> <p>** A 24-inch box replacement tree = two 15-gallon replacement trees</p> <p>Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.</p>				

- (ii) 30 trees onsite would be removed. 9 trees would be replaced at a 4:1 ratio, 12 trees would be replaced at a 2:1 ratio, and 9 trees would be replaced at a 1:1

ratio. The total number and size of replacement trees required to be planted on-site is 69 15-gallon trees or 35 24-inch box trees. 35 24-inch box trees are to be planted on site.

- (iii) If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
- (a) The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
- (b) Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

c. Cultural Resources

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

conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- (i) The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- (ii) The MLD identified fails to make a recommendation; or
- (iii) The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

d. Geology and Soils

- i. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- ii. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- iii. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- iv. The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- v. If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

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

f. Hazards and Hazardous Materials

i. Asbestos and Lead-Based Paint.

- (i) In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-

site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

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

g. Hydrology and Water Quality

i. Construction-related water quality

- (i) Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- (ii) Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- (iii) All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- (iv) Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- (v) All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- (vi) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- (vii) Vegetation in disturbed areas shall be replanted as quickly as possible.
- (viii) All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

- (ix) The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

h. Noise

- i. Construction-related Noise. Noise minimization measures include, but are not limited to, the following:
 - (i) Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
 - (ii) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - (iii) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - (iv) Prohibit unnecessary idling of internal combustion engines.
 - (v) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
 - (vi) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
 - (vii) Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - (viii) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
 - (ix) If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
 - (x) Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

31. **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. _____.
32. **Airport.** FAA Airspace Safety Review: Construction or alteration requiring notice. If requested by the FAA, or if proposing any of the following types of construction or alterations, the applicant must file notice with the FAA of any construction or alteration that is more than 200 feet AGL at the site.
33. **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. PD20-013 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 Jose'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.
 - 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.
34. **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.
35. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant 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. **Minor Improvement Permit:** The public improvements conditioned as part of this permit may require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
- b. **Easements:** The project will be required to dedicate an easement on the north side of the site for the Capitol Caltrain Station Pedestrian/Bicycle Connection. The overcrossing connecting Communications Hill 2 to the Capitol Caltrain Station on the east side of the railroad tracks adjacent to Monterey is consistent with the City's Communications Hill Specific Plan Area Development Policy (ADP Improvement 8) and Envision 2040 General Plan Goals and Policies to connect surrounding pedestrian/bike and transit facilities and provide for a balanced transportation system.
- c. **Transportation:** A Transportation Analysis (TA) has been completed for the subject project based on a net new 90 AM peak hour trips. See separate Traffic Memo dated 11/21/22 for additional information. The following conditions shall be implemented:
 - i. Provide a 40' wide easement along the northern property line for the future pedestrian/bicycle overcrossing to the Capitol Caltrain Station.
 - ii. Provide a voluntary monetary contribution in a **not-to-exceed amount of \$200K** towards implementation of future pedestrian crossing safety improvements at the Snell Avenue/Capitol Expressway intersection, which may include but not limited to the following improvement:
 - (i) Removal of the right-turn channelization islands at the northwest and northeast corners of Snell Avenue/Capitol Expressway intersection.
- d. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. 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 Jose Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
 - iii. 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.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant 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.

- v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- e. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project shall be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iii. A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
- f. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires demonstrating that post-project runoff is less than or equal to the estimated pre-project rates and durations.
 - i. The project's HM plan and sizing calculations have been reviewed and this project shall be in conformance with City Policy 8-14.
 - (i) The project has demonstrated that the post-project runoff is less than the estimated pre-project rates and durations.
 - ii. Final inspection and maintenance information for the HM controls must be included on the final HM plans.
- g. **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.

- h. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - i. **Street Improvements:**
 - i. Close unused driveway cut(s)
 - ii. Developer 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.
 - iii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - iv. 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.
 - j. **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.
 - k. **Street Trees:**
 - i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only. The recommended street trees along Granite Rock Way are *Quercus canbyi* planted 35' on center.
 - ii. Replace any missing street trees in empty tree wells or park strips along Granite Rock Way 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.
 - iii. 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.
 - l. **Referrals:** This project should be referred to the DOT's Regional Rail in order to assess any impacts to the future High-Speed Rail ("HSR") alignment along the rail corridor identified in the latest HSR EIR.
36. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the City Council, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated,

corrected or rectified within the time specified on the notice of violation; or

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

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

EFFECTIVE DATE

The effective date of this Planned Development Permit shall be the same as effective date of the Rezoning Ordinance for File No. PDC20-023 passed for publication on [REDACTED], 2023 (the "Zoning Ordinance") and shall be no earlier than the effective date of said Rezoning Ordinance.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
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"
FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Lot Line Adjustment Permit recorded May 24, 2018, in Document No. 23940378 of Official Records and a portion of Parcel 2 as shown on that certain Parcel Map filed for record on October 16, 1978, in Book 428 of Maps, page 21, both of Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land described in the Lot Line Adjustment Permit;

Thence along the southeasterly, northeasterly, general northwesterly and the southwesterly line of said parcel of land the following ten courses:

1. Thence North 25°52'56" East, 1,091.07 feet;
2. Thence North 38°21'16" West, 925.39 feet;
3. Thence North 44°34'36" West, 407.48 feet;
4. Thence along a tangent curve to the left, having a radius of 2,814.84 feet, through a central angle of 00°53'37" for an arc length of 43.90 feet;
5. Thence South 47°24'35" West, 126.32 feet;
6. Thence South 00°45'29" East, 385.77 feet;
7. Thence South 08°29'31" West, 132.00 feet;
8. Thence South 19°44'42" West, 132.00 feet;
9. Thence South 30°39'35" West, 17.90 feet;
10. Thence South 36°40'50" East, 660.45 feet, to the northwesterly line of said Parcel 2;

Thence along said northwesterly line and the southwesterly line of said Parcel 2 the following two courses:

1. Thence South 26°00'10" West, 250.41 feet;
2. Thence South 64°07'04" East, 206.65 feet, to the northwesterly line of Granite Rock Way;

Thence along said northwesterly line and the general southeasterly line of Granite Rock Way the following six courses:

1. Thence North 25°52'56" East, 411.83 feet;
2. Thence along a tangent curve to the left, having a radius of 30.00 feet, through a central angle of 33°33'26" for an arc length of 17.57 feet;
3. Thence along a reverse curve to the right, having a radius of 42.00 feet, through a central angle of 247°06'52" for an arc length of 181.14 feet;
4. Thence along a reverse curve to the left, having a radius of 30.00 feet, through a central angle of 33°33'26" for an arc length of 17.57 feet;
5. Thence South 25°52'56" West, 415.29 feet;
6. Thence along a tangent curve to the right, having a radius of 580.00 feet, through a central angle of 23°19'34" for an arc length of 236.13 feet, to the southwesterly line of said parcel of land described in the Lot Line Adjustment Permit;

Thence along said southwesterly line, South 40°47'30" East, 299.84 feet, to the POINT OF BEGINNING.

Containing 21.89 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

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

Date: 10-28-19

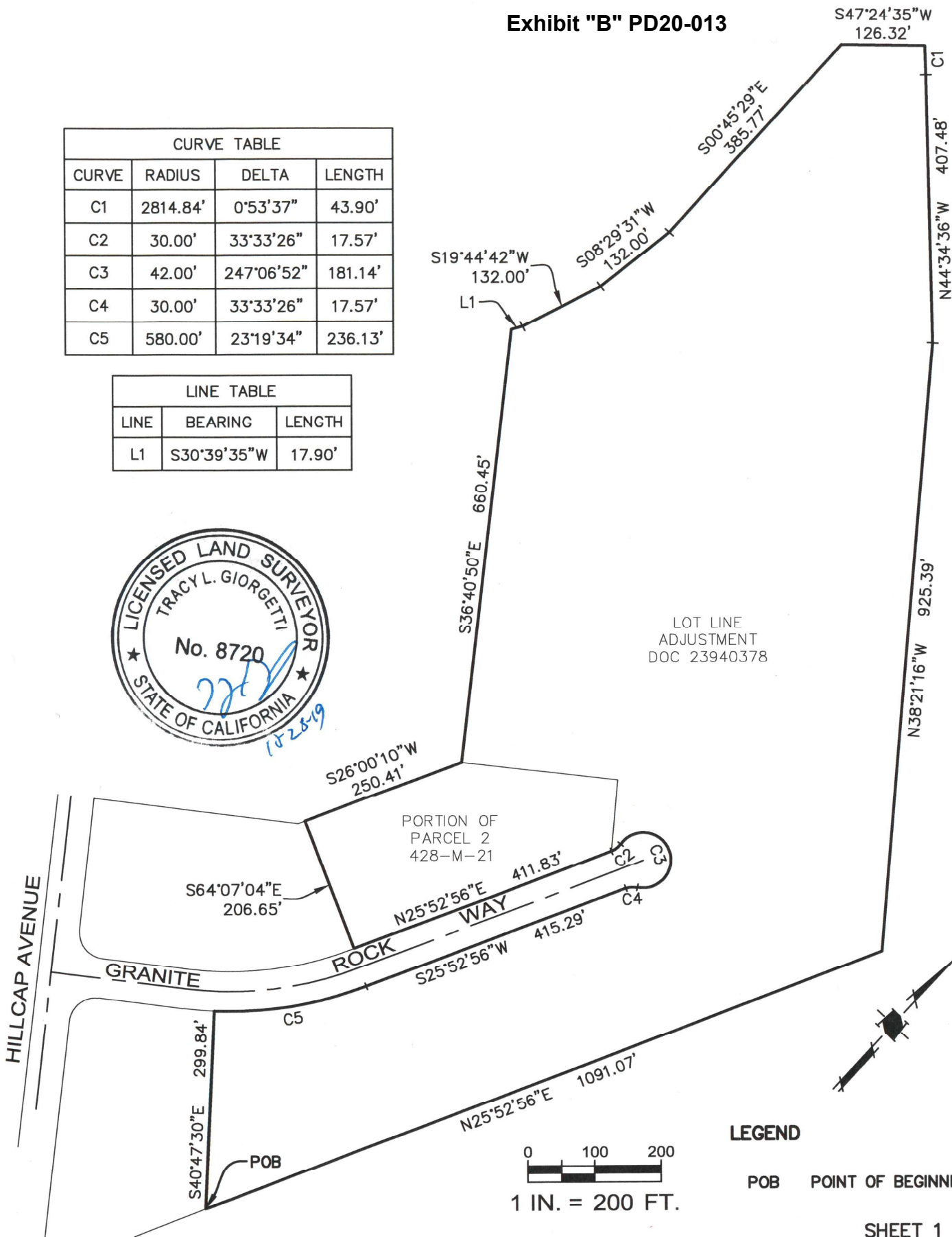
Tracy L. Giorgetti, LS 8720



Exhibit "B" PD20-013

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	2814.84'	0°53'37"	43.90'
C2	30.00'	33°33'26"	17.57'
C3	42.00'	247°06'52"	181.14'
C4	30.00'	33°33'26"	17.57'
C5	580.00'	23°19'34"	236.13'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S30°39'35"W	17.90'



Date: 2019-10-28
Designed: —
Drawn: RF
Checked: TG
Proj. Engr.: —
484000PL08

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR ZONING PURPOSES

SAN JOSE

CALIFORNIA