

San Jose Downtown West Mixed-Use Project

GDP Preliminary Draft 2

Document Overview

Date Delivered: 8/18/2020

General Development Plan Zoning Prelim Draft				
ID	Doc. Page #	Department	Commenter	Comment
1	1.01	PBCE	John	For the formal resubmittal, please include the draft document or a summary of of permit procedures and subsequent review process
2	1.01	PBCE	Shannon Hill	Parking numbers will need to be updated as necessary based on Fehr & Peers revised analysis
3	2.01	PBCE	John	2nd paragraph, 5th line: spell out DWDSG, first time being used in this document
4	2.01	PBCE	John	Project boundary removal of Cahill portion between Post and San Fernando, atypical to include project boundary and rezoning of a street that the project does not front onto. Public improvements can still happen on a street that is not included in the project zoning or project boundary.
5	2.01	PBCE	John	It is a bit weird to state that a zoning needs to the conform to the PD Permit, you can just reference the DWDSG (and other documents) and state it is approved with a PD Permit. Universal comment change through the GDP, to extend possible reference the documents instead of the PD Permit. As the PD Permit can change over time and the PD Zoning can superseded the PD Permit. The PD Zoning can also reference and defer to other documents (even if it is within the PD Permit), but from process standpoint it does not typically defer to the PD Permit as a document itself.
6	2.01	PBCE	Shannon Hill	What are the Downtown West Improvement Standards (DWIS)? This is the first time I've seen this terminology. Is this separate from the DWDSG standards? If so, the City will need to review. Please clarify.
7	2.01	PBCE	Shannon Hill	Regarding the following text, clarify why the PD Permit does not apply to the area indicated on the figure: "A separate Planned Development Permit would be required for areas of the Downtown West PD Zoning District that are not subject to the Downtown West PD Permit."
8	3.02	PBCE	John	Staff is not comfortable with "Where subsequent amendments to the San José Municipal Code establish development standards that a property owner or developer within the Downtown West PD Zoning District considers more favorable, application of such standard shall be permitted upon written request of the property owner without further amendment to the Downtown West PD Zoning District or this General Development Plan, to the extent permitted pursuant to either a Vesting Tentative Map approval under the Subdivision Map Act or a Development Agreement applicable to the subject property within the Downtown West PD Zoning District" PD Zoning is a customized development standard and it needs to be clear on what those standards. Needs to provide explanation on which specific codes you would like to be able to take advantage in the future if they change and we need to discuss if we would include that flexibility. Staff has provided our typical "as amended" language.
9	3.02	PBCE	John	"Existing building footprint to be retained shall be exempt from the minimum lot size requirements". Staff would like to understand the different scenarios this would be used and how to customized it by site or specific limitations.
10	3.02	PBCE	John	Parking needs a boarder discussion about a parking minimum and maximum requirements, additional consideration is being considered in the EIR, but staff is uncomfortable with no minimum and only use of maximum.
11	3.02	PBCE	John	FAA heights and changes in the future, approval and process needs further refinement.

12	3.02	PBCE	Shannon Hill	<p>"Where subsequent amendments to the San José Municipal Code establish development standards that a property owner or developer within the Downtown West PD Zoning District considers more favorable, application of such standard shall be permitted upon written request of the property owner without further amendment to the Downtown West PD Zoning District or this General Development Plan, to the extent permitted pursuant to either a Vesting Tentative Map approval under the Subdivision Map Act or a Development Agreement applicable to the subject property within the Downtown West PD Zoning District."</p> <p>Based on previous meetings and conversations, the project is subject to the code, regulations, and policies in place at the time the project is reviewed and approved. Keep in mind any proposed changes in compliance may affect the EIR and may require subsequent environmental review.</p>
13	3.02	PBCE	Shannon Hill	Under Setbacks, "...and is measured from the Riparian Corridor" should be "...and is measured from the edge of the Riparian Corridor, which is defined as top of bank or vegetative edge, whichever is greater." This is the definition in Policy 6-34.
14	3.02	PBCE	Shannon Hill	The statement "The rehabilitation of existing buildings or construction of new development on the existing footprints shall be permitted within the 50-foot riparian setback pursuant to the DWDSG" is too broad. There are certain uses that would not be allowed, and the proposed development would still have to be able to meet the findings required by Policy 6-34. For example, in our CEQA meetings, we discussed that amplified music would be prohibited for "Program Decks" unless they are fully enclosed. In addition, the locations of all existing footprints proposed for development within the 50-foot setback should be disclosed. Soil conditions at some of the sites (e.g., bank erosion) may prevent development as well. In addition, note that HCP compliance requires a minimum setback of 35-feet.
15	3.03	CAO	Johnny	Planning Director approval of transfer of units and square footage should be done in writing and part of Building Design and approval process? Unclear.
16	3.03	CAO	Johnny	Throughout - the term "Planning Director" should be change to "Director of Planning, Building and Code Enforcement." (City does not have the title "Planning Director.")
17	3.03	PBCE	John	<p>Allowable Conversion of Land Use: This is a new concept and needs further discussion, it sounds like a reduction of residential to accommodate more office, this should require a hearing and potentially council action, unless something in the DA works out the process.</p> <p>Would this result in smaller units to keep the same number of units to increase office square footage?</p>
18	3.03	PBCE	John	Allowable Transfer of Residential Units and non-residential square footage between sub-areas. Needs further refinement on how this process works and procedures and documentation
19	3.03	PBCE	John	Use the owner not applicant
20	4.01	CAO	Johnny	Permitted Uses, 2nd paragraph, 1st line is missing words after the word control. "The Municipal Code definitions of the Permitted Uses identified in Table 4.01.1 shall control. Table..."
21	4.01	PBCE	David K.	Uses SRO Living Unit Facility and Residential Hotel require an SUP (actually a PD Permit), but Corporate Long Term Accommodation and Co-Living are Permitted. These are essentially the same types of uses, except that Corporate Accommodations are limited to Google employees.
22	4.01	PBCE	David K.	Standby/ Backup Facilities - specify noise and air standards in GDP or DWDSG (or refer to section in Muni Code with standards).

23	4.01	PBCE	David K.	Day Care Center: Are we sure we want to have Day Care Centers as a permitted use throughout the site? Although the EIR evaluates day care uses, we could have additional criteria (such as drop off/pick up and open space) that we want to evaluate
24	4.01	PBCE	David K.	The Legend for P*/ says that if the criteria in sheet 5 are not met, then an Administrative Permit is required. However, the listing for Live Entertainment says a Special Use Permit (PD Permit) would be required. Due to potential for conflicts and the need for additional CEQA analysis if criteria are not met, I recommend keeping Live Entertainment as a Special Use Permit (PD Permit), but the legend needs to clarify.
25	4.01	PBCE	John	How will these Logistic Hubs be consistent with the DWDSG from a design standpoint
26	4.01	PBCE	John	How are we going to keep track of those items that are permitted without Admin permit if they meet certain criteria
27	4.01	PBCE	John	Additional discussion about outside agencies review and if they want to include conditions have issues with specific uses in places.
28	4.01	PBCE	John	Live entertainment and Auditorium have overlapping items, what are the clear definitions where one would be classified as live entertainment vs auditorium. Using the term including but limited to provides a large grey zone
29	4.01	PBCE	John	Does the DWDSG speak on the design of community television antenna systems
30	4.01	PBCE	John	There is ton of state laws and city policies on wireless facility and allowances for attached to buildings to be approved with admin permits, new standalone wireless facilities would need a discretionary permit. Please explain why you would need to deviate from it. How does the DWDSG account for the design of these towers
31	4.01	PBCE	John	Private electrical power generator, does having it as a permitted use conflict with state laws and how they regulate and review these uses.
32	4.01	PBCE	John	Provide an update on the Transit Occupancy Tax for stays over 60 days, is that included in the DA?
33	4.01	PBCE	John	Event/Conference Center: The term small conventions, may have impact in terms of number of people events, etc., this definition is a bit open ended to know the kind of impacts this use may have, reference David's comments on impact.
34	4.01	PBCE	John	Drinking Establishment in conjunction with winery, brewery, or distillery, you went from P to A*
35	4.01	PBCE	John	Any uses that you have reduced from discretionary or permit to Permitted, how do you revoke use or include conditions those uses to ensure they stay within those restrictions if we do issue them any type of permit?
36	4.01	PBCE	Shannon Hill	Table 4.01.1: Fuel service stations were not analyzed in the EIR that I'm aware of.
37	4.02	CAO	Johnny	Administrative Permits. If a use has to go through the normal CUP process, not sure we should lock in the CUP requirements now. They should be consistent with the CUP requirements at the point of application for that permit.
38	4.02	CAO	Johnny	Enforcement of administrative permit. City has to have the ability to go after the landowner, tenant, business owner, or anyone responsible. Cannot limit to permittee only. Can enforce in any way authorized by law.
39	4.02	CAO	Johnny	Need to coordinate with Fire and PD on off-sale and drinking establishment. Lighting? Security? Can we add additional conditions to Administrative permit? Should be able to add based on specific proposal. Any other regulatory permit required by PD?
40	4.02	PBCE	David K.	Live Entertainment location restrictions - include reference to land use plan (I also recommend moving the land use plan with block labels up to the beginning of the GDP for ease of reference). Also, DWDSG implies live entertainment will also be located within pavilions through the project site and potentially in an enclosed pavilion near Los Gatos Creek (Block D13). Based on this iteration of GDP, these would require an SUP (PD Permit).
41	4.02	PBCE	David K.	Live Entertainment restrictions on times seem limited. Nothing allowed on holidays?
42	4.02	PBCE	David K.	Outdoor Drinking Areas - limited to 150 feet or more from existing residences outside of the project site - Confirm this is reflected in the noise section of the EIR. Also, operational contingency for late night use and potential impacts to future residents? Thinking about issues from Santana Row.

43	4.02	PBCE	David K.	Amplified music restrictions for drinking establishments: Limitation to "where noise shall not impact the surrounding area" is too vague. Refer to restrictions on amplified music in the DWDSG and mitigation in the EIR.
44	4.02	PBCE	John	Admin permits outdoor vending there are still additional conditions that need to be included https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.80SPUSRE_PT10OUVEFA_20.80.890COIS , which can limits hours etc., , permitted by rights does not allowed inclusion of these conditions
45	4.02	PBCE	John	Subject to conditions only on sheet 5.02 should not preclude the city from adding additional conditions, which may be more site and as details of the use when submitted. We may remove the discretionary hearing but still want the ability to add conditions.
46	4.02	PBCE	John	Certain conditions should be universal for any admin permit or uses that exempted themselves out of admin permit, such a revoke, hours operation, we can discuss those items in detail later
47	4.02	PBCE	John	Off-sale: In general we have not been approving liquor stores, they have been in conjunctions with grocer stores, limited in overall size for off-sale. Consider restrictions that off-sale is not the primary use, unless brewery, winery, distillery
48	4.02	PBCE	John	Further discussion is necessary on how to regulating drinking establishments and late night uses in relations to even residential built in the project, as future residents should still have consideration and potential limitations.
49	4.02	PBCE	John	Staff is not comfortable with not having any limitis or additional hearings for sensitive use just because they are built within the project. Potential consideration for late night and drinking establishment Consideration by the City, we allow up to midnight instead of 2am and after midnight requires SUP, if within 150 of residential (existing and new).
50	4.02	PBCE	John	Amplified music as defined here is hard to quantify
51	4.02	PBCE	John	Off-sale restriction, how do you define quiet enjoyment of their property
52	4.02	PBCE	John	Noise and acoustic, how od you define unreasonable noise
53	4.02	PBCE	John	Off-sale restriction, it is confusing how the number restriction, as it sounds like there are different restriction one for full-range and another for beer and wine, our city code does not separate the number of off-sale because it is only beer and wine, we off-sale is counted as one number for measuring concentration.
54	4.02	PBCE	John	The SUP requirements for drinking establishment would need further refinement as the requirements and conditions currently proposed is a bit vague and hard to quantify
55	4.02	PBCE	John	Auditorium: similar comment on how to different from live entertainment and conference event space
56	4.02	PBCE	Shannon Hill	Table 4.02.1 Outdoor vending requirements. These uses should not be allowed within the foot-riparian corridor setback.
57	4.03	PBCE	David K.	Interim Uses requiring additional CEQA review: Assume this will be part of an Admin Permit and the CEQA can be appealed to CC.
58	4.03	PBCE	David K.	Mobile food carts, parks, etc. as interim uses may become permanent even after development (i.e. kiosks in Hayes Valley). Also, it may be desired to continue to allow food carts/trucks and similar uses after buildout. For CEQA, we have to treat these like permanent uses.
59	4.03	PBCE	David K.	Define "Urban Beach." I assume this is similar to the "beaches" installed along the Seine in Paris and the Spree in Berlin in summer, but this concept needs to be described since readers may not be familiar with the concept.

