

From: [Hill, Shannon](#)
To: [Tu, John](#)
Cc: [Keyon, David](#); [Manford, Robert](#); [Downtown West Project](#); [Peak, Dana](#)
Subject: Downtown West: 10/7 Resubmittal Comments
Date: Monday, December 21, 2020 7:24:54 PM
Attachments: [Downtown West 100720 Resubmittal ENV Comments 122120.pdf](#)

Hi John,

Please refer to the attached comments on the applicant's resubmittal from the environmental review team. Note that I did not add a comment to add standards for historic resources to the DWDSG because all potential impacts to historic resources are covered by mitigation measures in the EIR.

Let me know if you have any questions.

Thanks!

Shannon Hill, Planner
Planning, Building & Code Enforcement | Environmental Review Section
City of San José | 200 East Santa Clara Street
Shannon.Hill@sanjoseca.gov | (408) 535 - 7872

TO: John Tu

FROM: Planning – Environmental Team
Shannon Hill

SUBJECT: October 7, 2020 Resubmittal Comments
(File Nos. GP19-009, PDC19-039, PD19-029,
HL20-004, HL20-005, HP20-002, & PT20-027)

DATE: December 21, 2020

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)

Project Description: 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, Historic Preservation Permit Amendment 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.

Comments

The following comments are based on review of the revised plan set and documents submitted to the City on October 7, 2020.

Downtown West Design Standards and Guidelines (DWDSG)

- I. Page 14: Under “Environmental Impact Report,” please add the following language or something similar to acknowledge that the MMRP prevails over standards in the DWDSG because the DWDSG does not cover all measures in the MMRP: “In the event of a conflict between the terms of the Design Standards and Guidelines and the Mitigation Measures included as part of the Mitigation Monitoring and Reporting Plan adopted by City Council (Resolution No. XXXX), the terms of the Mitigation Measures shall prevail.”
- II. Page 57 - S3.4.4 (Interim use locations): For interim uses proposed for blocks D8, D9, D10, D11, D12, and D13, the asterisks for Active Uses in Table 4.01.1 of the GDP refer to conditions in Sheet 5.02, but that sheet shows “Existing Ordinance Trees, Waterways and Natural Features.” In addition, in the list of exceptions provided for the standard, "374" is listed without the rest of the address or descriptive information. Also, publicly circulated EIR currently states "Active programs would be kept outside the 50-foot riparian setback, with the exception of programming within the boundary of

existing buildings on Blocks D8, D9, D10, D11, D12, and D13. However, language of S4.8.4 (Controlled features within the Los Gatos Creek Riparian Setback) contradicts S3.4.4 (i.e., no active programming w/i 50-foot setback). Add cross-reference between the for clarity.

Table 4.03.1 Summary of Use Permit Process in PD/GDP currently includes a footnote that states "Interim and temporary uses may be approved outside of the Zoning/Design Conformance Review process," which does not seem appropriate considering these uses are proposed for the walk at South Autumn Street. Parcels in this area intrude into the riparian corridor, and standards in the DWDSG/conformance checklist are necessary to prevent impacts analyzed in the DEIR assumed to be mitigated by these standards. Please clarify the approval and review process for interim/temporary uses.

- III. Page 74 - FIGURE 4.6: Open space categories diagram. Clarify in the legend or figure what the setback distance shown on the figure is.
- IV. Page 83 - 4.8 Relationship to Riparian Corridors. The definition for "Riparian Setback" states that there is a "...limitation of new construction within a certain distance from a riparian corridor and is measured from the riparian corridor..." Change to "limitation of new construction and certain land uses and activities," since limitations are not only associated with new structures (see Policy 6-34).
- V. Page 214: In the introduction paragraph after "5.15 Historic Resources," delete "Nation."
- VI. General: The requirement to comply with the Mitigation Monitoring and Reporting Program (MMRP) is not currently referenced in the DWDSG and associated Conformance Checklist. The MMRP should be attached to the Conformance Checklist or included as an appendix and referenced in the checklist. Suggest adding the requirement to comply with the MMRP to the beginning of the list, so planners reviewing proposed development can start MMRP compliance coordination to avoid potential delays.

Planned Development Zoning District General Development Plan (PD-GDP)

- I. The requirement to comply with the conditions and fees of the Santa Clara Valley Habitat Plan (Habitat Plan) needs to be added. The following City standard permit condition is required to be include in the PD permit/DWDSG (see next comment). Note that standard permit conditions are referred to as a standard condition of approval in the Draft Environmental Impact Report (DEIR):
 - o Santa Clara Valley Habitat Plan. The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.
- II. Sheet 3.02 (Development Standards): All "Standard Conditions of Approval" (AKA: City Standard Permit Conditions) from the DEIR need to be included in the PD permit. All applicable Standard Permit Conditions are included in City permits. Under "Environmental Mitigation Measures and Conditions of Approval," suggest adding reference to an appendix or list of all Standard Conditions of Approval from the DEIR in the PD permit/DWDSG.

General Comments

- I. General Comment - Ensure references within documents are accurate. For example, if DWDSG refers to GDP, make sure the accurate sheet or standard is cross-referenced. Also need to make sure

DWDSG and EIR are consistent because only language in the EIR will receive environmental clearance.

- II. City input on items to be included in the conformance checklist are forthcoming.

Next Steps

Please be advised that this summary does not constitute a final review. Additional comments may be necessary upon review of additional information submitted in response to this letter.

Please contact Shannon Hill at shannon.hill@sanjoseca.gov if you have any questions.

Thank you,

Shannon Hill, Planner
Environmental Review Division