

**From:** [Tu, John](#)  
**To:** [Hughey, Rosalynn](#); [Ross, Rebekah](#); [Mendez, Zacharias](#)  
**Cc:** [Burnham, Nicole](#); [Cicirelli, Jon](#)  
**Subject:** RE: PD19-029 Downtown West Mixed-Use PRNS Comments  
**Date:** Friday, November 8, 2019 3:35:47 PM  
**Attachments:** [jmax001.png](#)  
[PRNS 30 DL Comments 11.8.19 Downtown West FINAL 2.pdf](#)

Find attache the revised version, I made the edits in PDF.

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>

**From:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>  
**Sent:** Friday, November 8, 2019 3:15 PM  
**To:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>; Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>  
**Subject:** RE: PD19-029 Downtown West Mixed-Use PRNS Comments

Here's my take on a revised sentence (3<sup>rd</sup> sentence): "During this process, there may be adjustments to how public recreation facilities, placemaking, and public life services will be delivered."

**From:** Tu, John  
**Sent:** Friday, November 08, 2019 3:12 PM  
**To:** Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>; Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>  
**Subject:** Re: PD19-029 Downtown West Mixed-Use PRNS Comments

Rebekah,

Can we get a word document version, we may need to clarify the third sentence of the below section.

### **Implementing the Diridon Station Area Plan (DSAP)**

This project is expected to implement the Policies, Objectives, and Vision of the [Diridon Station Area Plan as may be amended](#). The City is currently developing a framework and engaging the community to update the DSAP. As the City's efforts to continue this effort, this might affect how public recreation facilities, placemaking, and public life services will be delivered. Future plan sets should demonstrate how the project meets the objectives of the DSAP.

Best,  
Tong (John) Tu

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**From:** Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>  
**Sent:** Friday, November 8, 2019 2:26 PM  
**To:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>  
**Subject:** Re: PD19-029 Downtown West Mixed-Use PRNS Comments

Ok, here it is. Thank you! ~ Rebekah

P.S. Zak is out sick today. In case you need anything else feel free to call me at my desk (408) 535-3804

**From:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>  
**Sent:** Friday, November 8, 2019 2:09 PM  
**To:** Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>  
**Subject:** RE: PD19-029 Downtown West Mixed-Use PRNS Comments

PDF is fine. Thanks, Rebekah!

**From:** Ross, Rebekah  
**Sent:** Friday, November 08, 2019 2:09 PM  
**To:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>  
**Subject:** Re: PD19-029 Downtown West Mixed-Use PRNS Comments

Thanks! I can make those changes now. Do you want the last version in Word or .pdf?

(John I was just about to send you the Word version when Rosalynn's email came through)

**From:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>  
**Sent:** Friday, November 8, 2019 2:06 PM  
**To:** Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>; Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>  
**Subject:** RE: PD19-029 Downtown West Mixed-Use PRNS Comments

Hello – we only have minor edits:

- Page 2, after Table 1, line 5: the comma after "agreements" should be a semi-colon. It should read: "is separate from all other negotiated agreements; the applicant is encouraged..."
- Page 2, under the "Checklist to Complete Plan Review" section, line 2: after Diridon Station Area Plan, add "as may be amended"
- Page 3, under "Credits Towards the Parkland Obligation" section, first bullet, line 3: change to "boundaries so the parkland obligation can be adjusted accordingly."

Thanks for all your work on this; the memo is very well written.

Can you get final memo to John Tu ASAP? We want to submit the 30-day letter and accompanying Department memos by 5:00 today.

Rosalynn

**From:** Mendez, Zacharias  
**Sent:** Thursday, November 07, 2019 3:42 PM  
**To:** Hughey, Rosalynn <[Rosalynn.Hughey@sanjoseca.gov](mailto:Rosalynn.Hughey@sanjoseca.gov)>; Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Burnham, Nicole <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Cicirelli, Jon <[Jon.Cicirelli@sanjoseca.gov](mailto:Jon.Cicirelli@sanjoseca.gov)>; Ross, Rebekah <[rebekah.ross@sanjoseca.gov](mailto:rebekah.ross@sanjoseca.gov)>  
**Subject:** PD19-029 Downtown West Mixed-Use PRNS Comments

Good Afternoon Rosalynn and John,

Attached are draft comments for this project. Per the review of preliminary comments earlier this week, the letter has been trimmed down and focused on clarifying questions to complete the review of the project. Additionally, we have expanded our exploration of fees to provide estimates for multi-family and high rise unit types. One other change we wanted to highlight was the inclusion of a question in our checklist regarding the public art plan for the area. Though this is not something we typically comment on, this was coordinated with OCA in order to ensure the question is addressed. Please let us know if you have any other feedback. Otherwise, I will remove the draft watermark and send you finalized comments as soon as possible.

Thank you,  
Zak

**ZACHARIAS MENDEZ** | Parks Planner  
**Parks, Recreation and Neighborhood Services**  
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200 East Santa Clara Street, San José, CA 95113  
***Building Community Through Fun***  
[sanjoseca.gov/prns](http://sanjoseca.gov/prns) | [www.vivcallesj.org](http://www.vivcallesj.org)

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**General Plan Amendment, Planned Development Zoning, and Development Permit**  
**File Nos.: GP19-009, PDC19-039 and PD19-029**

**November 8, 2019**

**TO:** James Han – Planner II; John Tu – Supervising Planner

**CC:** Vivian Tom - Senior Transportation Specialist; Michelle Kimball – Senior Engineer

**FOR:** Alexa Arena; Google, LLC; 1600 Amphitheatre Parkway, Mountain View, CA

94043: sanjoseplan@google.com

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The Department of Park, Recreation, and Neighborhood Services develops and manages a diverse system of high-quality, vibrant, and unique parks, trails, and community centers. The principles of Stewardship, Nature, Equity & Access, Identity, and Public Life guide our work.

**Project Summary**

- **Project Name:** [Downtown West - Mixed-Use Plan](#) (commonly referred to as the “Google Project”)
- **Location:** An approximate 84-acre site generally bounded by Lenzen Avenue and Union Pacific Rail to the north, Cahill Street and the Caltrain rail tracks to the west, Auzerais Avenue to the south, and Los Gatos Creek and Highway 87 to the east. **Primary Address:** 450 West Santa Clara; **Primary APN(s):** 259-38-132 - project encompasses approximately 100 parcels
- **Council District:** 3; **Park District:** 5; **Multiple Listing Service (MLS) Area:** 9; **Area Plan:** Diridon Station Area Plan; **Planning Area:** Central; **Strong Neighborhoods Initiative Area:** Burbank/Del Monte
- **Project Description Summary:** General Plan Amendment, Planned Development Rezoning and Development Permit 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; an approximately 100,000 GSF event center; up to two central utilities plants totaling approximately 115,000 GSF; and a logistics warehouse(s) of approximately 100,000 GSF; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans.

**Implementing the Diridon Station Area Plan (DSAP)**

This project is expected to implement the Policies, Objectives, and Vision of the [Diridon Station Area Plan as may be amended](#). The City is currently developing a framework and engaging the community to update the DSAP. During this process, there may be adjustments to how public recreation facilities, placemaking, and public life services will be delivered. Future plan sets should demonstrate how the project meets the objectives of the DSAP.

**Park Impact Ordinance (PIO)/Parkland Dedication Ordinance (PDO) Requirements (Parkland Obligation)** Residential development is subject to the requirements of the City’s Park Impact Ordinance ([PIO- Municipal Code Chapter 14.25](#)) or the Parkland Dedication Ordinance ([PDO - Municipal Code Chapter 19.38](#)) for the dedication of land. The PDO/PIO obligation is the equivalent of providing three acres of parkland for every 1,000 new residents added by the project. The application does not clearly define the housing product type being proposed. As a result, PRNS cannot clearly define the PIO/PDO requirements at this time. To facilitate project planning for the applicant, we estimated

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the parkland obligation for 5,900 units of Multi-Family 5+ housing and for High Rise development of 12 or more stories. Table 1 provides obligation details for the two potential scenarios.

**Table 1 - Estimate of Parkland Obligation for Potential Development Scenarios**

| Housing Product Type  | Persons Per Unit | Parkland Obligation (acres) | In Lieu Fee (\$) |
|-----------------------|------------------|-----------------------------|------------------|
| 5+                    | 2.34             | 41.4                        | \$133,340,000    |
| High Rise 12+ Stories | 1.51             | 26.7                        | \$86,140,000     |

PRNS prefers some combination of dedication of land, turnkey public improvements, development of the Los Gatos Creek Trail system, and a recreational community center as the means to meet the obligation. If not pursuing turnkey public improvements, the development, at a minimum, should not infringe on the City's future intent to develop the Los Gatos Creek Trail system as a Class I Bikeway (off-street) facility. Negotiation and development of a Parkland Agreement is separate from all other negotiated agreements; the applicant is encouraged to engage PRNS to discuss the means of meeting the obligation for this project.

***Parkland Obligation***

The project's parkland obligation was calculated using the following formula:

- Minimum acreage dedication = .003 acres × Number of dwelling units × Average number of persons per dwelling unit (SJMCA Section: 19.38.310).
- The estimated parkland obligation for this project will be adjusted after the City receives confirmed unit counts and housing types and accounts for any existing residential units.

**Checklist to Complete Plan Review**

The following information must be received to fully review and comment on how the proposed project will comply with the Diridon Station Area Plan as may be amended and meet its parkland obligation.

- ☐ Provide clarification on the intended ownership and maintenance plan for the proposed open space network.
- ☐ Revised plans should clearly differentiate between lands that might be publicly accessible (either through dedication to the City or public access easement) and public recreational areas (i.e. public parks, trails, community centers, etc.), from privately-owned inaccessible open space and non-recreational open space areas (i.e. riparian setbacks, mitigation areas, stormwater collection and treatment areas, building setback/landscape areas, private residential open space areas, etc.).
- ☐ Clarify how lands to be dedicated to the City will meet the following municipal code requirements:
  - Conveyed by grant deed, free and clear of encumbrances including easements, utilities, or privately-owned buildings.
  - Be at least one-half (1/2) acre in size
  - Not be used for off-site stormwater discharge or treatment or retention areas, required riparian setback areas, and/or serve as environmental mitigation areas.
  - Be graded to create a sufficiently flat area (i.e. less than a three (3) percent grade in any direction).
  - Located adjacent to substantial public street frontage to promote public safety and facilitate policing.
  - Remediated and turned over to the City in a "clean" condition, free of encumbrances, including easements, utilities, emergency vehicle access, and storm water infrastructure.

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- ☐ It is unclear how the project will be designed to put “people and public space” first. Clarify how the proposed public recreational open spaces will be designed and be accessible to future residents, to the greater community, and to visitors.
- ☐ Provide exhibits that demonstrate that all public recreational amenities are designed with:
  - a) Distinct and comprehensive goals that meet the goals and objectives of the General Plan.
  - b) Clear indication that parks are in the public realm and are accessible to the public.
  - c) Buildings oriented toward the parks and trails.
  - d) Pedestrian and bicycle paths that terminate at public parks.
  - e) Unique design, architecture, and placemaking.
- ☐ Provide an exact proposed residential unit count, housing types, and anticipated building heights.
- ☐ Provide detailed sections of all proposed public trail improvements that meet City standards and meet conditions for a Class I Bikeway (off-street) trail as defined by the Caltrans Highway Design Manual Chapter 1000 and the City’s Trail Design Toolkit.
  - a) The trail must be developed within park/open space and generally aligned with the creek channel.
  - b) Enhanced signalized intersections (per the Department of Transportation) will support pedestrian/bicycle movements as trail under-crossings are infeasible per the current roadway system.
  - c) All trails must have appropriate under crossings, signalized crossings, and/or defined on-street routes to access the trail.
- ☐ A revised Master Stormwater Control Plan and Grading Plans should indicate if any proposed public lands are in a floodplain and be revised to have separate Drainage Management Areas for lands to be dedicated to the City. Private stormwater should not flow, be collected, or treated on public lands.
- ☐ The Site Plan, Grading and Drainage, and subdivision plan sheets should show dimensioned details of any potential encumbrances on land proposed to be dedicated to the City such as (but not limited to):
  - a) Emergency Vehicle Access
  - b) Riparian Corridor and other Setbacks
- ☐ Outside of the parkland obligation, please clarify how public art will be incorporated throughout the project development.

**Credits Towards the Parkland Obligation**

*Existing Residential Units*

- Any existing residential units that will be demolished or retained as part of the project qualify for a credit toward the parkland obligation. Clearly provide evidence of all existing residential housing types within the project boundaries so the parkland obligation can be adjusted accordingly.

*Affordable Housing Units*

- If the project includes onsite deed restricted affordable/low income housing units that meet the City’s Affordable Housing criteria and the policies of Resolution No. 75540, these units could qualify for a 50% credit towards the park impact in-lieu fees. The Department of Housing must confirm units are deed restricted low income affordable housing units before credits can be applied.

*Private Recreation Credits*

- Private Recreation Credits, which could allow a credit of up to 50% towards a parkland obligation, could be available for privately owned and maintained recreational amenities developed on the site of a proposed residential development, that meet the eligibility requirements listed in Section 3, Schedule of Credits, included in [Resolution No. 73857](#).

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- Private Recreation Credits will only be considered after it has been demonstrated how the project will fulfill its parkland obligation. Applicants typically apply for Private Recreation Credits after development permits are approved. However, applicants can contact PRNS staff to begin the process at any time.

**Exploration of Park Impact In-lieu Fees**

- Table 2A and 2B – In-lieu Fee Explorations provide estimated fee adjustment with potential credits applied to the gross fee. The following formula is used to generate estimates: **A-B-C-D-E=F**. Please note, estimates that generate a negative in-lieu fee would not provide any additional benefit to the applicant. The following is subject to adjustment as greater detail about the development and parkland/trail sites are better understood and defined.

**Table 2A – In-lieu Fee Exploration of Multi-Family 5+**

|   |                       |
|---|-----------------------|
| <b>A. Gross Parkland Impact In-lieu Fee</b>   | <b>\$ 133,340,000</b> |
| <i>B. Existing Housing Credit</i>   | \$ (unknown)          |
| <i>C. On-Site Deed Restricted Low Income Affordable Housing Credit (15% or 885 units)</i>   | <b>\$ 10,000,500</b>  |
| <i>D. Land Dedication Credit (assuming a minimum eight-acres of proposed public parkland)</i>   | <b>\$ 25,787,520</b>  |
| <i>E. Private Recreation Credit (based on 30% average, approximately 12.43 acres)</i>   | <b>\$ 40,054,498</b>  |
| <b>F. Remaining parkland obligation converted to park impact in-lieu fees that will be applied to design and construct of turnkey recreational improvements on dedicated parkland, trails, and community center space</b> | <b>\$ 57,497,482</b>  |

**Table 2B – In-lieu Fee Exploration of High Rise**

|   |                      |
|---|----------------------|
| <b>A. Gross Parkland Impact In-lieu Fee</b>   | <b>\$ 86,140,000</b> |
| <i>B. Existing Housing Credit</i>   | \$ (unknown)         |
| <i>C. On-Site Deed Restricted Low Income Affordable Housing Credit (15% or 885 units)</i>   | <b>\$ 6,460,500</b>  |
| <i>D. Land Dedication Credit (assuming a minimum eight-acres of proposed public parkland)</i>   | <b>\$ 25,787,520</b> |
| <i>E. Private Recreation Credit (based on 30% average, approximately 12.43 acres)</i>   | <b>\$ 40,054,498</b> |
| <b>F. Remaining parkland obligation converted to park impact in-lieu fees that will be applied to design and construct of turnkey recreational improvements on dedicated parkland, trails, and community center space</b> | <b>\$ 13,837,482</b> |

**Conclusion**

An executed Parkland Agreement that outlines how a project will comply with the PDO/PIO is required prior to the issuance of a Parcel Map or a Final subdivision Map. Full payment of park impact in-lieu fees is required prior to the issuance of a Building Permit. Negotiation and development of a Parkland Agreement is separate from all other negotiated agreements.

The applicant is highly encouraged to schedule a meeting with PRNS Planning staff at their earliest convenience to discuss the potential to meet the parkland obligation and start the Parkland Agreement process. Contact Zacharias Mendez, Acting Planner IV, by phone at (408) 793-4171, or email at [zacharias.mendez@sanjoseca.gov](mailto:zacharias.mendez@sanjoseca.gov) for any clarifying information and to start the process.