File Nos.: DA26-001 & ER26-132

County Clerk-Recorder
County of Santa Clara
110 W. Tasman Drive, First Floor, San José, CA, 95134

Office of Planning and Research
State of California
P.O. Box 3044, Sacramento, CA, 95812

NOTICE OF DETERMINATION NO. 2 FOR THE ORCHARD PARKWAY DEVELOPMENT AGREEMENT AMENDMENT AND STREET VACATION PROJECT ADDENDUM

Lead Agency: City of San José

Project Applicant: Kier + Wright (Jacky So), 3350 Scott Boulevard, Santa Clara, CA 95054, jso@kierwright.com, 408-663-5423

Project Title: Orchard Parkway Development Agreement Amendment and Street Vacation Project

Project Description: The project consists of several modifications to the approved development at the site and land conveyance, including:

1) Vacation and closure of the Orchard Parkway public right-of-way between Component Drive and Atmel Way. This action will vacate an area of approximately 1.7 acres and close Orchard Parkway to through traffic (including vehicles, bicycles, and pedestrians) between Component Drive and Atmel Way.
2) Vacation and closure of the Atmel Way, an area of approximately 1.3 acres, as a right-of-way and close the street to through traffic.
3) Modification of the Development Agreement's development footprint to (a) remove the 9.7 acres of NFS Land that will be conveyed or sold to PG&E and (b) expressly include the vacated portion of Orchard Parkway and vacated Atmel Way (approximately three acres, total), as within the scope of the Development Agreement, making these areas available for Apple's private use.
4) Installation of Class IV protected bike lanes (with striping and flexible posts) within a pedestrian and bicycle easement on both the westbound and eastbound segments of Component Drive between Orchard Parkway and North First Street per the City of San José Better Bike Plan 2025.
5) Conveyance of approximately 9.7 acres of land to PG&E, which PG&E intends to use for the construction and operation of a substation, separate from the subject project.

Location: The approximately 86.73-acre project site is located in north San José. The site extends on both sides of Orchard Parkway, west of North First Street and east of the Guadalupe River. On the east side of Orchard Parkway, the site covers approximately 43 acres on both sides of Component Drive. On the west side of Orchard Parkway, the site covers approximately 16.35 acres north of Atmel Way and west to the

Guadalupe River, and approximately 27 acres east of U.S. Highway 101, south of Atmel Way and north of the Guadalupe Parkway/Charcot Avenue.

Assessor's Parcel Nos.: 101-03-004; -007; -008; 101-02-011; -017

Council District: 4

The City prepared an Ordinance to approve a First Amendment to the Amended and Restated Development Agreement with Apple Inc., Relative to the Development of Certain Real Property in North San José and Authorizing the City Clerk to Execute the First Amendment to the Amended and Restated Development Agreement and Cause the Same to be Recorded with the Santa Clara County Recorder's Office.

This is to advise that on **November 17, 2026**, the City Council of the City of San José approved the following actions related to the above-described project, and made the following determinations regarding such project:

1. The City Council of the City of San José has independently reviewed and analyzed the Development Agreement Amendment and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project.
2. The Development Agreement Amendment will not result in any new significant impacts on the environment.
3. Findings were made and adopted for this project pursuant to the provisions of CEQA.

This Notice of Determination No. 2 pertains only to the approvals listed above. A Notice of Determination for the other project approvals that were granted on November 10, 2026, including the street vacation and addendum to the North San José Development Policies Environmental Impact Report, Envision San José 2040 General Plan Environmental Impact Report, and BEA Development Project Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, was filed on November 13, 2026.

Furthermore, the City Council of the City of San José made the following determinations regarding the project on November 10, 2026:

1. An Addendum was prepared and completed for this project pursuant to and in compliance with the provisions of CEQA.
2. The City Council of the City of San José has independently reviewed and analyzed the Addendum and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project.
3. The Addendum represents the independent judgment and analysis of the City of San José, as lead agency for the Project.
4. This project will not have any new significant impacts on the environment.
5. Findings were made and adopted for this project pursuant to the provisions of CEQA.

The Development Agreement Amendment, Addendum and the record of project approval may be examined at the City of San José, Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, 3rd Floor Tower, San José, CA 95113-1905. This notice is in compliance with Section 21108 and 21152 of the Public Resources Code.

Christopher Burton, Director
Planning, Building and Code Enforcement

Date: November 18, 2026

Cort Hitchens
Deputy

Environmental Project Manager: Cort Hitchens