

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A SPECIAL USE PERMIT TO ALLOW THE DEMOLITION OF AN APPROXIMATELY 4,400-SQUARE FOOT COMMERCIAL BUILDING, RE-LOCATE AND RE-PURPOSE THE EXISTING 1,292-SQUARE FOOT HISTORIC STRUCTURE, AND CONSTRUCT A 120-ROOM, FIVE-STORY HOTEL INCLUDING OUTDOOR USES (OUTDOOR GUEST AREA INCLUDING A ROOF DECK) WITHIN 150 FEET OF RESIDENTIAL USES ON AN APPROXIMATELY 0.59-GROSS ACRE SITE, LOCATED ON THE NORTHWEST CORNER OF STOCKTON AVENUE AND SCHIELE AVENUE (615 AND 623 STOCKTON AVENUE)

FILE NO. SP18-060

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on October 31, 2018, an application (File No. SP18-060) was filed by the applicant, Alan Nguyen, on behalf of Infinite Investment Realty Corporation, with the City of San José for a Special Use Permit, subject to conditions, to demolish an approximately 4,400-square foot commercial building, re-locate and re-purpose the existing 1,292-square foot historic structure, and construct a 120-room, five-story hotel including outdoor uses (outdoor guest area including a roof deck) within 150 feet of residential uses on an approximately 0.59-gross acre site on that certain real property situated in the CP Commercial Pedestrian Zoning District and located on the northwest corner of Stockton Avenue and Schiele Avenue (615 and 623 Stockton 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, the Planning Commission conducted a hearing on said application on January 29, 2020, 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 recommendations of the City's Planning Commission and 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, "Stockton Hotel," dated revised on December 31, 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 project site, comprised of two lots, is located on the northwest corner of Stockton Avenue and Schiele Avenue within the City of San José at 615 and 623 Stockton Avenue.

The project site is developed with a vacant 4,400-square foot commercial building and a 1,292-square foot historic house which is currently used as a commercial office, accessory storage structures, and a parking lot. Three driveways provide access to the site; one driveway along Schiele Avenue and two driveways along Stockton Avenue.

The project site is bounded by Schiele Avenue to the south and Stockton Avenue to the east. Located north, south, and west of the project site are single-story residences. East of the project site is Stockton Avenue, across Stockton Avenue are commercial and light industrial uses.

2. **Project Description.** The project includes a Special Use Permit to allow the demolition of the existing 4,400-square foot building and accessory storage structures on-site, and the construction of a 67,780 square foot, 5-story hotel room with 120 guest rooms. The 1,292-square foot historic building at 623 Stockton Avenue would be relocated to the southwest portion of the site, along Schiele Avenue, and re-purposed as the hotel's back of house and offices. The hotel would include a ground floor lobby, café with a bar, gym and small meeting room, four guest room balconies located on the second floor, and a 3,000-square foot roof deck for hotel guest use. The hotel would have two levels of underground parking accessible from Stockton Avenue. Two driveways along Stockton Avenue would be used for the hotel operations; one driveway would allow ingress and egress to the underground parking and guest drop-off area, on-site. The second, egress only, driveway on Stockton Avenue would allow vehicles to exit from the underground parking garage and the ground floor hotel drop-off/pick-up space. No driveways would remain on the project's Schiele Avenue frontage. An up to 50% parking

reduction is requested for the development. The project would provide 63% of the required parking spaces on-site including eighty-two (82) parking spaces, five (5) motorcycle parking spaces, and fourteen (14) bicycle parking spaces. To support the parking reduction, the project would implement a Transportation Demand Management (TDM) Plan for the life of the project. The TDM Plan would include a hotel guest shuttle, on-site bicycle share program, on-site car share program, free VTA Smart Pass cards for hotel employees and a dedicated 37-foot passenger loading space for ride share service drop-off and pick-up along Stockton Avenue.

The hotel is anticipated to employ a total of 25 employees with a maximum of ten (10) employees per shift. Employees would include maintenance, café/bar manager, sales directors, a general manager, housekeeping staff, and front desk personnel. The hotel's front desk would be staffed with at least one employee throughout the day. The ground floor café/bar, ancillary to the hotel use, would be open from 10AM to midnight, daily. The roof deck would be available to hotel guests from 10AM to 10PM, daily. No outdoor speakers or amplified music would be permitted on the roof deck. The intent of the roof deck is to provide an outdoor space for hotel guests to relax. Moveable chairs and planters would be located on the roof deck space for hotel guests' use.

#### *Permits*

Due to concurrent review procedures, multiple approvals may be heard together using the procedure for the higher-level approval, provided separate findings are made for each required permit and/or approval. The project covers the following: General Plan Amendment, Rezoning, Site Development Permit for construction of the project, Special Use Permit for an outdoor use within 150 feet of a residential use, exception findings for the additional 10 feet in building height, and demolition findings to demolish the existing commercial structure.

- 3. General Plan Conformance.** The 615 and 623 Stockton Avenue parcels have a General Plan Land Use/Transportation Diagram land use designation of Neighborhood/Community Commercial. The Neighborhood Community/Commercial designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The Neighborhood Community/Commercial land use designation allows a commercial floor area ratio (FAR) up to 3.5.

The project is consistent with the following Major Strategies, goals, and policies of the Envision San José 2040 General Plan:

- a) Commercial Lands Goal LU-4.1: Retain existing commercial lands to provide jobs, goods, services and entertainment, and other amenities for San José's workers, residents and visitors.
- b) Fiscal Sustainability Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.
- c) Neighborhood Serving Commercial Goal LU-5: Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled. High-Quality Living Environments.
- d) Land Use Policy LU-9.2: Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.

*Analysis: The General Plan Amendment, Rezoning, and Special Use Permit would establish a 0.59-gross acre site with a common General Plan land use designation and zoning district and would allow the development of a hotel. The development of the hotel would bring a new commercial use to the underutilized site and provide hotel rooms for the surrounding area. The hotel is approximately 2.5 miles from the Norman Y. Mineta San José International Airport and the new hotel would augment accommodation options for visitors to the City while generating jobs and transit occupancy tax revenue. The café/bar on the ground floor is intended for hotel guests, but in an effort to provide more services to the surrounding neighborhood, the food services and on-site drink service would be open to the surrounding neighborhood.*

- e) Major Strategy #4: Innovation/Regional Employment Center: The Innovation/Regional Employment Center Major Strategy emphasizes economic development within the City to support San José's growth as a center of innovation and regional employment. To implement the Major Strategy, the General Plan (Plan) focuses employment growth in the Downtown, in proximity to regional and transit facilities, and on existing employment lands citywide, while also encouraging the development of neighborhood serving commercial uses throughout the community and close to the residents they serve. The General Plan preserves employment lands and promotes the addition of new employment lands when opportunities arise.
- f) Land Use Policy LU-4.3: Concentrate new commercial development in identified growth areas and other sites designated for commercial uses on the Land Use/Transportation Diagram. Allow new and expansion of existing commercial

development within established neighborhoods when such development is appropriately located and designed, and is primarily neighborhood serving.

- g) Attractive City Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- h) Compatibility Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

*Analysis: The hotel is designed to be compatible with the established neighborhood to the west. The single-story historic building would be relocated along Schiele Avenue to continue the neighborhood pattern of single-family houses and establish a larger buffer between the existing neighborhood and new five-story hotel building. The northwestern portion of the hotel is setback from the shared residential property line 16 feet on the first and second floor, and 56 feet two-inches, on the third, fourth, and fifth floors which would reduce the impact of the building's massing on the surrounding established neighborhood. The roof deck is oriented towards Stockton Avenue to reduce privacy concerns for the adjacent neighborhood as roof deck users' views would be directed towards Stockton. Additionally, the windows along the western façade are designed at an angle to direct hotel room views towards Schiele Avenue and preserve the adjacent residential properties' privacy.*

*While modern in design, the materials, color, and building elements reflect the surrounding neighborhood fabric. Craftsman Style is a dominant architectural style of the surrounding neighborhood. The hotel's ground floor along Schiele Avenue utilizes residential scale windows rather than storefront glazing to tie the building's façade into the existing neighborhood. The façade uses a mix of fiber content planks, composite wood panels and stucco to echo the materiality of the neighborhood. The hotel's windows were selected to mimic the Craftsman style windows, paired together with a simple frame to add relief to the building façade.*

- i) Land Use Policy LU-5.2: To facilitate pedestrian access to a variety of commercial establishments and services that meet the daily needs of residents and employees, locate neighborhood-serving commercial uses throughout the city, including identified growth areas and areas where there is existing or future demand for such uses.

*Analysis: The site is not within an identified growth area (i.e., Urban Village) of the city; however, the project has been designed to facilitate pedestrian access. The minimal building setback on the street corner, canopies, and transparent ground floor design are pedestrian-friendly design principals incorporated into the project.*

*The hotel would have a primary and easily-identifiable pedestrian entrance at the corner of Stockton Avenue and Schiele Avenue and the ancillary café would be located on the ground floor which is designed with large transparent windows. The café activity would activate the Stockton Avenue and Schiele Avenue frontages with ground floor commercial activities. The reduced parking on-site and free hotel shuttle would discourage hotel patrons from bringing a car to the site and encourage the hotel patrons to utilize the shuttle for trips to and from the airport and Diridon Station. The project site is under one mile from multiple commercial businesses and restaurants on The Alameda, as well as the SAP Center and Diridon Station. This proximity would allow hotel patrons to utilize multiple forms of transportation to access these sites including walking and bicycling.*

- j) Land Use Policy LU-14.4: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

*Analysis: The project will retain the existing historic structure of merit on-site and repurpose the building for use as the hotel's back of house and offices. The relocation of the building will also provide an additional on-site buffer of the new hotel's five-story mass from the surrounding single-family neighborhood to the west.*

#### **4. Zoning Conformance.**

The project is located in the CP Commercial Neighborhood Zoning District. The project requires the Site Development Permit findings for construction of the project, Special Use Permit findings for an outdoor use within 150 feet of a residential use and demolition findings to demolish the existing structure.

##### *Use*

The CP Commercial Pedestrian Zoning District would allow the property to be used and developed in accordance with the allowable uses shown in the San José Municipal Code Section 20.40.100, Table 20-90, including the project's hotel use.

The project would include outdoor areas for guests to relax, including guest room balconies attached to four guest rooms on the west side of the second floor and a 3,000-square foot roof deck with outdoor seating and landscaping. The outdoor hotel spaces would require a Special Use Permit for the outdoor commercial use within 150 feet of residential uses.

##### *Setbacks*

The table below outlines the required setbacks for the CP Commercial Pedestrian Zoning District, pursuant to Table 20-100 of Section 20.40.200 in the San José Municipal Code and the project's setbacks. The front property line is the property line along Schiele Avenue, the side property lines are the western and eastern property

lines along the residential neighborhood and Stockton Avenue, respectively. The rear property line is the northern property line along the CN Commercial Zoning District.

Standard	CP Commercial Pedestrian	Hotel Project
Front Setback	10 feet maximum	0 feet
Side Setback	0 feet, 10 feet minimum along property lines which abut residential uses per Section 20.40.270	Minimum of 10 feet along the western property line, 0 feet along the eastern property line
Rear Setback	25 feet, no rear setback for properties which abut commercial district per Section 20.40.290	0 feet

Consistent with the CP Commercial Pedestrian Zoning District standards, the hotel project would have a 0-foot front setback along Schiele Avenue, a 0-foot side eastern setback along Stockton Avenue, a 10-foot side western setback along the interior property line, and a 0-foot rear setback along the northern commercial zoning district property line.

#### *Height*

Table 20-100 of Section 20.40.200 limits the maximum height of the building to 50 feet. However, pursuant to Section 20.40.230 of the San José Municipal Code, elevator shafts, stairwells, accessible bathrooms, roof canopies, mechanical equipment, screening and safety guard rails may exceed the zoning district height limitation by up to 17 feet if the maximum roof area coverage does not exceed 30% and the mechanical equipment and appurtenances are required for the operation and maintenance of the building. The hotel building would be five stories and 50-feet in height to the parapet. The hotel would have an elevator tower, stairwells, and rooftop railing which would project an additional 15 feet thereby making the building with projections up to 65 feet in height. In conformance with the Zoning Code, these projections would not exceed 30% of the roof area. The projections would accommodate the elevator and stairwell height needs for the operation and maintenance of the building and would provide access to the roof deck, best utilizing the site's space.

#### *Parking Requirements*

Pursuant to Section 20.90.060, hotels are required to provide one vehicle parking space per guest room or suite and one per employee and one bicycle parking spaces per every ten guest rooms. The 120-guest room hotel with a maximum of 10 employees per shift would require 130 vehicle parking spaces and fourteen (14) bicycle parking spaces.



Pursuant to Section 20.90.220 of the San José Municipal Code, a parking reduction of up to 50% may be authorized for a development which provides all the required bicycle parking, is within 2,000 feet of an existing rail station, and which implements a transportation demand management (TDM program). The project site is within 2,000 feet of the Caltrain College Park Station rail stop, provides the required bicycle parking, and the project would implement a TDM program. The project is also within 700 feet of bus stops along Taylor Street and under one mile from Diridon Station. The TDM program would include measures such as the provision of a passenger loading zone along Stockton Avenue for use of taxis, private vehicle transportation, and rideshare services, a free guest shuttle, on-site bicycle share program, the availability of on-site car-sharing services for hotel guest and employees, free transit passes for employees, and financial incentives provided to employees who use alternate modes of transportation to and from work.

The hotel would include an up to 50% parking reduction to allow for flexibility for their parking during building permit phase. As proposed, the project would utilize a 37% parking reduction and would provide 82 vehicle parking spaces, 5 motorcycle parking spaces, and 14 bicycle parking spaces on-site, and a transit pass program for all hotel employees. Additionally, the project would designate an on-site TDM manager and develop a campaign to improve transit option awareness and participation in alternative transportation options. The project would not rely on off-site public parking as the TDM and on-site parking would be adequate per the Municipal Code requirements for hotel's needs and would support the 50% parking reduction. The project would be required to implement the TDM plan, as may be amended for the life of the project.

#### *Noise*

Pursuant to Table 20-105 of Section 20.40.600 of the San José Municipal Code, commercial uses adjacent to a property used or zoned for residential purposes should not exceed a maximum of 55 decibels in noise level. A noise assessment was completed for the project by Illingworth and Rodkin, Inc. and found the future noise environment at the project site would continue to result primarily from vehicular traffic on Stockton Avenue and Schiele Avenue. To ensure the future outdoor noise level is below 55 decibels at the residential property line, any future mechanical equipment on the rooftop will be required a qualified acoustical consultant to review the noise of the mechanical system and determine appropriate noise reduction measures in compliance with the noise level standards such as enclosures and parapet walls.

5. **Design Guidelines.** The proposed project complies with the goals and intents of the Commercial Design Guidelines published in May 1990. Specifically, the development is consistent in the following areas:

Setting. Chapter 1: All new structures and uses should be compatible with the character of the existing neighborhood.

*Analysis: Residential uses surround the site on the north, south, and west. Stockton Avenue, industrial uses, and commercial uses are located to the east of the corner project site. As a corner site within a commercial zoning district between residential uses to the north, south, and west and heavy industrial uses to the east, the site, as designed would serve as a buffer between the two incompatible uses. The hotel use is compatible with the character of the surrounding neighborhood as it is a commercial use that is very residential in nature providing a place for customers to sleep, eat, and relax. The project's design includes a transition in height and mass at the northwest part of the development to reduce the hotel's presence on the surrounding residential neighborhood. Additionally, landscape planters are located along the western property lines to provide a greater separation between the residential properties and the existing neighborhood and the southwestern property lines to integrate the project's frontage with the residential Schiele Avenue frontage.*

*The hotel windows would be located and oriented on the hotel to avoid direct lines of sight into adjacent residential private open spaces within 100 feet west of the site. On the western side of the hotel, which would be developed along the western properties' rear yards, fritted (opaque) windows for the hotel's corridor were placed to provide light to the hotel corridor while limiting the views in to the neighboring properties. The hotel room windows along the western façade of the building facing the adjacent western residential properties are oriented to direct the views of the hotel room towards Schiele Avenue.*

*The driveways are located along Stockton Avenue on the eastern property line. This location directs vehicular visitors to the hotel onto the busier street and places vehicular circulation as far as possible from the residential properties. The parking for the hotel is underground which shields the use from the surrounding neighborhood.*

Materials. Chapter 2.E: The choice and use of building materials and colors should be balanced and enhance the substance and character of the building.

*Analysis: The hotel's exterior includes a variety of building materials including colored stucco, composite wood panels, fiber cement planks, composite metal panels, acrylic color panels, and bronze frames. The design of the building is balanced with the heavier and darker materials establishing the building's base, touches of color to add visual interest, and glazing on the corner of the building and along the ground floor café and lobby areas to enhance the pedestrian experience.*

Service Facilities. Chapter 4.B.4: Trash enclosures should be constructed with masonry walls and heavy wood and/or metal doors and should be architecturally compatible with the project.

*Analysis: The majority of the hotel service uses are located on the front property line along Schiele Avenue. The back of house, trash room, and bicycle storage rooms are shielded by a rollup door designed to mimic the size and appearance of a residential*

*garage. Glazed panels are integrated into the roll-up door and a stepped back roof reduced the scale of this portion of the building.*

Chapter 9.C.4: Air conditioning units should not be visible from public streets.

*Analysis: The project would use a Variable Refrigerant System in lieu of individual packaged heating and air conditioning units which are internal to the building. Therefore, these units would not be visible from public streets*

## **6. Environmental Review.**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between October 9, 2019 to October 30, 2019.

Comment letters in response to the circulated Initial Study and MND (IS/MND) were received from two public agencies and approximately 20 different community members. The comment letters addressed community concerns regarding traffic, historic significance of the neighborhood, inconsistencies with the existing neighborhood characteristics, safety, privacy intrusion, and overall inconsistency with the general plan designation.

The primary environmental issues addressed in the Initial Study includes potential impacts on the physical development of the site on: air quality, biological resources, cultural resources, and noise. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures are included in the project in the form of development standards for the Planned Development Zoning, as well as, in a Mitigation Monitoring and Reporting Program. The entire MND, Initial Study, associated technical studies, and Response to Comments (responses to public comments during the MND public circulation period) are available for review on the Planning web site at:  
[www.sanjoseca.gov/negativedeclarations](http://www.sanjoseca.gov/negativedeclarations).

## **FINDINGS**

The City Council concludes and finds, based on the analysis of the above facts, that:

### **1. Site Development Permit Findings**

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General plan and applicable specific plans and area development policies.

*Analysis: As discussed in detail herein, the project is consistent with the General Plan Land Use/Transportation Diagram designation of Neighborhood Community Commercial, as a commercial use which supports walking and that provides a hotel commercial use to the surrounding neighborhood and wider*

*City. The project is also consistent with the various General Plan policies listed above including land use, compatibility, transportation, and community design policies.*

- b. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: *As discussed in detail herein, the hotel with outdoor guest areas is consistent with the CP Commercial Pedestrian Zoning District. The outdoor commercial use within 150 feet of residential uses requires the approval of a Special Use Permit.*

*The hotel is consistent with the required setbacks and height requirements of the CP Commercial Pedestrian Zoning District. The height of the building with projections would be 64 feet. The projections would not exceed 30% of the roof's area and would be used for the hotel's operation and maintenance. The code-required parking of the hotel would be 130 vehicle parking spaces and 14 bicycle parking spaces (two long-term and twelve short-term). Section 20.90.220 of the San José Municipal Code allows projects that are within 2,000 feet of a rapid bus station, train station, or light rail station, that provide all the required bicycle parking, and that implement a Transportation Demand Management (TDM) Program to receive a 50% reduction in parking. The project has a 50% parking reduction. The project provides 82 vehicle parking spaces, 5 motorcycle spaces, and 14 bicycle parking spaces comprised of 2 short-term spaces and 12 long-term spaces. The project would implement a TDM program which includes a hotel shuttle, on-site car-share and bicycle-share programs, and a transit pass program for all the hotel employees. Additionally, the project would designate an on-site TDM manager and develop a campaign to improve transit option awareness and participate in alternative transportation options. The project would not rely on public parking and would maintain the minimum code required parking (with reductions) for the life of the project. Therefore, the parking reduction complies with the Municipal Code.*

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

Analysis: *The project is consistent with the City's Public Outreach Policy 6-30. To inform the public of the project, staff followed Council Policy 6-30: Public Outreach Policy. A community meeting coordinated with Council District 6 was held on Thursday, August 29, 2019, to introduce the project to the community and receive feedback. The notices for the community meeting and the public hearings were 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 been available to respond to questions from the public.*

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

*Analysis:* There are no other uses on the project site other than the hotel and ancillary hotel uses (hotel office, café, bar, etc.). The historic building relocated to Schiele Avenue for use as the hotel office is compatible with the other onsite uses and is aesthetically harmonious with the surrounding neighborhood as well as the hotel building. The relocation provides space on the site for the hotel building to create a pedestrian oriented design with reduced setbacks along the street frontages. The hotel building is oriented towards the street with pedestrian entries along Schiele Avenue and Stockton Avenue. The project's design incorporates canopies and lighting over the entries to enhance the pedestrian experience. Additional design analysis is provided in the Commercial Design Guidelines conformance section.

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

*Analysis:* The project site is bounded by Schiele Avenue to the south, Stockton Avenue to the east, and single-family residences to the north, south, and west. In response to the corner commercial location, the hotel's massing steps down to the adjacent residential properties to the west of the site and emphasizes its massing and height along Stockton Avenue on the east of the project site, facing other commercial and industrial uses across Stockton Avenue. The project considered its design on all sides of the building ensuring different materials, windows, and facades treatments were utilized on each side of the hotel building. The placement and orientation of windows were designed to be compatible with the adjacent uses. Windows facing the western properties are oriented away or the views obscured from views in the R-1-8 Zoning District neighborhood. The windows along the northern portion of the site were similarly placed so as to not look directly into the residences along the northern property line. The roof deck is oriented towards Stockton Avenue set back 30 feet from the southern property line on Schiele Avenue, over 80 feet from the western property line, 55 feet from the northern property line and 8.5 feet from the eastern property line. Landscaping is placed along the western property line to further buffer the development from the single-family neighborhood.

- f. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis:* A Mitigated Negative Declaration was prepared for the 615 Stockton Hotel Project in compliance with the California Environmental Quality Act

(CEQA) and the CEQA Guidelines. The project's impacts are discussed in the Environmental Review section above.

The project development occurs on a parcel that is currently developed with commercial uses. The project includes a TDM plan to reduce automobile trips and is located within a public transit-rich area which will encourage transit use. Building design will reduce massing effects and enhance compatibility with the surrounding uses. Based on the findings of the Initial Study/Mitigated Negative Declaration and as discussed above, the project was found to have no unacceptable negative effects in terms of noise, vibration, dust, drainage, erosion, stormwater runoff or odor on adjacent properties. Construction activities will result in temporary noise and air quality impacts. These temporary impacts are minimized through standard construction mitigation measures and permit conditions, as listed in the project conditions of approval. Based on review of the project by the various City departments, there are no non-CEQA related impacts anticipated for this project. For example, the roof deck will not have any speakers or amplified music, thus eliminating any noise concerns for adjacent properties. There is no outdoor storage of hazardous materials, and given the site's use, no odors are anticipated.

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

Analysis: As shown on the approved plan set, the landscaping, irrigation systems, all walls and fences, exterior heating, ventilating, plumbing, utility, and trash facilities are sufficient to maintain and upgrade the appearance of the neighborhood. All mechanical equipment is located within the building not visible from the street or surrounding buildings. The project will provide street trees along the ground floor of the project. Additionally, the project will install new landscaping along the southern and western property lines. The trash facilities will be located on the ground floor and shielded by a roll-up door designed to mimic residential garage doors.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: The hotel would have ample pedestrian and bicycle access along Stockton Avenue and Schiele Avenue. Bicycle parking would be provided along both street frontages. The hotel lobby would be located at the corner of Schiele Avenue and Stockton Avenue. Eighty-two (82) vehicle parking spaces within two levels of a subterranean parking garage would be provided and accessible through two driveways on Stockton Avenue. The hotel would have a passenger loading and unloading zone on-site for the shuttle and ride share services. Additionally, to prevent queueing within the adjacent residential neighborhoods, the project includes a loading and unloading zone along the project's Stockton frontage. Finally, the project would implement a Transportation Demand

*Management Program, described above, to further support the project's parking reduction.*

## **2. Special Use Permit Findings.**

- a. The special use permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies; and

*Analysis: In addition to the discussion above, the outdoor commercial use (roof deck and guest balconies) is consistent with the General Plan land use designation of Neighborhood Community Commercial as the outdoor areas are ancillary to the permitted hotel use. Furthermore, the roof deck and guest balconies are consistent with the goals and policies of the General Plan which encourage uses and designs compatible with the neighborhood character. The outdoor guest roof deck and balconies are similar in function to residential outdoor private spaces such as back yards or balconies.*

- b. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: As discussed above, the hotel's roof deck and balconies are consistent with the zoning code and all provisions of the Municipal Code applicable to the project.*

- c. The special use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: There are no applicable City Council policies other than those discussed above.*

- d. The proposed use at the location requested will not:

- i. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
- ii. Impair the utility or value of property of other persons located in the vicinity of the site; or
- iii. Be detrimental to public health, safety, or general welfare; and

*Analysis: The hotel project, including the outdoor use (roof deck and balconies), would not impact the peace, health, safety, morals or welfare of persons residing or working in the surrounding area as the hotel and outdoor areas are similar in nature to a residential use as an open space to rest and relax. The outdoor uses are not anticipated to generate excessive noise, pollution, safety, or moral concerns for persons residing or working in the immediate area.*

*The project would not impair the utility or value of property of other persons located in the vicinity of the site; or be detrimental to public health, safety or*

*general welfare. The project would redevelop the corner site with a new development. The project would additionally serve as a buffer between the residences to the west and the heavy industrial zoning district the east. The project is consistent with the requirements of the Zoning Ordinance in terms of parking, height, setbacks, and use. The outdoor hotel balconies and roof deck would not exceed the noise level maximums prescribed in the Zoning Ordinance and detailed in the noise and vibration assessment for the Mitigated Negative Declaration. The roof deck's railings would be conditioned to be a minimum of 3 feet in height with a ½-inch thick laminated glass railing wall system to ensure the exterior noise levels would meet city standards. Further, consistent with the operations and design of the hotel, no amplified music would be allowed on the roof deck or balconies.*

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and

*Analysis: As discussed above, the project site is adequate in size and shape to accommodate the development features in order to integrate the hotel use with the surrounding area.*

- f. The proposed site is adequately served:
  - i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - ii. By other public or private service facilities as are required.

*Analysis: The overall project is adequately accessible by the surrounding street network. The outdoor uses ancillary to the hotel use would not create any additional need for vehicular, pedestrian, or bicycle access beyond the hotel's needs.*

- g. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: A Mitigated Negative Declaration was prepared for the 615 Stockton Hotel Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The project's impacts are discussed in the CEQA section below. As described above, based on review of the project by all of the various departments, there are no non-CEQA related impacts anticipated for this project and all CEQA impacts can be mitigated to less than significant levels.*



3. **Demolition Findings:** Pursuant to Section 20.80.460 of the San José Municipal Code, the following criteria have been considered to determine whether the benefits of permitting the demolition of the existing building outweighs the impacts of 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 which 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 site is developed with a vacant 4,400-square foot commercial building, a 1,292-square foot historic house which is currently used as a commercial office, accessory storage structures, and a parking lot. The project includes the demolition of all structures except the historic building. The maintenance of the vacant commercial building could result in a nuisance or jeopardize public health and safety. Additionally, the demolition would facilitate the construction of the hotel which, as described above, is compatible with the surrounding neighborhood. Re-use or rehabilitation of the existing building would not be practical given the small size of the building. The demolition would not remove residential units from the existing housing stock.*

*The 4,400-square foot commercial building to be demolished is not historic. The historic building, located at 615 Stockton Avenue, will be relocated and reused onsite as part of the hotel's office space. This building is a structure of merit and would be preserved.*

In accordance with the findings set forth above, a Site Development Permit and Special Use 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.

## 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 Site Development Permit and Special Use Permit (collectively "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; 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 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 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 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 Permit plans entitled, "Stockton Hotel," dated revised on December 31, 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. **Scope and Use Authorization of the Permit.** Subject to all conditions herein, this Permit is to demolish an approximately 4,400-square foot commercial building, re-locate and re-purpose the existing historic structure on-site, and construct a 117-room, five-story hotel including outdoor uses (outdoor guest area including a roof deck) within 150 feet of residential uses, and allow a development exception for an additional 15 feet in height to accommodate the hotel stairwells and elevator shafts, on an approximately 0.59-gross acre site.
7. **Operations Management Plan.** The project shall operate in a manner consistent with the approved Operations Management Plan, as may be amended, incorporated herein by this reference as if fully set forth herein.
8. **Implement Transportation Demand Management (TDM) Plan.** The Transportation Demand Management plan ("TDM Plan"), prepared by Hexagon Transportation Consultants, Inc., dated April 22, 2019, is on file with the Department of Planning, Building and Code Enforcement and is incorporated fully herein by this reference. Based on the TDM measures included in the approved TDM Plan, the project shall meet the 50 percent parking reduction requirement parking conformance (minimum of 65 parking spaces required after reduction). The TDM Plan shall include the following requirements for the life of the project:
  - a. Design features-Entrance Passenger Zone
  - b. Guest Shuttle Services
  - c. On-Site Bicycles for Guest Use
  - d. On-site access to car-share vehicles for hotel employees and guests
  - e. Free annual VTA SmartPass for employees
  - f. Financial Incentives for employees who bike or walk to work
  - g. On-Site TDM manager

9. **Outdoor Uses.** The outdoor area use shall be limited to operation between the hours of 10:00 a.m. and 10:00 p.m. No outdoor speaker, amplified music, public address or paging system shall be installed or maintained on the subject property.
10. **No Sign Approval:** Any signage shown on the approved plan set are conceptual only. No signs are approved at this time. Any additional signage shall be subject to the review and approval by the Director of Planning through a subsequent Permit Adjustment.
11. **Required Vehicular, Motorcycle, and Bicycle Parking.** This project shall conform to the vehicular, motorcycle, and bicycle parking requirements of the Zoning Ordinance, as amended. This Permit authorizes the project to utilize a parking reduction of up to 50%.  
  
In conformance with the project plans, the project shall provide 82 vehicle parking spaces, 5 motorcycle spaces, and 14 bicycle parking spaces. Any changes to the vehicular, motorcycle, or bicycle parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
12. **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.
13. **FAA Clearance.**
  - a. Prior to filing an application for a Building Permit, the permittee shall obtain from the Federal Aviation Administration (FAA) a "Determination of No Hazard" for each of the proposed building's high points. The permittee shall initiate the regulatory FAA review by filing a "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) for each building corner and any additional highest point(s) of the structure. The data on the forms should be prepared by a licensed civil engineer or surveyor using NAD83 latitude/longitude coordinates out to hundredths of seconds and NAVD88 elevations rounded off to next highest foot.
  - b. The permittee shall comply with any requirements set forth by the FAA in its airspace safety determinations (once issued). If the FAA requires installation of roof-top obstruction lighting or other physical modification to the structure, the permittee shall apply for and obtain a Permit Adjustment from the City to incorporate those modifications prior to filing an application for a Building Permit. If the FAA requires a completed construction notification via filing of a "Notice of Actual Construction" (FAA Form 7460-2), such filing shall be completed prior to City issuance of a Certificate of Occupancy.
14. **Construction Disturbance Coordinator.** Rules and regulation 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.

15. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, and, state, and federal laws.
16. **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.
17. **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.
18. **Mechanical Equipment.** No roof-mounted or other exterior mechanical equipment shall be located within 120 feet of a residential property line unless a Sound Engineer has certified that noise levels from such equipment will not exceed 55 dBA at the residential property line. All roof mounted mechanical equipment shall be screened from view.
19. **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.
20. **Window Glazing.** Unless otherwise indicated on the approved plan, all ground floor windows shall consist of a transparent glass.
21. **Lighting Plan.** A lighting plan shall be submitted for lighting features to illuminate all structures and public and private open spaces. Lighting features shall conform to all City and FAA requirements and policies. Photometric measurements shall be provided with the lighting plan.
22. **Generators.** 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.
23. **Bicycle Parking Provisions.** This project shall provide a combination of short-term uncovered bike parking as well as long term covered parking consistent with the requirements noted in the Zoning Ordinance.
24. **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.
25. **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.

26. **Loitering.** Loitering shall not be allowed in the public right-of-way adjacent to the subject site.
27. **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.
28. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
29. **Building and Property Maintenance.** The property owner or 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.
30. **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.
31. **Affordable Housing Financing Plans.** The San José City Council ("City") approved the Envision San José General Plan 2040 ("General Plan") in 2011. The General Plan provides the framework for development located in San José .

The City is in the process of developing financing plans to help fund affordable housing and related amenities and services. The financing plans may include the creation of a (i) Community Facilities District(s); (ii) Enhanced Infrastructure Financing District(s); (iii) Property Based Improvement District(s); (iv) Mitigation Impact Fee program(s); (v) Commercial linkage fee program(s); and/or (vi) other financing mechanisms or combination thereof. For example, the City Council has directed City staff to complete studies and make recommendations related to commercial impact fees to help fund affordable housing. These efforts are on-going and there will continue to be other similar efforts to study various funding mechanisms for affordable housing.

By accepting this Permit including the conditions of approval set forth in this Permit, permittee acknowledges it has read and understands all of the above. Permittee further agrees that prior to the issuance of any building permit, the project shall be subject to, fully participate in, and pay any and all charges, fees, assessments, or taxes included in any City Council approved financing plans related to affordable housing, as may be amended, which may include one or more of the financing mechanisms identified above.

32. **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, SP18-060, 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.
33. **Construction Disturbance Coordinator.** Rules and regulation 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.
34. **Demolition of Structures.** No demolition permits may be issued prior to the submittal of foundation or structural building permits. Demolition Permits may be issued prior to the Final Map approval.
35. **Final Map or Lot Line Adjustment Required.** Prior to the issuance of any Building Permit, the permittee shall secure approval and provide recordation of the final map or a Lot Line Adjustment to consolidate the existing lots.
36. **Landscaping.** Planting and irrigation are to be provided as indicated on the approved plans. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced. Permanent irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
37. **Landscaping Maintenance.** The permittee shall maintain on-site landscaping areas and landscaping areas along the public right-of-way areas/streets to the satisfaction of the Director of Public Works.
38. **Irrigation Standards.** The permittee shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect prior to Certificate of Occupancy.

39. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
40. **Street Cleaning and Dust Control.** During construction, permittee shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, permittee shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
41. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
42. **Lighting.** All exterior lighting shall be as shown on the approved plans. On-site, exterior, unroofed lighting shall conform to the Outdoor Lighting Policy. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
43. **Fencing.** Fence height and materials shall be as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement.
44. **Green Building Requirements for Mixed Use New Construction Projects.** The development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the permittee shall pay a Green Building Refundable Deposit. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above 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
45. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
46. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the permittee shall be required to have satisfied all of the following Public Works conditions. The permittee is strongly advised to apply for any necessary Public Works permits prior to applying



for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following link:

<https://www.sanjoseca.gov/your-government/departments/public-works/-development-services>.

- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:** A Transportation Analysis (TA) has been performed for this project based on a net 64 AM and 76 PM peak hour trips. See separate Traffic Memo dated May 23, 2019 for additional information. The following conditions shall be implemented:
  - i. Installation of loading zone along Stockton Avenue project frontage will be determined at implementation stage.
  - ii. Construct 26-foot wide and 16-foot wide City Standard driveway along Stockton Avenue project frontage.
  - iii. Submit a TDM Plan for parking reduction prior to Planning approval.
- c. **Grading/Geology:**
  - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10-year storm event.
  - iii. 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.

d. **Shoring:**

- i. Shoring plans will be required for review and approval as part of the Grading Permit for this project.
  - ii. If tie-backs are proposed in the Public right-of-way as a part of the shoring operation, a separate Revocable Encroachment Permit must be obtained by the Permittee or Contractor and must provide security, in the form of a CD or Letter of Credit, in the amount of \$100,000. All other shoring will not be allowed to encroach greater than 12-inches into the public right-of-way (i.e. soldier beams).
  - iii. If tie-backs are proposed for use along the adjacent property(ies), agreements between the permittee and the adjacent property owner(s) will need to be secured, executed and provided to the Public Works Project Engineer prior to approval of the Grading Permit for this project.
- 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.
- f. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post- Construction Hydromodification Management Policy (Council Policy 8-14).
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to Public Works clearance.
- h. **Sanitary:** Trench drain connections under the covered ramp shall be plumbed to the sanitary sewer system.
- i. **Undergrounding:** The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Stockton prior to issuance of a Public Works Clearance. 100 percent (100%) of the base fee in place at the time of payment will be due. Currently, the 2020 base fee is \$489 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued.

- j. **Assessment:** This project proposes a hotel use. The City of San José , on September 30, 2008, implemented a special tax for Convention Center Facilities District (CCFD) No. 2008-1 for all existing hotel properties with the intent that future hotel properties would participate as well. The special tax was authorized to be levied on hotel properties for the purpose of paying for the acquisition, construction, reconstruction, replacement, rehabilitation and upgrade of the San José Convention Center. The special tax is levied and collected in addition to and in a manner similar to the City's Transient Occupancy Tax. The special tax may not be apportioned in any tax year on any portion of property in residential use in that tax year, with the understanding that transient occupancy of hotel rooms is not residential use. The base special tax is 4% of gross rents and may be subject to an additional special tax up to 1% of gross rents. All new hotel properties within San José are encouraged to annex into the CCFD. Please contact Thomas Borden at (408) 535-6831 to coordinate the annexation process.
- k. **Street Improvements:**
- i. Construct 12-foot wide City standard attached sidewalk with 4-foot by 5-foot tree wells along Schiele Avenue project frontage.
  - ii. Construct 10-foot wide City standard detached sidewalk with 10-foot wide park strip along Stockton Avenue project frontage.
  - iii. Construct 26-foot wide City standard full access driveway and 16-foot wide outbound only driveway along Stockton Avenue project frontage. Existing curb ramp at project corner Stockton Avenue and Schiele Avenue to remain. Permittee shall provide a drop off area for valet, and bike racks shall not be located within the driveway area.
  - iv. Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - v. Permittee shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
  - vi. Reconstruct Schiele Avenue half street frontage including curb and gutter.
  - vii. 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.
- l. **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.
- m. **Street Trees:** 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 along Stockton Avenue project frontage and in cut-outs behind back of curb along Schiele Avenue project frontage. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

**47. 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. \_\_\_\_\_.

**48. Air Mechanical Ventilation and Windows.** The project shall include and install forced air mechanical ventilation and windows with STC58 28 rating or higher which would be sufficient to reduce the interior noise exposure in these rooms to 45 dBA DNL or less, assuming a window to wall ratio of 40 percent or less.

**49. Standard Environmental Permit Conditions.**

**a. Air Quality.**

- 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. Replant vegetation in disturbed areas as quickly as possible.
- viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- ix. Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five 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.

- x. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
  - xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.
- b. **Biological Resources.** The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The SCVHP and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.
- c. **Cultural Resources.**
- i. 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 or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist 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 Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
  - ii. 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 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:

- 1) 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.
- 2) The MLD identified fails to make a recommendation; or
- 3) 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. Geological Resources.**

- i. To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.
- ii. All excavation and grading work shall be scheduled in dry weather months or construction sites will be weatherized.
- iii. Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- iv. Ditches shall be installed, if necessary, to divert runoff around excavations and graded areas.
- v. The project shall be constructed in accordance with the standard engineering practices in the CBC, 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-site is designed to properly account for soils-related hazards on the site.

- vi. The City shall ensure all construction personnel receive paleontological awareness training that includes information on the possibility of encountering fossils during construction, the types of fossils likely to be seen, based on past finds in the project area and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- vii. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can 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 City will be responsible for ensuring that the project sponsor implements the recommendations of the paleontological monitor regarding treatment and reporting. A report of all findings shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.

**e. Hazards and Hazardous Materials.**

- 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 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.

vi. Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers:

- 1) Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
- 2) During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- 3) Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

**f. Hydrology.**

- 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.

**g. Noise.**

- i. Pile-driving shall be prohibited.



- ii. Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (Municipal Code Section 20.100.450).
- iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- v. All unnecessary idling of internal combustion engines is prohibited. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes.
- vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers should reduce construction noise levels by five dBA.
- vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- ix. Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- x. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and 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 in it the notice sent to neighbors regarding the construction schedule.

**49. Revocation, Suspension, Modification.** This Permit may be revoked, suspended or modified by the 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 of Chapter 20.100 of Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the 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 Permit (File No. SP18-060) shall be the effective date of the Conforming Rezoning Ordinance for File No. C18-039 passed for publication on \_\_\_\_\_, 2020 (the "Conforming Rezoning Ordinance") and shall be no earlier than the effective date of said Conforming Rezoning Ordinance.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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.*

**EXHIBIT "A"**  
**(File Nos. GP18-013; C18-039; SP18-060)**

**ORDER NO. : 0616017164**

**EXHIBIT A**

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Commencing at a point on the Southwesterly line of Stockton Avenue at the most Northerly corner of Lot No. 25 of Schiele Subdivision No. 1 as shown on the Map of said Schiele Subdivision of record in the Office of the County Recorder of the County of Santa Clara, State of California in Book D of Maps, Page 31, thence running Northwesterly along said line of Stockton Avenue fifty (50) feet; thence running Southwesterly and parallel with Villa Avenue two hundred (200) feet, thence Southeasterly and parallel with Stockton Avenue fifty (50) feet to the Northwesterly line of said Lot 25 of said Schiele Subdivision and (200) feet to the place of beginning, and being a portion of that Polhemus by Deed dated March 21, 1887 and recorded in the Office of the County Recorder of Santa Clara County, California in Book 89 of Deeds, Page 286, and being situate in the Rancho El Potrero de Santa Clara.

APN: 261-07-068

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Santa Clara, City of San Jose and described as follows:

Portion of Lot 25, as shown upon that certain Map entitled, "Map of the Schiele Subdivision", which Map was tiled for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 10, 1888 in Book D of Maps, at Page 61, and more particularly described as follows:

BEGINNING at a point of intersection of the Northwestern line of Schiele Avenue with the Southwesterly line of Stockton Avenue, and running thence Southwesterly along the Northwestern line of Schiele Avenue, 131 feet; thence at right angles Northwesterly and parallel with the dividing line between Lots 24 and 25 of the Schiele Subdivision No. 1 hereinabove referred to, 120.05 feet; more or less, to the Northwestern line of said Lot 25; thence Northeasterly along the Northwestern line of said Lot 25, 131.45 feet to the Southwesterly line of Stockton Avenue thence Southeasterly along the Southwesterly line of Stockton Avenue 120 feet to the point of beginning.

APN: 261-07-001

(End of Legal Description)

EXHIBIT "B"

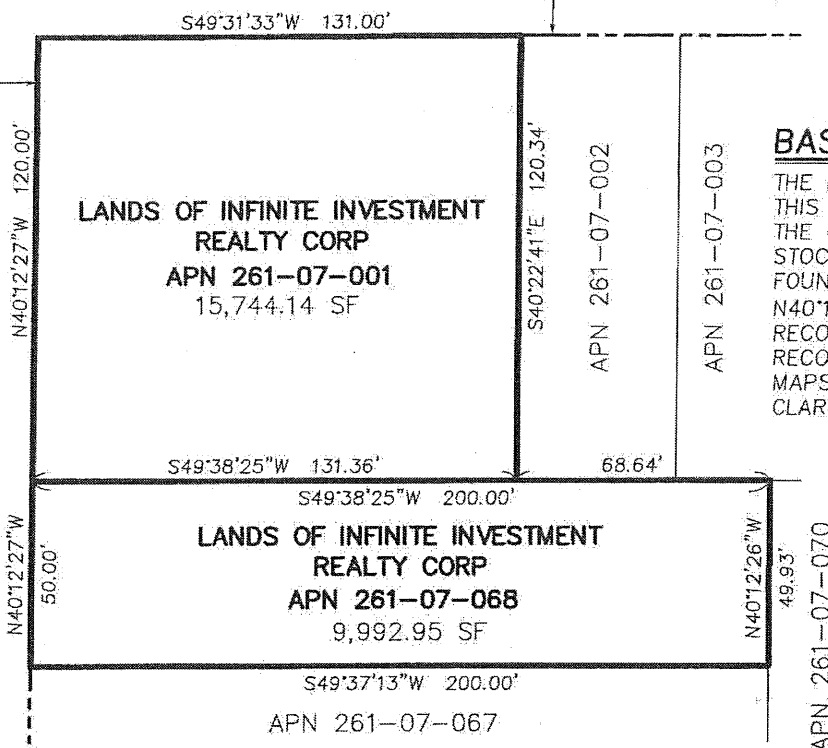
VICINITY MAP  
NOT TO SCALE

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE ON STOCKTON AVENUE, AS FOUND MONUMENTED AS N40°12'27"W SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 821 OF MAPS, AT PAGE 44, SANTA CLARA COUNTY RECORDS.

Q N40°12'27"W (BASIS OF BEARINGS)

STOCKTON AVENUE (100' R/W)



LEGEND

- OTHER PROPERTY LINE
- - - EXISTING RIGHT OF WAY
- PROPERTY LINE
- - - CENTERLINE
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY

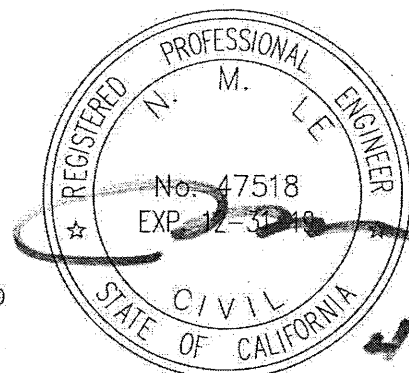
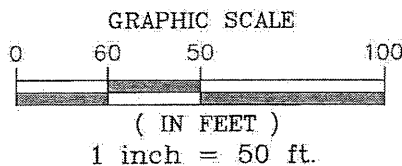


EXHIBIT "B"  
615 & 623 STOCKTON AVENUE  
APN 261-07-001 & 261-07-068

San Jose

California

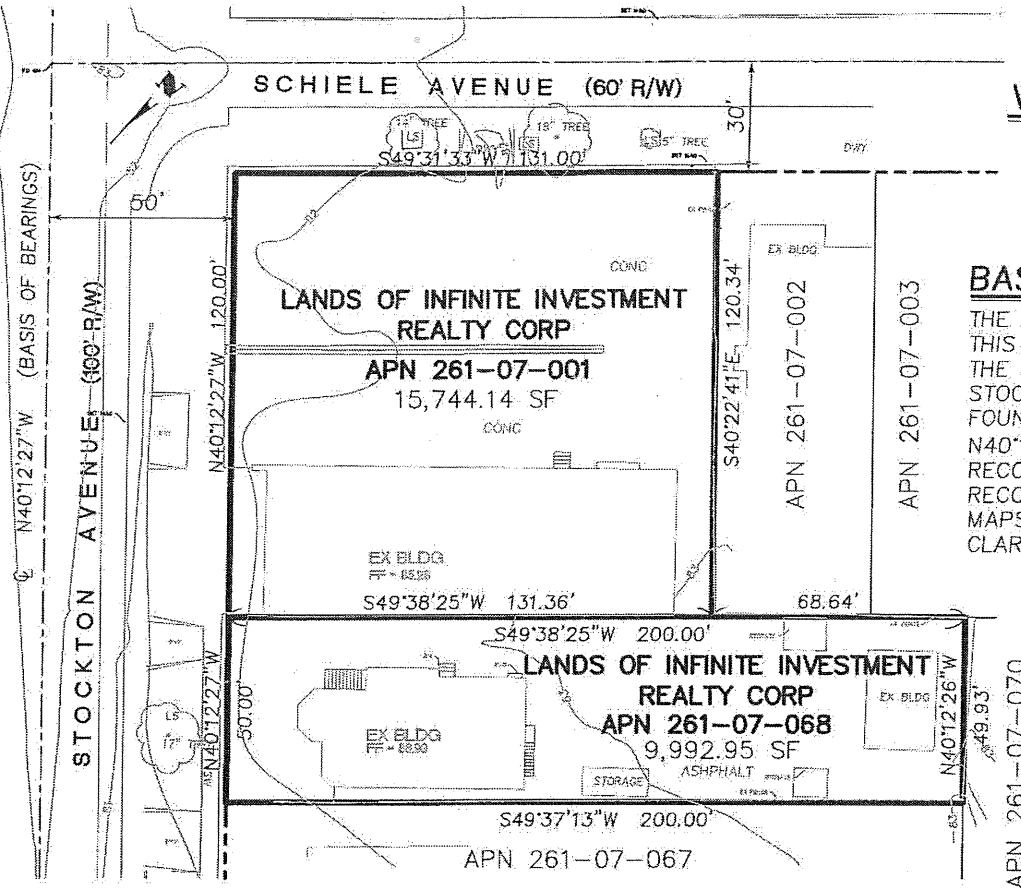
**ENGINEERING**  
598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

SCALE: 1" = 50' DATE: 2/13/19 DRWG. NAME: PROJECT NO. SHEET 1 OF 2

**VICINITY MAP**  
NOT TO SCALE

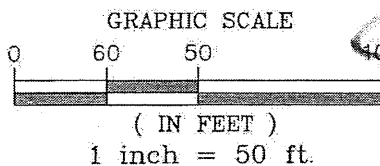
**BASIS OF BEARINGS**

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE ON STOCKTON AVENUE, AS FOUND MONUMENTED AS N40°12'27"W SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 821 OF MAPS, AT PAGE 44, SANTA CLARA COUNTY RECORDS.



**LEGEND**

- OTHER PROPERTY LINE
- - - EXISTING RIGHT OF WAY
- PROPERTY LINE
- CENTERLINE
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY



**SITE PLAN**  
615 & 623 STOCKTON AVENUE  
APN 261-07-001 & 261-07-068

San Jose

California

**ENGINEERING**  
598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

SCALE: 1" = 50' DATE: 2/13/19 DRWG. NAME: PROJECT NO. SHEET 2 OF 2