

**From:** [Tu, John](#)  
**To:** [Amanda Wolf](#); [sanjoseplan@google.com](mailto:sanjoseplan@google.com)  
**Cc:** [Downtown West Project](#)  
**Subject:** Downtown West Planning Comment Letter  
**Date:** Monday, December 21, 2020 5:10:37 PM  
**Attachments:** [Downtown West \(Google\) Resubmittal Planning Comment Letter.pdf](#)

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Amanda,

Find attached Planning's comments on the latest Downtown West Submittal.

Best,

[Tong \(John\) Tu](#)

Planner IV (Supervising Planner) | Planning Division | PBCE  
City of San José | 200 East Santa Clara Street  
Email: [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov) | Phone: (408)-535-6818  
For More Information Please Visit: <http://www.sanjoseca.gov/planning>

December 21, 2020

Submittal and Re-submittal Comment Letter

Alexa Arena  
Google, LLC  
1600 Amphitheatre Parkway  
Mountain View, CA, 94043  
[sanjoseplan@google.com](mailto:sanjoseplan@google.com)

**SITE ADDRESS AND LOCATION:** 450 West Santa Clara Street (The project site is approximately 81 acres, extends approximately one mile from north to south, and is bounded by: Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, State Route 87, South Autumn Street, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor to the west)

**RE. File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, & PT20-027:**

The project is proposing a mixed-use development on approximately 81 acres mostly within the boundaries of the Diridon Station Area Plan (DSAP). The project involves a Planned Development Rezoning, Planned Development Permit, General Plan Amendments, amendments to the historic landmark boundaries of the Southern Pacific Depot and San José Water Company, a Historic Preservation Permit for the San Jose Water Company site, a Vesting Tentative Map, and a Development Agreement, for the development of up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistics/warehouse(s) totaling approximately 100,000 GSF; and approximately 15 acres of open space, all on approximately 81 acres. The project also proposes infrastructure, transportation, and public realm improvements.

Dear Ms. Arena,

Your applications, referenced above in this letter, have been reviewed based on information provided in the resubmittal. Below is a summary of the comments; additional memoranda including comments from other departments will be sent separately and/or forthcoming.

### **Permit Streamlining Act**

File No HL20-004 (Historic Landmark Boundary Amendment Southern Pacific Depot), File no. HL20-005 (Historic Landmark Boundary Amendment San José Water Company), File No. HP20-002 (Historic Preservation Permit Amendment of the San José Water Company Building), and File No. PT20-027 (Vesting Tentative Map) are all new applications, and the remaining project applications are resubmittals.

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), the applications for HL20-004 and PT20-027 have been determined to be **complete**. Note that determining an application to be complete means the required initial submittal documents for the application have been provided. However, additional information and revisions may be required from Planning and other City Departments to finalize the review of your application for public hearing. The applications HL20-005 and HP20-002 have been determined to be **incomplete**. The resubmittal needs to include an explanation of how the transformer house would be utilized/moved in consideration of the boundary modification and the timing of the boundary change as it relates to the Historic Preservation Permit Amendment.

### **Project Review**

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Below are comments based on the resubmittal and new submittal documents.

#### **Planned Development Zoning**

Page All

- a) Each Page should reference the PD Zoning District File Number PDC19-039.
- b) For any reference to a permit, e.g., Administrative Permit, Special Use Permit, Planned Development, please capitalize the name of the type of permit.
- c) In the Development Standards and exhibits, there should be a note that text in the Development Standards takes precedence over the illustrations and exhibits on the Planned Development Plan Set.
- d) Please provide a summary exhibit that summarizes the different types of permits that may be issued, and to the extent possible the criteria that would clearly distinguish which permit type is required. The following are the different types of permits, reviews, and entitlements included in the Development Standards.
  - a. Conformance Review Vertical Improvements and Open Space
  - b. Final Maps and Improvement Plans: Horizontal Improvements
  - c. Administrative Use Permit
  - d. Interim Use Certificate
  - e. Interim Use Permit
  - f. Temporary Use Certificate
  - g. Temporary Use Permit

For example, a drinking Establishment in the land use table requires an Administrative Permit but may also be allowed as in Interim Use Permit. Aside from time restrictions, please identify any other criteria to distinguish the difference. Additionally, please clarify whether interim uses would be subject to the conditions of the Administrative Permits.

Some of the distinctions have to do with permit duration or permanence of the development of the structures. These distinctions and criteria need further refinements to ensure the clarify of the application of the various types of approvals.

#### Page 3.02

- a) Any references to the Development Agreement may need further refinement once the Development Agreements details are available.
- b) Clarify what request or changes are meant by “The project sponsor may request that an additional or modified development standard...”.
- c) Populate and update the Table 3.02.3 Parking table.

#### Page 4.01

- a) Under the legend, you mention Table 20-140; please include a reference to the Municipal Code table.

#### Page 4.02

- a) Include a section that lists universal conditions for all Administrative Permits; for references include, but are not limited to:
  - a. **Nuisance** – This use shall be operated in a manner that does not create a public or private nuisance, as defined in the Municipal Code. Any such nuisance shall be abated immediately upon notice by the City.
  - b. **Amplified music** - Outdoor areas for entertainment, including areas with roof openings, shall not be allowed where noise adversely impacts the surrounding area. Hours of operation and/or amplified sound shall not be permitted after 10:00 p.m. Additional conditions may be imposed such as direction of speakers, and sound level restrictions.
  - c. **Anti-Graffiti** - The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
  - d. **Anti-litter** - The site and surrounding area shall be maintained free of litter, refuse, and debris. The operator of the proposed use shall clean the public right-of-way immediately adjacent to the subject site before 8:00 am each day, unless it is a participant in a Property Business Improvement District which provides such sidewalk cleaning services for the neighborhood in the vicinity of the project site, including the immediately adjacent public right-of-way. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00

p.m. and 6:00 a.m. daily.

- e. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, and state, and federal laws.
  - f. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
  - g. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
  - h. **Operational Hours.** This use shall be limited to operation between the hours of 6:00 a.m. to 12:00 a.m. (midnight), unless a Permit, as applicable, is approved by the City for other hours of operation. (Or subject to hours in the Development Standards)
  - i. **Term.** If the use authorized by the Administrative Permit is discontinued for a period of 12 months, the permit will expire and the Administrative Permit will no longer be in effect.
  - j. **Loading Activity Hours.** All loading activities shall be limited to the hours of 6:00 a.m. to 9:00 p.m.
- b) Outdoor vending- please verify if you would modify the parking requirements, given the district parking approach of the project
  - c) Live entertainment
    - a. Please clarify hours of operation and consider using a table to summarize the hours and operation.
  - d) Please define what qualifies as an event.

#### Page 4.03 (Interim Uses and Temporary Uses)

- a) See above comments about summarizing the various type of permits and providing further refinement on what would require an Interim/Temporary Use Permit.
- b) The process table for Temporary Uses and Interim uses states that these uses are permitted at any time pursuant to the requirements of the General Development Plan. Aside from duration and references to the GDP, DWIS, DWDSG, there are few other criteria. Similar to an Administrative Permit, additional criteria and conditions should be incorporated into this section, including requiring coordination with other responsible City departments.

#### Page 5.02

- a) Please note that the PD Permit is what authorizes the tree removal; therefore, additional details are needed for the phasing, review and tracking of the tree removal.
- b) Similar process and language are needed for Demolition Phasing, and permit triggers.

#### Page 8.01

- a) The Subsequent Review Term Sheets need additional incorporation into this section of the Planned Development Plan Sheets and associated documents as it applies.

### **Downtown West: Subsequent Review Process Term Sheet**

Please outline where the various sections of this term sheet would be incorporated in other entitlement documents and consider creating an implementation guide to summarize all the conformance review documents and process. Below are comments on specific sections of the term sheet.

#### **Section I.A. Overview of Subsequent Review**

- Please clearly define and provide examples of what would be categorized as vertical improvements (e.g. new construction, rehab of existing structures)

#### **Section II. A 1 Data Chart**

- a. In the program of land use, please clarify when and if the following information may be included: operation plans, e.g. hours of operation, live music, and other operation information to determine consistency with the Development Standards of the PD Zoning.
- e. Provide information on how parking will be tracked during conformance review and as the project progresses.
- e. Provide the location of the parking (on-site, off-site), and for on-site parking provide information on the type of parking, e.g. stacking, tandem, etc.
- f. Additional information may be required subject to Housing Department conditions and requirements for income requirements for affordability.
- i. For the data table identifying the square footage of development, please ensure it includes the entire project area covered in the PD Zoning and not the specific project area of the conformance review application.

#### **Section II. A 2. Site Plan and Drawings**

- Provide a demolition and tree removal plan sheet and include information on the timing of tree removal (tree removal done at/prior demolition or grading?)
- Indicate waste/trash facilities as applicable

#### **Section II C Standard of Review**

- 1. Include the Development Agreement as a conformance review document.
- 3a. While illustrations may be refined, it should be noted that text takes precedent over the illustrations for the Development Standards of the Planned Development Zoning.

#### **Section II E. Relief from DWDSG Requirements**

- Additional clarification on the deferral items and explanation on what can be provided at the project review and what details may be deferred at other stages of the review.

#### **Section III Conformance Review Process and Timeline**

- Additional coordination and refinement are needed for the timeline and submittal document requirements. As the other documents are further refined, this timeline would need to be updated.

### **Conformance Review Form**

- If an implementation guide is developed, the conformance review form would need to be incorporated and updated to match the final version of that guide and the final conformance review process.

### **General Plan Amendment**

- Additional modifications and refinements are necessary to proposed text amendment to General Plan Land Use Policy LU-1.9 to ensure clarify and consistency with the goals and policies of the General Plan.

### **Additional Comments**

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#### **1. Comments from Other Departments/Agencies**

Planning staff will forward comments/memoranda from various City departments as they are received.

#### **2. Next Steps**

Please be advised that this summary does not constitute a final review. Additional comments may be provided upon review of any additional information and plan revisions submitted in response to this letter. In order to facilitate the development review process, please include a detailed response letter with your resubmittal that addresses all items contained in this letter and memos.

Should you have any questions, you may contact James Hans at [james.han@sanjoseca.gov](mailto:james.han@sanjoseca.gov) or (408) 535-7843. You may also contact the Supervising Planner overseeing this project, John Tu, at [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov).

We look forward to continuing to work with you and your team on your project.

Sincerely,



John Tu  
Supervising Planner  
City of San José