

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) CONDITIONALLY AUTHORIZING A PERMIT FOR A MAJOR ENCROACHMENT PERMIT (“ENCROACHMENT PERMIT”) TO PROJECT VALLEY TITLE LLC AND PROJECT BO TOWN LLC (COLLECTIVELY “PERMITTEES”) TO ALLOW PERMITTEES TO CONSTRUCT, MAINTAIN, REPAIR, RECONSTRUCT, OCCUPY, AND USE PRIVATELY-OWNED, SUBSURFACE ENERGY (HEATING AND COOLING), WASTEWATER, RECYCLED WATER, AND ELECTRICAL SYSTEMS INFRASTRUCTURE WITHIN A PORTION OF EAST SAN SALVADOR STREET PURSUANT TO SAN JOSÉ MUNICIPAL CODE CHAPTER 13.37; AND (2) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND PERMITTEES, UPON SATISFACTION OF CERTAIN CONDITIONS, AND RECORD A CERTIFIED COPY OF THE ENCROACHMENT PERMIT ON PERMITTEES’ PROPERTIES WITH THE OFFICE OF THE RECORDER FOR THE COUNTY OF SANTA CLARA

WHEREAS, Project Valley Title LLC and Project Bo Town LLC. (“Permittees”) have applied for an encroachment permit pursuant to Chapter 13.37 of the San José Municipal Code (“Chapter 13.37”); and

WHEREAS, the Project Valley Title LLC owns the property located at 345 S. 2nd Street, which consists of the demolition of an existing office building and construction of two 20-story towers including approximately 1.3 million gross square feet of commercial office space and up to 60,430 gross square feet of ground floor retail/community space (“Valley Title Project”), and includes an alternative design to allow connection of the two towers with an additional 15,900 square feet of office space; and

WHEREAS, the Project Bo Town LLC owns the property located at 409 S. 2nd Street,

which consists of the demolition of an existing restaurant including accessory buildings and construction of a 30-story mixed residential and commercial building with up to 540 residential units and 7,430 gross square feet of ground floor commercial space ("Bo Town Project"); and

WHEREAS, private utilities would be interconnected between the Valley Title Project and the Bo Town Project to allow Permittees to construct, maintain, repair, reconstruct, occupy, and use privately owned, subsurface energy (heating and cooling), wastewater, recycled water, and electrical systems infrastructure within a portion of East San Salvador Street; and

WHEREAS, the utilization of public right-of-way for the proposed privately owned utilities requires an Encroachment Permit pursuant to San José Municipal Code Chapter 13.37;

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

The City Council hereby approves this resolution:

- A. Conditionally authorizing a permit for a major encroachment (Encroachment Permit) to Project Valley Title LLC and Project Bo Town LLC (collectively, Permittees) to allow Permittees to construct, maintain, repair, reconstruct, occupy, and use privately owned, subsurface energy (heating and cooling), wastewater, recycled water, and electrical systems infrastructure within a portion of East San Salvador Street pursuant to San José Municipal Code Chapter 13.37; and

- B. Authorizing the Director of Public Works to execute an encroachment agreement between the City of San José and Permittees, upon satisfaction of certain conditions, and record a certified copy of the Encroachment Permit on Permittees' properties with the County of Santa Clara Office of the Clerk-Recorder.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk