

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO EFFECTUATE PLANNED DEVELOPMENT ZONING DISTRICT (FILE NO. PDC19-012) THAT MODIFIED THE GENERAL DEVELOPMENT PLAN FOR THIS PROJECT TO ALLOW ISSUANCE OF A CERTIFICATE OF OCCUPANCY PERMIT FOR A PREVIOUSLY APPROVED DEVELOPMENT FOR 188 RESIDENTIAL UNITS, 108,000 SQUARE FEET OF COMMERCIAL, AND A PUBLIC PARK ON AN APPROXIMATELY 10.6-GROSS ACRE SITE SITUATED AT THE SOUTHWEST CORNER OF NORTH CAPITOL AVENUE AND GIMELLI WAY (641 NORTH CAPITOL AVENUE)

FILE NO. PD19-010

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on March 21, 2019, an application (File No. PD19-010) was filed by the applicant, Scott Hilk, on behalf of the owner, Pulte Homes LLC, with the City of San José for a Planned Development Permit to effectuate a new Planned Development Zoning District (PDC19-012), that modified the General Development Plan for the project and to allow issuance of Certificate of Occupancy for up to 188 residential units, 108,000 square feet of commercial use, and a public park on an approximately 10.6-gross acre site on that certain real property situated in the CP(PD) Planned Development Zoning District and located at the southwest corner of North Capitol Avenue and Gimelli Way (641 North Capitol Avenue, 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,” 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, 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 recommendations of the City's Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled, "The Capitol," dated revised on May 8, 2019, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

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

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

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

After considering all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The approximately 10.6-gross acre project site is located at the southwest corner of North Capitol Avenue and Gimelli Way. The

site is surrounded by three roadways: the four-lane North Capitol Avenue to the northeast; a residential street, Gimelli Way, to the northwest; and the eight-lane Interstate 680 to the southwest. The adjacent land uses are all residential, including an existing mobile home park located directly to the south, single-family detached residences located across North Capitol Avenue behind a masonry wall, and multi-family residences located across Gimelli Way. An existing Santa Clara Valley Transportation (VTA) light rail line runs down the center of North Capitol Avenue, with the closest station stop (McKee Station) approximately 800 feet southeast of the project site.

- 2. Project Description.** On March 21, 2019, the applicant, Scott Hilk representing owner Pulte Homes Company LLC, filed a Planned Development Rezoning and Planned Development Permit application to modify the General Development Standards of the existing Planned Development Zoning District.

Previously on January 10, 2017, the City Council approved a development of 188 residential units, 108,000 square feet of commercial, and a public park on the approximately 10.6-gross acre site. On September 26, 2017 at a Director Hearing, a Planned Development Permit Amendment (File No. PDA16-025-01) approved the reconfiguration of the units makeup, architectural changes, modification to the landscape plan, and revisions to grading and stormwater plans. This project only effectuated the approved development standards to allow the public park to be completed in alignment with the projected construction of Phase 2 and 3 of the residential units and re-entitled was what previously approved in the Planned Development Permit and Planned Development Permit Amendment.

The existing Planned Development Zoning District requires the completion of the public park prior to the issuance of the certificate of occupancy for Phase 2 of the development (units 67 to 126).

On May 21, 2019, the City Council approved an Amended and Restated Turnkey Parkland Agreement between the City of San José and the applicant, Pulte Home Company, LLC. The site has been graded, infrastructure improvements are in progress, and the previously approved art plaza and paseo construction are currently underway. Currently, 103 of the 188 residential units and a mixed-use retail building are under construction.

- 3. General Plan Conformance.** The subject site is designated as Neighborhood/Community Commercial (NCC) within the North Capitol Avenue/McKee Road Urban Village boundary (Horizon 2 Urban Village) on the Envision San José 2040 General Plan Land Use/Transportation Diagram. The subject site has frontage along North Capitol Avenue, which the Envision San José 2040 General Plan designates as a Grand Boulevard. The Neighborhood/Community Commercial land use designation applies to the majority of properties in Horizon 2 or 3 Urban Villages. This designation is used to preserve commercial land and allow commercial development to move forward prior to the adoption of an Urban Village

plan. Residential development on parcels in Horizon 2 or 3 Urban Villages that do not have a residential land use designation can only move forward as a “Signature Project”. The subject project was approved as a Signature Project by City Council on January 10, 2017 (Resolution No. 78055). Therefore, the project is in conformance with the General Plan and the following policy.

1. Function Policy, CD-2.4: Incorporate public spaces (squares, plazas, etc.) into private developments to encourage social interaction, particularly where such spaces promote symbiotic relationships between businesses, residents, and visitors.

Analysis: The changes to the General Development Plan require the completion of the public paseo (the “Link”) and public park in the second phase. As previously approved, fronting North Capitol Avenue is an Art Plaza that could be used for gatherings and outdoor seating. The space will include landscaping and art installation that will pay homage to the orchard development that was once the predominant use on the site and to create interesting and useable public space.

4. **Zoning Ordinance Conformance.** The approved revised development standards would allow the Phase II and III of the residential units to proceed in tandem with the approval and construction of the park. The Planned Development Permit would effectuate the new Conforming Planned Development Zoning District. The effectuated Planned Development Zoning District, did not modify any other Development Standards and the previously approved permits (PD16-025 and PDA16-025-01) that are being re-entitled with this Planned Development Permit was already found to be consistent with the Development Standards and therefore this project is consistent with the General Development Standards.
5. **Environmental Review.** Determination of Consistency with an Initial Study (IS) and Mitigated Negative Declaration (MND) entitled “641 North Capitol Avenue Mixed-Use Project” that was approved by City Council on January 10, 2017 by Resolution No. 78053.

The final IS/MND identified potentially significant environmental impacts and determined that the project would not have a significant effect on the environment with the incorporation of certain mitigations. The primary environmental issues addressed in the IS/MND were the potential impacts to air quality, biological resources, hydrology and water quality, and noise from the project. The MND includes mitigation measures for the previously stated resource areas that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) and as Conditions of Approval for this Planned Development Permit.

The Mitigated Negative Declaration, Initial Study, and other related environmental documents are available on the Planning Division website at: <http://www.sanjoseca.gov/index.aspx?NID=5233>.

6. Planned Development Permit Findings: Chapter 20.100 of the San José Municipal Code establishes evaluation criteria for the issuance of a Planned Development Permit. These criteria are applied to the project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the proposed permit. In order to make the Planned Development Permit findings pursuant to Section 20.100.940 of the San José Municipal Code, City Council must determine that:

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

Analysis: As described in the General Plan conformance analysis, the project was approved as a Signature Project and the Planned Development Permit would not modify the design or scope of the previously approved project; therefore, the project is still consistent with all applicable General Plan Policies.

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

Analysis: The project has no design or scope modifications to the previously approved Planned Development Permit and Amendment and therefore is consistent with the General Development Standards.

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

Analysis: The project site is not subject to a specific City Council Policy and adhered to the Council Outreach Policy 6-30 with public hearing notices mailed to property owners, tenants, and businesses within a 1,000-foot radius.

- 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;

Analysis: The project has no design or scope modifications to the previously approved Planned Development Permit and Amendment and was previously found to be appropriate, compatible and aesthetically harmonious with the surrounding developments.

- e. The environmental impacts of the project, including, but not limited to aesthetics, air quality, noise, and transportation/traffic, 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: This Planned Development Permit would effectuate a previously approved project under a new Planned Development Permit Zoning District; there are no modifications and therefore no new impacts to aesthetics, air quality, noise and transportation/traffic.

CONDITIONS

1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the permittee fail to file a timely and valid appeal of this Planned Development 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 Planned Development Permit; 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.** The Planned Development Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, a Building Permit has not been obtained or the use, if no 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 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Planned Development 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 Planned Development 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 by 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 is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.

5. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit plans entitled, "The Capitol," dated revised on May 8, 2019, on file with the Department of Planning, Building and Code Enforcement, as may be amended subject to City's approval, and to the San José Building Code (San José Municipal Code, Title 24), as amended. The plans are referred to herein as the "Approved Plan Set".
6. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of territory not covered by the permit shall only be land uses consistent with the Planned Development Zoning District and only upon issuance of a Planned Development Permit for those uses. Issuance of this permit in no way negates the permittee's or property owner's obligation to fully and timely comply with each and every provision set forth in the Development Standards of Planned Development Zoning, File No. PDC19-012.
7. **Scope and Use Authorization of the Planned Development Permit.** This Planned Development Permit effectuates the Planned Development Zoning District (File No. PDC19-012 and what was previously approved by City Council on January 10, 2017 (File No. PD16-025) and by Director Hearing on September 26, 2017 (File No. PDA16-025-01).
8. **Compliance with Other Permits.** The permittee shall comply with all terms and conditions of the previously approved permits on the site, including File Nos. PD16-025 and PDA16-024-01 unless updated with terms and conditions of this permit.
9. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as conditioned.
10. **Discretionary Review.** The Director of Planning, Building and Code Enforcement 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 Title 20 of the San José Municipal Code.
11. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance or that adversely affects the peace, health, safety, morals or welfare of persons residing or working in the surrounding area or be detrimental to public

health, safety or general welfare. Any such nuisance shall be abated immediately upon notice by the City.

12. **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.
13. **Anti-Graffiti.** During construction, the permittee shall remove all graffiti from buildings, walls and other surfaces within 48 hours of defacement. Upon project completion and/or transfer of ownership, the property owner, and/or Maintenance District shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
14. **Loitering.** Loitering shall not be allowed in the public right-of-way adjacent to the subject site.
15. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
16. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
17. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
18. **Building and Property Maintenance.** The permittee or property management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
19. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set. Any change in building colors and materials shall require a Permit Adjustment.
20. **Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. **Construction Plans.** The permit file number, PD19-010 shall be printed on all construction plans submitted to the Building Division.
 - b. **Americans with Disabilities Act.** The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA), including paths of travel connecting all buildings on the site.
 - c. **Emergency Address Card.** The permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.

- d. Street Number Visibility. Street numbers of the buildings shall be easily visible at all times, day and night.
- e. Construction Plan Conformance. A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin 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.

21. **Construction and Demolition Hours.** Construction, demolition, and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.

40. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council, as applicable, 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 of Chapter 20.100 of 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**.

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EFFECTIVE DATE

The effective date of this Permit (File No. PD19-010) shall be the effective date of the Planned Development Rezoning Ordinance for File No. PDC19-012 approved for publication on _____, 2019 (the “Planned Development Rezoning Ordinance”) and shall be no earlier than the effective date of said Planned Development Rezoning Ordinance.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
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.

LEGAL DESCRIPTION

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

TRACT ONE:

PARCEL ONE:

PARCEL 1, AS SHOWN ON THE PARCEL MAP FILED FOR RECORD ON JUNE 23, 2017, IN BOOK 904 OF MAPS AT PAGES 49-56, SANTA CLARA COUNTY RECORDS ("MAP").

PARCEL TWO:

NON-EXCLUSIVE EASEMENTS FOR RECIPROCAL RIGHTS OF INGRESS AND EGRESS, STORM DRAINAGE, SANITARY SEWER, STORM WATER LINE AND SURFACE DRAINAGE RELEASE AS AN APPURTENANCE TO PARCEL ONE ABOVE, OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESCRIBED AND DELINEATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT), "P.S.D.E." (PRIVATE STORM DRAINAGE) "P.S.S.E." (PRIVATE SANITARY SEWER) AND "P.S.D.R.E." (PRIVATE SURFACE DRAINAGE RELEASE) AS SHOWN ON THE MAP AND AS MODIFIED BY DOCUMENT ENTITLED, "MODIFICATION OF EASEMENT AGREEMENT (PIEE)" RECORDED OCTOBER 2, 2017, INSTRUMENT NO. 23766730, OFFICIAL RECORDS.

TRACT TWO:

PARCEL ONE:

LOTS 1, 2 AND 3, AS SHOWN ON THE MAP ENTITLED "TRACT 10430, THE CAPITOL", FILED FOR RECORD ON JUNE 14, 2018 IN BOOK 914 OF MAPS AT PAGES 51 THROUGH 55, SANTA CLARA COUNTY RECORDS.

PARCEL TWO:

NON-EXCLUSIVE EASEMENTS FOR RECIPROCAL RIGHTS OF INGRESS AND EGRESS, STORM DRAINAGE, STORM WATER LINE AND SURFACE DRAINAGE RELEASE PURPOSES AS AN APPURTENANCE TO PARCEL ONE ABOVE, OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESCRIBED AND DELINEATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT), "P.S.D.E." (PRIVATE STORM DRAINAGE) AND "P.S.D.R.E." (PRIVATE SURFACE DRAINAGE RELEASE EASEMENT) FOR SURFACE FLOW OF STORM WATER AS SHOWN ON THE MAP AND AS MODIFIED BY DOCUMENT ENTITLED, "MODIFICATION OF EASEMENT AGREEMENT (PIEE)" RECORDED OCTOBER 2, 2017, INSTRUMENT NO. 23766730, OFFICIAL RECORDS.

PARCEL THREE:

A NON-EXCLUSIVE EASEMENT FOR PARKING PURPOSES AS AN APPURTENANCE TO PARCEL ONE ABOVE, UPON AND OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "C.O.E." COVENANT OF EASEMENT (PARKING) OVER PARCELS 3 AND 4, AS SHOWN ON THE MAP AND AS MODIFIED BY DOCUMENT ENTITLED, "MODIFICATION OF EASEMENT AGREEMENT" RECORDED OCTOBER 2, 2017, INSTRUMENT NO. 23766731, OFFICIAL RECORDS.

TRACT THREE:

PARCEL ONE:

PARCEL 3, AS SHOWN ON THE PARCEL MAP FILED FOR RECORD ON JUNE 23, 2017, IN BOOK 904 OF MAPS AT PAGES 49-56, SANTA CLARA COUNTY RECORDS ("MAP").

PARCEL TWO:

NON-EXCLUSIVE EASEMENTS FOR RECIPROCAL RIGHTS OF INGRESS AND EGRESS, STORM DRAINAGE, SANITARY SEWER, STORM WATER LINE, AND SURFACE DRAINAGE RELEASE AS AN APPURTENANCE TO PARCEL ONE ABOVE, OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESCRIBED AND DELINEATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT), "P.S.D.E." (PRIVATE STORM DRAINAGE) AND "P.S.S.E." (PRIVATE SANITARY SEWER) AND "P.S.D.R.E." (PRIVATE SURFACE DRAINAGE RELEASE EASEMENT) FOR SURFACE FLOW OF STORM WATER AS SHOWN ON THE MAP AND AS MODIFIED BY DOCUMENT ENTITLED, "MODIFICATION OF EASEMENT AGREEMENT (PIEE)" RECORDED OCTOBER 2, 2017, INSTRUMENT NO. 23766730, OFFICIAL RECORDS.

TRACT FOUR:

PARCEL ONE:

PARCEL 4, AS SHOWN ON THE PARCEL MAP FILED FOR RECORD ON JUNE 23, 2017, IN BOOK 904 OF MAPS AT PAGES 49-56, SANTA CLARA COUNTY RECORDS ("MAP").

PARCEL TWO:

NON-EXCLUSIVE EASEMENTS FOR RECIPROCAL RIGHTS OF INGRESS AND EGRESS, STORM DRAINAGE, SANITARY SEWER, STORM WATER LINE, AND SURFACE DRAINAGE RELEASE PURPOSES AS AN APPURTENANCE TO PARCEL ONE ABOVE, OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESCRIBED AND DELINEATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT), "P.S.D.E." (PRIVATE STORM DRAINAGE) AND "P.S.S.E." (PRIVATE SANITARY SEWER) AND "P.S.D.R.E." (PRIVATE SURFACE DRAINAGE RELEASE EASEMENT) FOR SURFACE FLOW OF STORM WATER AS SHOWN ON THE MAP AND AS MODIFIED BY DOCUMENT ENTITLED, MODIFICATION OF EASEMENT AGREEMENT (PIEE)" RECORDED OCTOBER 2, 2017, INSTRUMENT NO. 23766730, OFFICIAL RECORDS.

APN: 254-91-001 (Affects Parcel One of Tract One), 254-91-002 (Affects Parcel One of Tract Two), 254-91-003 (Affects Parcel One of Tract Three) and 254-91-004 (Affects Parcel One of Tract Four)