

From: [Han, James](#)
To: [Downtown West Project](#)
Subject: FW: Interim Use application
Date: Wednesday, November 18, 2020 10:43:43 AM
Attachments: [Interim Use Application.docx](#)

James Han
Planner | Planning Division | PBCE
City of San José | 200 East Santa Clara Street
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For More Information Please Visit: <http://www.sanjoseca.gov/planning>

San José City Hall is closed in response to COVID-19.
I am working remotely in accord with governor's and City's direction.
I will monitor email during this time.

From: Amanda Wolf <amandawolf@google.com>
Sent: Tuesday, November 17, 2020 5:30 PM
To: Han, James <James.Han@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>
Cc: Victoria Lehman <vlehman@google.com>
Subject: Interim Use application

[External Email]

Hi James,

Attached is a draft interim use application for discussion. Can you please share with OCA and help schedule a meeting with us and OCA early next week (assuming they have had a chance to review).

Best,
Amanda

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Amanda Wolf | Development Manager
Working for Lendlease at Google
Sunnyvale, CA | 628-240-4111

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**Outdoor Interim Use Application
Downtown West
City of San Jose**

Project Address:

Block / Lot:

Applicant Information:

Name:

Address:

Email Address:

Telephone :

Event Details

Name of Interim Business or Event:

Name of Primary Contact / Responsible Party During Business Hours:

Telephone Number:

Duration of Interim Use:

Start Date:

End Date:

Total Number of Days:

Event / Operating Hours:

Frequency of Interim Use within the window of authorization (ex. Every day, weekly, monthly, etc.)¹. Please also note number of consecutive days:

Number of expected attendees at one time:

Number of expected attendees per day:

Per the *Downtown West Design Guidelines and Standards*, you may be asked to demonstrate compliance that you meet the following standards:

- Interim Uses are permitted during the time prior to or concurrent with development of the property within the Downtown West PD Zoning District.
- They require minimal to no site prep and/or excavation
- Interim uses shall not be permitted in the following locations within Downtown West:
 - Within the 50-foot Los Gatos Creek Riparian Setback and 30-foot Guadalupe River Riparian Setback, with the exception of existing structures (blocks D8, D9, D10, D11, D12, D13, and 374 West Santa Clara).

¹ Maximum 1 year with 2 year extensions permitted.

- On existing public streets with the exception of South Montgomery Street, West San Fernando Street, and new extensions of Cahill Street.
- Interim structures shall be subject to FAA NAVD 88 height contours.
- Interim lighting shall require conformance with the following standards from the *Downtown West Design Guidelines and Standards*:
 - S7.3.1 Lighting element placement
 - S7.3.3 Atmospheric lighting
 - S7.4.1 Lighting in riparian setbacks and the ecological enhancement zone
 - S7.4.2 Prohibited lighting in riparian setbacks and the ecological enhancement zone
 - S7.4.6 Lighting for existing, replacement, and new buildings in the ecological enhancement zone
 - S7.5.1 Nonpermitted lighting
 - S7.7.1 Permitted signage

Please confirm that the proposed Interim Use meets the above standards.

☐ Yes ☐ No

If no, please describe what does not comply.

Please also note that the Planning Director may impose the following in relation to the issuance of a Downtown West Use Permit:

- Conditions reasonably necessary to avoid or mitigate effects on the environment and/or the surrounding community; and
- Conditions reasonably necessary to ensure compatibility with adjacent uses and to avoid interference with the orderly development of the PD Zoning District.

Please indicate which use(s) below best describes the proposed Interim Use (select all that apply):

- ☐ Mobile food carts
- ☐ Retail establishments, including pop-up retail and vendor markets
- ☐ Small scale conferences and educational events
- ☐ Markets and fairs: including flea markets, craft markets, vintage shows, antique shows, booths for charitable / patriotic / welfare purposed
- ☐ Food and beverage
- ☐ Indoor and outdoor gym and workout area
- ☐ Parking lot
- ☐ Parks and gardens: including pocket parks, dog parks, playgrounds, community gardens, or nurseries
- ☐ Community space
- ☐ Site management services, administrative functions, drop-in center and customer amenities

- ☐ Retail or sales office incidental to new development
- ☐ Farmers market, subject to the conditions for a farmers' market described above
- ☐ Open air sales of agriculturally-produced seasonal decorations (Christmas trees and Halloween pumpkins)
- ☐ Art/Culture Exhibitions: including outdoors art galleries, installation art, sculpture park museums, immersive experiences, art installations.
- ☐ Workshop and studio space
- ☐ Farmers' Market (exempt from a this permit per Municipal Code 20.80.255)
- ☐ Limited Live entertainment (no greater than 200 square feet); examples could include a restaurant with a piano player, or a cafe that hosts live poetry or music.
- ☐ Concert
- ☐ Temporary central utility plant

If other, please describe. Note: the use may not qualify for this application and may require additional review.

Description of Proposed Event / Use:

Proposed location of interim use:

- ☐ **Private property** ☐ **Public right-of-way** ☐ **Public Park**

If private property, please provide more details:

Describe any potential impacts of the event/use on adjacent property owners or greater neighborhood:

Right-of-Way Details

Will the proposed event impact a city street, sidewalk, alley walkway, or other city public right of way?

☐ Yes ☐ No

If Yes:

Will the event require reservation of on-street parking spaces?

☐ Yes ☐ No

If yes, please provide details for purpose of parking:

Please provide a realistic estimate of the amount of space required for this use:

Is the event a moving event (parade, run, race, procession, etc)?

☐ Yes ☐ No

If yes, please describe the event

Interim Use Information

Will any equipment be used on the event site? (Examples: fence, tent, canopy, table, chair, trash container, dumpster, booth, amplified sound system, musical instrument, carnival ride, parade float, portable toilet, etc.)

☐ Yes ☐ No

Will the event require closure of any public street or traffic lane?

☐ Yes ☐ No

Will there be any food and/or beverage prepared, sold, or served at the interim use?

☐ Yes ☐ No

Will there be any activity connected to the interim use? (Examples: live animal display, parachute jump, etc.)

☐ Yes ☐ No

Do you require any city service? (Examples: traffic control, tow zones, street barricades, electrical power, etc.)

☐ Yes ☐ No

Will there be sales of any kind?

☐ Yes ☐ No

If you answered Yes to any of the above, please complete the Additional Information below.

Equipment	Will the event be fenced? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you want the city to provide fencing?
	Will electrical power be used? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you want the city to provide electrical power?
	Will amplified sound equipment be used? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you expect noise levels to exceed 55 dBA as measured at the property line of residentially zoned or occupied property, or 70 dBA as measured at all other adjacent property lines? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you have plans to do any soundproofing? Please describe:
	Will a generator be used? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: please indicate placement of generator(s) on Event Site Diagram.
	Will heaters be used? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please indicate heater type:
	Will there be a stage? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe stage if yes:
	Will there be a tent / canopy? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
	Will there be booths? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Will there be tables set up outside the booths? <input type="checkbox"/> Yes <input type="checkbox"/> No		

	Will there be additional lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
Food and Beverage	Will alcohol be sold or served? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, see below.
	Will there be food preparations? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Will there be cooking booths/food trucks? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
Sales	Will any item be sold? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
Traffic	Will you require a "No Parking" zone? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Will you require traffic control officers? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are you requesting that any public street or traffic lane be closed for any period of time? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Misc	Will there be fireworks or pyrotechnics? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please consult with the San Jose Fire Department for necessary permits.
	Will you be using security? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Will there be live animals? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Will there be items that produce extra trash / litter? (example: flyers, box, lunches, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
	Will there be any other type of activity not listed here? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe:
	Will you need a dumpster to collect trash and recycling? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Alcohol Details

Will alcohol be served or sold at the proposed event?

☐ Yes ☐ No

Events that plan to serve alcohol are required to coordinate with the [California Department of Alcoholic Beverage Control](#) and obtain the appropriate license.

Does alcohol meet the conditions of Sheet 4.02 of the GDP?

☐ Yes ☐ No

If no, please describe:

Water / Wastewater / Trash Detail

Will the event use any temporary water services, wastewater services and/or hauled liquid waste services?

☐ Yes ☐ No

Select all Trash and Waste Services the event will have

☐ Composting ☐ Landfill Trash ☐ Recycling

Mandatory Attachments

☐ **EVENT NARRATIVE:** Please provide a description of the event theme, purpose, schedule of activities, entertainment, food, beverages (including alcohol), cleanup plan, etc.

☐ **EVENT SITE DIAGRAM:** For activities on public and private property: a detailed drawing depicting the proposed layout, including the location of booths, tables, stages, tents, fences, dumpsters, signage, portable toilets and all other event equipment. For any activity on Private property: diagram must also show all marked parking spaces, adjacent streets, residential units, and indicate the linear feet from the event boundary to streets and residences.

☐ **CERTIFICATE OF INSURANCE:** Except for events on private property, a certificate of insurance for any public event is required and must be submitted a minimum of 14 days prior to the event start day. Please refer to page 14 of the Special Event Guidelines.

☐ **PRIVATE PROPERTY LETTER:** For private property event, a letter from the property owner (or an agent authorized by the owner) must be included with this application. The letter should be on company letterhead acknowledging their approval of the event, knowledge of the date, time, and activities scheduled to take place. Contact information (address, email, and phone) for this individual should be included in the letter.

☐ **PARKING AND STREET CLOSURES:** Show all parking spaces to be affected by the event and any streets that are proposed to be partially or fully closed to the public for the event, if applicable.

☐ **SCHEDULE:** Please submit a calendar forecasting the anticipated event dates if the proposed event extends beyond 4 days.

☐ **EMERGENCY MANAGEMENT PLAN:** For events where more than 1,000 persons congregate, please submit a Public Safety Plan.

Declaration

As the authorized representative of the applicant, I hereby declare that:

1. The information contained in this application and attachment(s) is true, complete and correct to the best of my knowledge.
2. Applicant agrees to defend, indemnify and hold harmless City, its officers, agents and employees from and against any and all claims, demands, causes of action, or liabilities incurred by City, its officers, agents, or employees, arising from Applicant's acts or omissions under this Agreement or any act of omission of Applicant's permission or invitation of Applicant, except as may arise from the negligence or willful misconduct of City, its officers, agents, contractors, or employees. In any action or claim against City in which Applicant is defending City, City shall have the right to approve legal counsel providing City's defense and such approval shall not be unreasonably withheld.

3. Applicant has received and understands the information contained in the Special Events Guidelines and will adhere to required arrangements listed within these Guidelines.
4. Applicant will pay for actual costs of any City services provided for your event within 30 days from receipt of City invoice.
5. No copyrighted musical or visual arts composition shall be performed or played, whether amplified, televised, in the form of a mechanical recording or personal rendition, or otherwise in connection with any use of City property, unless the Applicant shall have first obtained all approvals and paid any license fee or other fee required by the copyright owner. Without limitation of any other provision, Applicant's indemnification of City as set forth in a permit or authorization to conduct an event, shall include indemnifying and saving City harmless from and against any and all liability or responsibility whatsoever for any infringement of an/or other violation of the right of any such copyright owner under any copyright law.
6. Applicant agrees to participate in the city's zero waste event program and receive in-kind garbage, composting and recycling equipment and services from the Environmental Services Department (ESD) if the following conditions are met: (1) the event occurs on a city street or on a city-owned site, facility or public park and has an average daily attendance of at least 500 persons; (2) event organizers will follow the ESD food and beverage service-ware guidelines (3) use the city's contract hauler for dumpster service (if not sponsored); and (4) use city-provided eco-stations for recycling, compost & trash collection; and (5) announce the three messages provided by ESD during each event day. www.sjenvironment.org/events

Applicant Signature:
