

**From:** [Phan, Johnny](#)  
**To:** [Downtown West Project](#)  
**Subject:** FW: PD Permit Clean-up Edits  
**Date:** Tuesday, May 18, 2021 12:22:11 PM  
**Attachments:** [PD Permit Clean-Up Edits.docx](#)

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**From:** MWChan@perkinscoie.com <MWChan@perkinscoie.com>  
**Sent:** Thursday, May 13, 2021 11:26 AM  
**To:** Phan, Johnny <Johnny.Phan@sanjoseca.gov>  
**Cc:** Gray, Matthew S. (SFO) <mgray@perkinscoie.com>  
**Subject:** PD Permit Clean-up Edits

[External Email]

Johnny,

Please find attached clean-up edits for the PD Permit resolution. We are finalizing our comments to the VTM resolution and hope to send that soon. Please let us know if you have any questions.

Thanks,

Michelle

**Michelle Chan | Perkins Coie LLP**

**COUNSEL**  
505 Howard Street Suite 1000  
San Francisco, CA 94105  
D. +1.415.344.7019  
E. [MWChan@perkinscoie.com](mailto:MWChan@perkinscoie.com)

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## **PD PERMIT RESOLUTION**

1. Delete COA 22.

2. COA No. 23.

**Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the City Council, at any time regardless of who is the owner of the subject property or who has the right to possession thereof ~~or who is using the same at such time,~~ whenever, **subject to the requirements of Sheet 4.02 of the GDP,** after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

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

The City and Project Sponsor are parties to that certain Development Agreement and agree to cooperate with each other and meet and confer in accordance with Section 9.2 of the Development Agreement prior to the initiation of any revocation, suspension or modification of the Planned Development Permit. A revocation, suspension or termination of the Planned Development Permit pursuant to this condition shall only affect the offending property in default. The Planned Development Permit shall remain in effect as to all other portions of the property subject to the Planned Development Permit.