

## San Jose Downtown West Mixed-Use Project

Subsequent Process

Date Delivered: 9/01/2020

Subsequent Review Process Prelim Draft							
ID	Doc. Page #	Department	Commenter	Date	Comment/Document reference	Category	Additional comments/clarifications
1	1	PBCE	John		Data Chart and Site Plan and Drawings, these checklist are a minimum requirement but the City should be able to ask for additional exhibits if needed to determine conformance. Language of such may be incorporated. As part of the checklist include a data table show previously approved projects and remaining capacity. This also helps CEQA keep track of development.		
2	1	PBCE	John		"Pursuant to the requirements of the GDP, the project sponsor shall consider DWDSG guidelines; however, consistency with any particular number of guidelines is not required. Conformance review shall be approved notwithstanding inconsistency with any guideline where the project sponsor provides information showing the subject application generally promotes the design intent set forth in the chapter of the applicable guideline. "		This would need rephrasing, as the statement of meeting a specific number of guideline make sense as there is not a numeric number that has to be met, however, it should be the priority of the project to meet most of the guidelines. As written it does not infer that should be the intent. Not meeting the guideline but having to use the intent to explain the deviation should be stated as the exception not an acceptable way to be consistently used. Additionally, staff is not comfortable with the "Shall be approved" when the burden on the applicant is only "generally promotes the design intent" that is a low threshold for such an absolute statement. Additionally, the applicant would need to provide a narrative when it deviates from the guidelines and how the proposed change is necessary but still meets the intent of the guideline.
3	1	PRNS	Larissa		I.A. Include another sentence that provides provide mapping that documents that the open space provided substantially conforms to the approval	Text	e.g. tentative map
4	2	PRNS	Larissa		IIA1h. Add: Demonstrate how the submittal supports compliance with PDO/PIO, or state that this phase does not propose related improvements of parkland	Text	
5	2	PW	Vivian Tom		Site Plans and Drawings should include Conceptual Stormwater Control Plan (not optional), as it is required for City's annual reporting to Regional Water Board.		
6	3	PRNS	Larissa		Open Space Improvement Conformance Review Application Requirements: Separate publicly owned and privately owned review. Publicly owned parks must include public engagement/should go through PW review like typical turnkey parks	Text	
7	3	PBCE	John Tu		Minor Modifications, Exceptions, Deferrals and Amendments. The project sponsor may request a Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the PD Permit as part of Conformance Review.		Clarify the PD Permit and Amendment is done outside the conformance review, it could be determine during the conformance that PD/PDA is needed but that should go to through the normal review process subject to the PDC, GDP, DWDSG of course but it is a discretionary action at that point as well

OK as revised 10/1

Distinguish PD Amendment process better - normally public hearing, appealable. Prefer to keep as exception vs amending PD. Applicant to "stress test" topics they think might need amendment

8	3	PW	Manjit Banwait		Focused LTA - add specific areas for the report consistent with City's TA Handbook			
9	4	PRNS	Larissa		2a. Add heights	Text		
10	4	PRNS	Larissa		2e. Add irrigation	Text		
11	5	PRNS	Larissa		3b. "Conformance with the GDP and DWDSG shall be construed liberally in light of the need for adaptive solutions to unforeseen..." Construed liberally is too broad	Text		OK as revised 10/1
12	6	PRNS	Larissa		Confirmation that Minor Modification (that deviation of less than 10%) does not apply to overall open space or dedicated open space		Concern about building bulk controls, midblock connectors, etc having 10% leeway - with no finding necessary besides improves the design	Google to consider modifying, will consult design team
13	6	PBCE	John Tu		Conformance with the GDP and DWDSG shall be construed liberally in light of the need for adaptive solutions to unforeseen or unique development constraints that arise over an extended built-out and the City's objectives of promoting growth within the Downtown Growth Area.		There is already flexibility in the GDP, DWGSG and that was the intent of having those language crafted the way it is, this is adding another layer that would further open up deviations from what was approved with limited oversight or parameters.	OK as revised 10/1
14	7	PBCE	John Tu		Minor Modifications are presumptively allowed through Conformance Review unless there is substantial evidence that such deviation will be injurious to public health or safety.		This language puts all the burden on the City when the applicant is requesting the deviation and modification. It can be said that minor modifications are permitted when it conforms to xyz, but i should not have such a blanket statement and put the burden to deny it on the City.	
15	7	PBCE	John Tu		The GDP authorizes, subject to certain enumerated conditions, the project to (1) transfer residential units and non-residential square footage from one Sub-Area to another Sub-Area; (2) adjust the number of residential units and non-residential square footage through conversion of land uses; and (3) increase building heights. The project sponsor may request a transfer or conversion of square footage or increase in building height pursuant to the terms of the GDP. Such a request shall not be deemed a Minor Modification or Amendment as defined below.		The latest GDP states subject to the Director's determination and specifically state it is a not a minor modification or amendment, so what process will this finding occur? City has not formalized a decision that it should or should not be a discretionary action.	
16	8	PBCE	John Tu		Approving the exception will maintain the integrity and character of the neighborhood in which the subject property is located or create a safety hazard.		Needs criteria on what "maintain the integrity and character of the neighborhood" this is quite subjective	OK as revised 10/1
17	10	PRNS	Larissa		Amendment- Standard of Review: #5 Add "shade and shadow"	Text		
18	10	PBCE	John Tu		Deferral, we need examples and better understanding of items that would need to be considered for deferral. Right it is unclear how this would be use and what conflicts it can have with other existing city policies if certain components are deferred e.g public improvements			
19	10	PBCE	John Tu		"Proposed schedule for compliance with DWDSG standard". A request to defer compliance with a DWDSG standard may be granted if the project sponsor demonstrates that the requested deferral:		What is the enforcement mechanism if the project applicant does not follow up with the schedule, do we get to hold up any additional conformance review or approval? What if the deferral delays a City projects or requirements, that should be a criteria as well.	
20	11	PRNS	Larissa		Planning Staff Review of Application: City owned parks need to include 35%, 65% and 95% submittals for review and comment. Each submittal will be reviewed within 30 days	Text		

21	12	PBCE	John Tu		Conformance Review Process and Timeline		A broader discussion about a timeline is needed as staff availability and sufficient time for all review partners needs to be considered. Additionally, if there is information missing from the applicant that would change the delay the City needs to reserve the ability to modify the timeline. Further larger projects and first couple projects are mostly not going to be easy. Additionally it states calendar days, it should be business days, as if a submittal falls during holiday season that would be an issue for review.
22	13	PRNS			Informational Community Meetings: Three Community Meetings total. Community Meeting 1: Add to current paragraphia... City-Dedicated Park to discuss initial park concepts and potential names. The intent of this meeting is to make the community familiar with the space and solicit feedback on the types of park amenities the community wants. Community Meeting 2: The project sponsor of conservancy shall host a second community meeting to present design options to the community based on the feedback provided in Community Meeting #1. Community Meeting 3: The project sponsor and staff shall present the final proposed plan to the Parks and Recreation Commission for adoption of the park plan and for acceptance of the park name. Park naming shall comply to City Council policy 7-5	Text	
			Larissa				
23	15	PBCE	John Tu		If the Planning Director determines that a proposed Conformance Review application requires a Supplemental or Subsequent EIR and results in one or more significant effects, Planning staff shall refer the matter to the Planning Commission within fourteen (14) calendar days of providing the project sponsor a copy of the completed Consistency Check Form.  The Planning Commission shall hold a public hearing on the Supplemental or Subsequent EIR and make a recommendation to City Council concerning the certification of the Supplemental or Subsequent EIR pursuant to Title 21.		Any item that needs to go to a hearing body, needs to conform to our noticing and requirements for staff preparation of staff report and reviews. For PC that is at least a month in advance of a PC hearing being held. If it falls on a holiday then it may be longer.
24	16	PW	Vivian Tom		Preliminary plans should be submitted at 35%, 65% and 95%		
25	17	PW	Vivian Tom		Site Grading should also include Stormwater Control Plan and details for onsite private treatment control measures. (2d)		
26	17	PW	Vivian Tom		Need to see Maintenance Matrix (2e)		
27	17	PW	Vivian Tom		Storm and Sanitary modeling results have been provided (2f)		
28	17	PW	Vivian Tom		Include streetlight design (2h)		
29	17	PW	Vivian Tom		Private Street submittals will be separate from public improvement plans. They are required for common interest development (residential single family, townhomes and condos) (2h)		
30	17	PW	Vivian Tom		Conceptual Stormwater Control Plan for public street. Private or onsite treatment will be included as part of Grading and Drainage Plan (2i)		

31	17	PW	Vivian Tom		Add the following sheets as part of improvement plan submittal: Preliminary Geometric (Signing and Striping) and Traffic Signal Plan; Landscape Plan (if median and/or backup landscaping in public street will be proposed); Utilidor Crossing and Encroachment Plan; Site Utilization Plan		
32	18	PW	Vivian Tom / Ryan Do		Final Subdivision Mapping and Improvement Plans should also conform to Title 13		
33	18	PW	Vivian Tom		Add Private Improvement Plan to B1		
34	18	PW	Vivian Tom		Title report, Closure Calcs and Map references should also be submitted with Final Map Check print (B.1.c)		
35	1, 14, 16	PRNS	Larissa		Why is the mobility chapter called out specifically? "DWDSG Chapter 6: Mobility and other applicable standards in the DWDSG")		
36	1, 16, 17	PW	Vivian Tom		Horizontal Improvements should also refer to Public Works Standard Details and Specifications		
37	General	ESD	Michelle Mullane		Applicant must provide a complete waste management plan with their submittal, including the following: -The location and specifications of the solid waste enclosure or room, including dimensions, roofing structures, and drainage -The number of waste containers to be placed inside of the enclosure or room, the types of containers to be used, and the frequency of collection -The circulation plan for the hauler to enter and exit the site -The waste pick-up location		
38	General	ESD	Michelle Mullane		Applicant must follow solid waste enclosure guidelines (posted on PBCE website).		
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