

**From:** [Tu, John](#)  
**To:** [Wessling, Cheryl](#); [Kuhlmann, Dylan](#)  
**Cc:** [Downtown West Project](#); [Rood, Timothy](#)  
**Subject:** Update to the Google Webpage  
**Date:** Monday, January 4, 2021 11:50:15 AM  
**Attachments:** [image.png](#)  
[Downtown West Dec 2020 City Comments.pdf](#)

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Cheryl and Dylan,

Please update the below section on the Google Webpage screen shot below

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/projects-of-high-interest/google-project>

meetings and hearings are sent at least 10 days prior to the meetings/hearings.

### **MEMOS & COMMENT LETTERS**

As formal City memorandums and letters are generated, they will post in this section.

[30-Day Initial Comments/Memos Letter](#) - This letter from City staff to the project applicant provides the Planning Division's initial comments and includes attached memorandums from six City Departments containing their respective initial comments.

This [Info Memo](#) was posted September 11, 2020 to provide an update on the State's AB 900 program as it relates to Google's Downtown West project.

Find attached all the memos that were sent in Dec 2020.

Can you add a line above "30-Day Initial..."

Hyperlink "City Updated December 2020 Comments/Memos" - These are comments/memorandums provided to the project applicant based on the project submittals provided on October of 2020.

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

# Memorandum

**TO:** John Tu  
Planning and Building

**FROM:** Vivian Tom  
Public Works

**SUBJECT: REVISED DRAFT RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 12/21/20

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Approved

Date

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**PLANNING NO.:** PDC19-039, PD19-029 AND PT20-027

**DESCRIPTION:** Planned Development Rezoning, Planned Development Permit, General Plan Amendments, Historic Landmark boundary Amendments, Historic Preservation Permit, and Vesting Tentative Map to facilitate a project that would be able to develop the construction of up to 7,300,000 gross square feet (GSF) of office space; up to 5,900 residential units; up to 500,000 GSF of active uses, which may include retail, cultural, arts, etc.; up to 100,000 GSF of event space; up to two central utility plants totaling approximately 130,000 GSF; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; and approximately 15 acres of open space. The project also proposes infrastructure, transportation, and public area improvements.

**LOCATION:** an 81-gross acre site generally bounded by Lenzen Avenue 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

**P.W. NUMBER:** 3-25635

Public Works received revised submittal for the subject project on 10/08/20 and submits the following comments and requirements. **Upon completion of the Action/Revisions Required items by the applicant, Public Works will forward a Final Memo to the Department of Planning prior to the preparation of the Staff Report for Public Hearing.**

## **Actions / Revisions Required:**

1. **General Development Plan:**
  - a) Sheet 3.02 Development Standards, Maintenance Responsibility: Street trees and public landscaping will not require a major encroachment agreement, community facilities district, nor landscape and lighting district. Revise the language to update the statement or specify any enhanced public landscaping features that cannot be maintained by adjacent property owners.
  - b) Sheet 6.06 Infrastructure: Update proposed Utilidor Plan to match with Public Encroachment Permit Plans.



- c) Sheet 8.01 Zoning / Design Conformance Review Process: Horizontal Improvement Subsequent Review Process should include 65%, 95% and 100% plans.

**2. Downtown West Design Standards and Guidelines:**

- a) Page 19: Add Private Street Permits under additional review components.
- b) Page 283 Standards:
  - i) Structural soil should not be part of standards in public right-of-way.
  - ii) Contiguous tree wells should not be part of standards in public right-of-way.
- c) Planning Context (6.2): Remove the Diridon Area Parking Study from the list of parallel planning efforts
- d) Street Network (6.3):
  - i) Add the following language to the end of S.6.3.4 - Relationship to Disc and Rail Corridor: "Continued coordination on the rail corridor will be represented visually as part of the on-going collaboration between the DISC partner agencies and the applicant."
  - ii) Include a new standard (Public Improvements at Rail Crossings) that states: Coordination and/or permits from VTA, CPUC, FRA, and other stakeholders (UPRR, Caltrain) are required for public improvements at rail crossing; the City will take the lead on coordination and reviewing the proposed improvements with Developer's support.
  - iii) Further review and discussion is needed to address the Ring Rd/Montgomery St intersection design and Ring Rd alignment as applicable to all transportation modes.
  - iv) Include public access easement along the Ring Rd in the north end part of the project (Fig. 6.19).
  - v) Consider providing a cul-de-sac at the south leg of the Royal Ave/W San Carlos St intersection and lengthening the eastbound W San Carlos St left-turn pocket; further analysis will be included in subsequent focused LTAs.
  - vi) Further review and analysis is needed to study the feasibility of a full-access intersection at Cahill St/Park Ave.
- e) Streetscape Elements Cross-sections (6.10):
  - i) Include street trees in areas with ample room and provide consistency expressing street tree locations.
  - ii) Remove the Cahill Street (Core) cross-section shown as Figure 6.23.
- f) Dynamic Lanes (6.11):
  - i) Additional labeling of blue dynamic lanes north and south of Santa Clara St could be needed per further analysis in order to support transit and event traffic throughput.
  - ii) Include the following language in S6.11.1 (Dynamic lane width): "If used for **event traffic throughput**, transit stop or shuttle stop, dynamic lanes shall be permitted to be up to 10 feet wide."

**3. Infrastructure Plan:**

- a) Page 8 Mapping & Permitted Encroachments: Revise paragraph to include improvement plan approval is required prior to street vacation.

- b) Page 19 Existing Gravity Collection: There should be two sewersheds in the Diridon area. Revise the paragraph accordingly.
- c) Page 20 Proposed Connections: Provide a table summarizing all proposed sanitary sewer upgrades and relocations.
- d) Page 21 Business-as-Usual Scenario:
  - i) Revise the statement “There are no impacts to the sanitary sewer siphons” to “There are no capacity impacts to the sanitary sewer siphons”.
  - ii) Add language to include the Phase VII Interceptor Project needs to be implemented prior to completion of the last phase of Downtown West Development to provide area wide capacity.
- e) Page 22 Water Reuse Facility(s) Scenario:
  - i) Revise the paragraph to include downstream segment of the WRF under scenarios #2 and #3 needs to be upsized to 42”.
  - ii) Revise the paragraph that states “.....backwater represents a Level “D”.....is acceptable”. This statement is incorrect. Level “D” is flowing full at peak flow and surcharging is not acceptable.
  - iii) Page 23 Figures 7.3, 7.4 and 7.5: Remove these figures as the multiple scenarios with and without Phase VII Interceptor may cause confusion. Replace with a table summarizing improvements required for the project under each discharge scenario.
- f) Page 26 Existing Collection System: Paragraph states Figure 7.7 shows existing outfall locations, but these are not shown in the figure. Revise the document to include outfall locations.
- g) Page 28 Proposed Storm Drain Pipe Upgrades: Revise the document to include additional upgrades below:
  - i) New 48” RCP on N. Autumn Street, from Cinnabar Street to Julian Street.
  - ii) New 66” RCP on Cinnabar Street, from N. Autumn Street to Stockton Avenue.
- h) Page 41 Conceptual Utilidor Layout:
  - i) Revise Figure 9.1 to match with Public Encroachment Permit Plan.
  - ii) Include an explanation demonstrating that the Utilidor structure and dimensions are necessary and why the proposed utilities cannot be direct buried.
  - iii) Design and approach are still under review and pending additional information.
- i) Page 43 Scope of Service District Wastewater Collection System: Provide more details on parcels that will not be served by the district system. Downstream capacity impact will need to be evaluated.
- j) Page 44 Facility Design Onsite Wastewater Treatment: The estimated total average flow from all Downtown West parcels is approximately 2.6 mgd. Provide clarification on how the 1-mgd WRF treats project flow. If excess flow will discharge to City system, provide frequency of the discharge.
- k) Page 45 Discharge Connection: Project proposes to discharge excess wastewater to City system when onsite demand is low. Provide discussion on how the flow will be monitored (such as a meter).

**4. Infrastructure Plan Sheet:**

- a) Sheet C4.1 Utility Plan: Sanitary sewer segment #282264 may be impacted by Utilidor. Review and identify relocation if necessary.
- b) Sheet C4.2 Utility Plan: Indicate sanitary sewer main along Montgomery Street to be abandoned and verify lateral connections.
- c) Sheet C4.4 Utility Plan: Indicate sanitary sewer main along Delmas Street to be abandoned and verify existing lateral connections.
- d) Sheet C4.7 Utility Plan: Indicate sanitary sewer main along Cinnabar Street to be abandoned and verify existing lateral connections.
- e) Provide public access easements over vacated areas along Delmas Ave, Montgomery St and Cinnabar Ave for existing public utilities needing maintenance unless relocated.

**5. Improvement Standards:**

- a) Page 5, Section 2.1.2 Sub-Grade Site Preparation: Revise paragraph that project will be required to submit soils and geotechnical reports for review, particularly for areas within liquefaction zone. Grading work should follow geotechnical report and City Geologist requirements.
- b) Page 6, Section 2.3 Retaining Walls: Revise paragraph that retaining walls are subject to City structural review.
- c) Page 9, Section 3 Right-of-Way
  - i) Modification for Surface and Pavement: Caltrans standards specifications are acceptable for Sections 37, 40, 41, and 42. Revise paragraph to use CSJ standard specifications for Section 39.
  - ii) Materials: Caltrans standard specifications are acceptable for Sections 89, 90-6 (light weight concrete only), 92, 93, and 94. Revise paragraph to use CSJ standard specifications for Section 90.
- d) Page 13, Section 4.6 City Storm Drainage: Revise paragraph to include on-site drainage facilities and retaining walls to be approved by Public Works.
- e) Page 13, Section 4.7 Stormwater Management in the Public ROW: Revise paragraph that detailed stormwater treatment measures in the public ROW will be reviewed and approved as part of the public improvement plans (not grading and drainage permit).
- f) Page 14, Section 5.3.1 Direct Bury Utilidor: Add to paragraph that other City Agreement(s) may be required for the proposed utilidor.
- g) Page 15, Section 5.3.3 Utilidor Tunnel Structure: Revise paragraph that geotechnical report and structural calculations will be required with public improvement plans.

**6. District Utility System:** Clarify the term “district utility system” or the word “district” in Infrastructure and project documents to avoid confusion with “special district” established under State law to own, maintain, and operate infrastructure system.

**7. Vesting Tentative Map and Cross Sections:**

- a) Street vacation along North Montgomery Street: Proposed vacation shall not land lock any adjacent properties. Verify access for parcels 259-29-002, 259-29-003 and 259-29-004.

- b) New Cahill Street adjacent to SAP Center: Verify that the proposed new street will not conflict with existing SAP Center improvements.
- c) Bird Avenue:
  - i) Provide intersection design and signal modification at the Bird Ave/W San Carlos intersection to accommodate raised bikeways and SU-40 truck turning templates that justify proposed curb radii.
  - ii) Analyze the need for minimum 24-foot corner radius dedication per muni code chapter 19 at the Bird Ave/ San Carlos St intersection.
  - iii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.
  - iv) Revise dynamic lane width to 12-feet wide minimum that includes the gutter pan.
  - v) Revise “active streetscape” dimension to minimum 21-feet wide.
  - vi) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.
- d) Park Avenue:
  - i) Revise proposed 74-foot wide cross-section to accommodate 84-foot wide public right-of-way planline to be provided by the City.
  - ii) Analyze the need for minimum 24’ corner radius dedication per muni code chapter 19 at the Park Ave/Cahill St and Park Ave/Bird Ave intersection.
  - iii) Clarify the need for the proposed vacation along the southerly and northerly frontages (59-feet along the southerly, 76-feet along the northerly section).
  - iv) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.
  - v) Clarify limits of “10-foot P.U.E.” shown along the southerly Park Ave frontage.
  - vi) Provide missing cross-section labeled “X”.
- e) W. San Carlos Street:
  - i) Maintain existing raised median island and curbline along the project frontage while providing a 15-foot sidewalk width obtained via project dedication.
  - ii) Show location of cross-section for “Royal to Bird-Alt 2” and assign new letter label.
  - iii) Maintain existing 108-foot right-of-way on the Lot C project-sponsored open space.
- f) Julian Street:
  - i) Revise sidewalks widths to 15-foot wide for Alt 1 in cross-section T2.
  - ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.
  - iii) Remove the proposed 4-foot and 4.5-foot bike lanes shown to be implemented by the city in cross-section T1.
- g) Autumn Street:
  - i) Analyze the need for minimum 24’ corner radius dedication per muni code chapter 19 at the Autumn St/San Fernando St and Autumn St/W Santa Clara St intersections.

- ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet
  - iii) Revise dynamic lane width up to 10 feet wide that does not include the gutter pan.
  - iv) Revise “active streetscape” dimension to minimum 21-feet wide for Alt 1 in cross-sections “B” and “R”.
- h) Auzerais Avenue:
  - i) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.
  - ii) Extend limits of Lot A “City-Dedicated Park” southerly to the new 65-foot right-of-way line along the Auzerais Ave frontage.
- i) Montgomery Street:
  - i) Revise the proposed “active streetscape” dimension to minimum 21-feet wide for Alt 2 in cross-section C
  - ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet
  - iii) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.
- j) Cahill Street:
  - i) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.
  - ii) Revise curb-to-curb width to 36-feet with implementation of 10-foot wide through lanes.
  - iii) Analyze the need for a minimum 26-foot proposed active streetscape along the westerly frontage shown in Alt 2 of cross-section D.
  - iv) Remove Alt 3 for cross-section D.
  - v) Show any potential conflict of proposed right-of-way with the SAP stairs along the easterly frontage.
- k) San Fernando Street:
  - i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.
  - ii) Revise curb-to-curb width to 36-feet with implementation of 10-foot wide through lanes.
  - iii) Show any potential conflict of proposed right-of-way with the SAP stairs along the easterly frontage.
  - iv) Show dedication needed along the southerly frontage to achieve active streetscape width.
  - v) Analyze the need for minimum 24’ corner radius dedication per muni code chapter 19 at the Cahill St St/San Fernando St southwest corner.
- l) St. John Street:
  - i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.
  - ii) Revise curb-to-curb width to 24-feet with implementation of 12-foot wide curb lanes.
  - iii) Revise “active streetscape” dimensions to minimum 12-feet wide
- m) Ring Road:
  - i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.
  - ii) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.

8. **Construction Impact Mitigation Plan:** Prepare a framework of Construction Impact Mitigation Plan (CIMP) to comply with San Jose Municipal Code, Chapter 13.36. The CIMP provides measures to help residents and businesses located in San José through the temporary disruption of major construction projects by requiring, among other things, the owners of the such projects to communicate with the surrounding neighbors prior to and throughout the construction period and to implementing appropriate mitigation measures in an attempt to avoid or lessen potential impacts arising from the construction.
9. **Local Transportation Analysis Report:** Proposed bridge crossing Guadalupe Creek between San Fernando and Santa Clara should be labeled as a foot bridge rather than a bicycle/pedestrian bridge.
10. **Subsequent Review Term Sheet:** Revise/add the following:
  - a) Page 5: Add a new section to include Horizontal Improvement Conformance Review or revise term sheet to clearly show the 35% submittal as the Horizontal Improvement Conformance Review.
    - i) Add stormwater checklist and matrix requirements.
    - ii) Horizontal improvement conformance should align with Focused LTA recommendations.
  - b) Page 22 Section IV: Add Focused LTA to the referenced documents.
  - c) Page 22 Section IV A: Remove the word “Preliminary” and add “Improvement” to Horizontal Review Process.
  - d) Page 22 Section IV. A. 1: Remove “the heads of” any City department from Overview Paragraph.
  - e) Page 23 Section IV A: Remove the word and referenced to “tract” under Horizontal Improvement Review Process.
  - f) Page 23 Section 2b: Reference DPW’s Improvement Plan Submittal Checklist.
  - g) Page 23 Section 2d: Reference DPW’s Grading Plan Checklist.
  - h) Page 23 Section 2h: Private street submittal will be a separate process for layout and plan review. Private Street submittal should also follow DPW’s Private Street submittal checklist.
  - i) Page 23 Section 2h: Add “Signing and Striping Plans” to Street Layout Site Plan.
  - j) Page 24, Section 2i: Remove the word “Conceptual” in section heading and add “Drainage Management Areas and Proposed Treatment Control Measures to the submittal list.
  - k) Page 24: Remove the word “Preliminary” and add Traffic Signal Plan “at signalized intersections at part of the DPW/DOT traffic signal kickoff Meeting process for development project.
  - l) Page 24: Add “Street Light Plan” and “Construction Impact Mitigation Plan” under the Preliminary Review Submittal Requirements.
  - m) Page 26 City Review of Horizontal Preliminary Review: Add Infrastructure Plan Documents to the list of documents.
  - n) Page 26 Preliminary Improvement Plans: All review days should be business/working days. 35 days first (65%), 30 days second (95%), and 26 days third (100%) submittals.
  - o) Page 27 Final Map and Improvement Plan Submittal Requirements: Add Grading/Drainage Plan.
    - i) Item 1a: Add “Public” to Improvement Plans.

- ii) Item 1b: Add “residential” subdivision for Private Improvement Plans.
- p) Page 28 Section 1d: Final map submittal should include DPW’s Map Submittal Checklist.
- q) Page 28 Section 1g: Submit Maintenance Matrix for review.
- r) Page 28 Section 2: Add “Grading” Plan to Review Process.
- s) Page 28 Section 3: Coordination with City pavement and infrastructure maintenance will also be required to ensure non-standard materials, details and improvements will not cause City maintenance issues and challenges.

## **Project Conditions:**

**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. All improvements of the public streets shall be to the satisfaction of the Director of Public Works. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of Construction Agreement(s) that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) All on-site storm drainage conveyance facilities and earth retaining structures 4’ foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
  - c) A haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - d) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- e) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- 3. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- 4. **Diridon Station Area Impact Fee:**
  - a) The City has adopted a Basic Infrastructure Impact Fee associated with implementation of the Diridon Station Area Plan (Chapter 14.35 of Title 14 of the San Jose Municipal Code). Projects located within the Diridon Station Area are required to pay impact fee in categories of Transportation, Plaza, Sanitary Sewer and Storm Drainage.
  - b) The 2020 impact fee that includes all infrastructure categories is \$6.10 per s.f. of Office/R&D, \$4.08 per s.f. of retail, and \$2,735 per residential unit. This fee is subject to an annual increase by the Engineering News-Record (ENR) Construction Cost Index and must be paid prior to issuance of Public Works Clearance. Credits will be applied for any infrastructure built as identified in the Diridon Nexus Study by the developer. Reimbursement will be available for infrastructure built in excess of the project's obligations.
- 5. **Parks:**
  - a) The residential portion of project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
  - b) See additional project requirements in separate memo prepared by Parks, Recreation and Neighborhood Services.
- 6. **Stormwater:** At the Grading/Drainage Permit stage, provide detailed Stormwater Control Plan for each development parcel to include the following:
  - a) Design stormwater treatment facilities using 100% landscaped based LID treatment. Use of mechanical system shall not be allowed.
  - b) Design stormwater conveyance by gravity flow. Use of pumps shall not be allowed.
  - c) Private treatment facilities must be located on private properties. The project may not use public areas for private stormwater treatment.
  - d) Provide numeric sizing calculations for each drainage management area.
  - e) Provide maintenance and inspection information on treatment control measures.



**7. Flood Zones D, X and AO and A:**

- a) For new structures in Zone D and X: There are no City floodplain requirements.
- b) For new structures in Zone AO and A:
  - i) Submit a topographic survey, based on NAVD88, identifying the elevation of the existing highest adjacent grade to the existing structure or base flood elevation and the elevation of the existing finished floor.
  - ii) New structures in Zone A requires additional flood study to determine the base flood elevation.
  - iii) Elevate the lowest floor 1 foot above the base flood elevation (or depth of flooding plus one foot). Non-residential structures may be floodproofed to the same elevation.
  - iv) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation (depth of flooding plus one foot) or protected from flood damage.
  - v) Construction materials used below the base flood elevation (depth of flooding plus one foot) must be resistant to flood damage.
  - vi) An Elevation Certificate (FEMA Form 086-0-33) for each proposed structure, based on construction drawings, is required prior to issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction is required prior to issuance of an occupancy permit.
  - vii) If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 086-0-34) for each structure, floodproofing details, and if applicable, a Flood Emergency Operation Plan and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.

- 8. Street Vacation:** Street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council. The street vacation may be done prior to or in conjunction with final map(s), but requires approved improvement plans and an executed Construction Agreement to relocate existing utilities and improvements and construct any new utilities or improvements, as required.

**9. Undergrounding:**

- a) Developer shall complete the underground conversion of existing overhead utilities along all project frontages. Developer shall submit copies of executed utility agreements with PG&E to Public Works prior to the issuance of a Public Works Clearance.
- b) In case existing overhead utilities are not undergrounded, the In Lieu Undergrounding Fee shall be paid prior to issuance of a Public Works Clearance. Currently, the 2020 base fee is \$515 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year.

**10. Design Standards & Guidelines:**

- a) Additional field diagnostics meetings with VTA, CPUC, FRA, and other stakeholders (UPRR, Caltrain) will be needed to address proposed site changes and discuss safety improvement requirements at all rail crossing within the project's boundaries.
- b) Provide intersection design and signal modification at the Bird Ave/Park Ave intersection to accommodate raised bikeways and SU-40 truck turning templates that justify proposed curb radii.
- c) Provide intersection design and signal modification at Autumn St/San Fernando St and Autumn St/W Santa Clara St intersections to accommodate raised bikeways and SU-40 truck turning templates that justify proposed curb radii.
- d) Provide intersection design and signal modification at the Montgomery St/San Fernando St, Montgomery St/W Santa Clara St, and Montgomery St/Julian intersections to accommodate raised bikeways and SU-30 truck turning templates that justify proposed curb radii.
- e) Provide intersection design and signal modification at the Cahill St/W Santa Clara St intersection to accommodate raised bikeways, the new Cahill St leg/extension and SU-40 truck turning templates that justify proposed curb radii.

**11. Transportation:**

- a) A Transportation Analysis has been performed for this project. We conclude that the subject project will be in conformance with the City of San Jose Transportation Policy (Council Policy 5-1) and a determination for less than significant impacts can be made with respect to transportation impacts.
- b) As a result of the Local Transportation Analysis, the project shall construct or contribute towards specific transportation improvements. The improvement dollar amount will be finalized prior to the public hearing of the project. This amount shall be subject to annual escalation based on the Engineering News Record (ENR).
- c) The project shall construct the following improvements:
  - i) Sidewalk extension under Highway 87 at Auzerai Avenue and Delmas Avenue. Improvements include a bulb-out at the north east quadrant.
  - ii) Bicycle connection and removal of the pork-chop island at the southwest corner at Coleman Avenue and Taylors Street.
  - iii) Footbridge over the Los Gatos Creek Trail north of San Fernando Street.
  - iv) At-grade signalized-trail crossing at Santa Clara Street and Diridon Station Area.
  - v) Protected bikeway connection along Auzerai Avenue from Los Gatos Creek Trail and San Carlos Avenue.
  - vi) Focused Local Transportation Analysis improvements such as intersection improvements, new signals and complete street improvements.
- d) The project shall provide financial contribution to the following:
  - i) Study of Santa Clara Street dedicated public service lane within existing right of way from 17<sup>th</sup> Street to Interstate 880.
  - ii) Study of transit and light rail improvements within the project area, particularly at San Fernando Street and Delmas Avenue.
  - iii) Taylor Street and State Route 87 improvements programmed by the City of San Jose and CalTrans.

- iv) Goodyear Street and First Street intersection improvements per the Story-Keyes Complete Streets Corridor.
- v) Bird Avenue/Interstate-280 bicycle and pedestrian multimodal connection from Diridon Station area to the Gardener community.
- vi) Study of a connector from the Airport to Stevens Creek Boulevard to Diridon Station Area.
- vii) Protected bikeway on Bird Avenue between Interstate 280 and San Carlos Avenue.
- b) The project shall perform and submit Focused Local Transportation Analyses consistent with the City's Transportation Analysis Handbook (website: <https://www.sanjoseca.gov/your-government/departments-offices/transportation/planning-policies/vehicle-miles-traveled-metric>)
- c) For the LOS adverse impacts at CMP intersections in the Cumulative Project Buildout Scenario, the LTA Improvements list should include a fair-share monetary contribution to future transit signal priority improvements along the Alameda corridor at Taylor St and Hedding St.

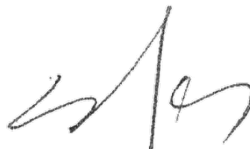
## 12. **Street Improvements:**

- a) Construct curb, gutter, sidewalk and pavement along the following streets:
  - i) Cahill Street, from Park Avenue to San Fernando Street.
  - ii) Cahill Street, from Santa Clara Street to North Montgomery Street.
  - iii) Crandall Street extension to Autumn Street.
  - iv) St. John Street extension to new Cahill Street.
  - v) Ring Road, from Lenzen Avenue to Cinnabar Street
  - vi) Autumn Street, from W. San Carlos Street to W. St John Street.
  - vii) W. Julian Street, from N. Montgomery Street to western project boundary.
  - viii) Park Avenue within project boundary.
  - ix) San Carlos Avenue within project boundary.
  - x) Santa Clara Street, between Cahill Street to Guadalupe River.
  - xi) All other project frontages within development boundary.
  - xii) Additional streets to be determined prior to PD Permit approval.
- b) Dedicate and construct new public streets per City's Complete Street Design Guidelines, the Diridon Station Area Infrastructure Analysis, and as show on the plans. The standard street right-of-way, curb-to-curb, and sidewalk widths will be determined prior to improvement plans approval. The ultimate cross section, including lane configurations, will be finalized at the improvement plan stage.
- c) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- d) Proposed driveway width to be maximum 32'.
- e) Close unused driveway cut(s).
- f) Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- g) If project proposes any non-standard public improvements and/or enhanced features within the public-right-of way, developer will be required to either expand and join existing Downtown San Jose Property-Based Improvement District (PBID) or establish a new Special District.
- h) Repair, overlay, or reconstruction of asphalt pavement will be required. The existing pavement will be evaluated with the street improvement plans and any

- necessary pavement restoration will be included as part of the final street improvement plans.
- i) Install new conduit with innerduct and fiber along project public street frontages and between existing traffic signals as needed to upgrade/complete City's fiber network.
  - j) Additional street and transportation improvements are currently under review and will be conditioned prior to PDC/PD Permit approval.
13. **Private Improvement Encroachments within Public Property:** All encroachments shall be consistent with City of San Jose Municipal Code Title 13 and California Building Code (CBC) Chapter 32 Section 3202 entitled Encroachments into the Public Right-of-Way. All proposed private improvements within public right-of-way, including, without limitation, utility infrastructure, will require an Encroachment Permit issued by the City pursuant to Chapter 13.37 of the Municipal Code.
14. **Assessments:** Some of the parcels within the project boundary is located within the Basic Zone of the Downtown San Jose Property-Based Business Improvement District, which provides enhanced cleaning, information and safety services, beautification activities, and business retention and growth programs within the boundaries of the district. Benefiting properties within the district pay for services through annual assessments placed on the County property tax bills, which may be increased by up to 5% each year. The assessment is calculated based on the land use and its building and lot square footages. For 2020-2021, commercial properties pay \$0.077775814 and residential properties pay \$0.052498379 per building and lot square footages. Future year assessments will be adjusted accordingly and will continue to be collected through the County property tax bills listed under Tax Code 0916 "DOWNTOWN PBID". Any questions may be directed to Thomas Borden at (408) 535-6831
15. **Right-of-Way Work Permit (Street/Sidewalk Closures):** At the Implementation stage, Developer shall apply for a Revocable Encroachment Permit for any proposed sidewalk and lane closures to support the onsite construction activities.
- a) The following should be included with the Right-of-Way Work Permit application, but are not limited to:
    - i) **Letter of Intent:** This document should provide a detailed description of the reasons for the sidewalk/lane closures and why they are absolutely necessary (man lifts, baker tanks, staging area, concrete pumping activities, etc.) and reasons why covered pedestrian walkways will not be provided (ex. swinging loads over sidewalk not safe for pedestrians).
    - ii) **Multi-Phased Site Specific Sketches:** These sketches should show the phased closures during the course of construction with a provided timeframe estimate of when each phase would be implemented. These sketches should include the type and location of the work to be accomplished within the right-of-way. The exhibit should show in detail the vehicular and/or pedestrian diversion route that shows the appropriate safety equipment, such as barricades, cones, arrow boards, signage, etc.
  - b) Developer shall minimize the potential impact to vehicular and pedestrian traffic by:

- i) Implementing the closures at the time the onsite activities dictate the need for the closure.
    - ii) Minimizing the closure timeframes to accomplish the onsite tasks and implement the next phase of the closure as outlines in condition 9.a.ii above.
  - c) If proposed lane and parking closures are a part of the Right-of-Way Work Permit Application, Developer shall submit Downtown Lane Closure and Tow Away Permit Applications to DOT. These applications may be obtained at: <http://www.sanjoseca.gov/index.aspx?NID=3713>. Developer shall contact DOT at (408) 535-8350 for more information concerning the requirements of these applications.
16. **Electrical:** Existing electroliers within project boundary will be evaluated at the public improvement stage and street lighting requirements will be included on the public improvement plans.
17. **Private Streets:** Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
18. **Street Trees:**
- a) Provide street trees at back of curb along project frontages.
  - b) Incorporate CSJ street tree typologies to address tree sizing and spacing.
  - c) Avoid placing trees classified as riparian.
19. **Utilidor:** Project proposal is still under review and additional conditions may be added prior to approval.
20. **Referrals:** This project should be referred to Santa Clara Valley Water District, Union Pacific Rail Road, California Public Utilities Commission, and VTA.

Please contact me at [vivian.tom@sanjoseca.gov](mailto:vivian.tom@sanjoseca.gov) or (408) 535-6819 if you have any questions. You may also reach our Division Manager, Ryan Do, at [ryan.do@sanjoseca.gov](mailto:ryan.do@sanjoseca.gov) or (408) 535-6899.



Vivian Tom  
Senior Transportation Specialist  
Development Services Division

— SAN JOSE —  
**PARKS, RECREATION &  
NEIGHBORHOOD SERVICES**

**TO: John Tu – Planner IV**

**12/18/2020**

**FOR: Google LLC**

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**Planned Development Rezoning File No.: PDC19-039, Draft Downtown West Design Standards and Guidelines, Draft Vesting Tentative Map Sheets, Draft Subsequent Review and Related Documents**

The Department of Parks, Recreation, and Neighborhood Services (PRNS) has reviewed the documents related to the above referenced application that were released on October 7, 2020 and November 25, 2020. Comments on each document are noted below.

**Planned Development Zoning District General Development Plan**

1. No comments.

**Downtown West Design Standards and Guidelines**

1. PRNS seeks one continuous park site with public street frontage at Northend Park. Please update the design guidelines and VTM to reflect this and provide an updated proposed programming plan for this space.
2. PRNS acknowledges that DISC and potential future rail improvements may impact the proposed parks. PRNS will continue to work with the development team to evaluate and understand these potential impacts and consider any necessary design changes.
3. Confirm that public rooftops and upper terraces are not included in the proposed 15 acres of open space. PRNS expects all 15 acres to be at ground level. Refer to S4.5.5.
4. The Creekside Walk at South Autumn Street identifies the Los Gatos Creek Trail as a required programmatic element. The Los Gatos Creek trail is not proposed in this park. We suggest revising the drawings to only include the Downtown to Diridon Station Shared-Use Path in this area. Refer to S4.16.2.
5. PRNS seeks more limits on new building development or additions in the Creekside Walk at South Autumn Street. In our review, the DWDSG appears to allow for increased heights of up to 60 feet in some buildings and increased building coverage through the area. PRNS would like to explore this in more detail with Google.
6. PRNS expects the two mid-block passages connected to the City-dedicated parks (Along buildings H3 and C1) to function with the City-dedicated parks and act as one cohesive space.
7. Clearly show all underground parking garage access, emergency vehicles access, and other encumbrances adjacent, intersecting, or parallel to City-dedicated parks. Encumbrances should be carefully placed to not impede the use of recreational assets. In particular, PRNS seeks more information about the Social Heart and the underground parking garage entrances.

8. PRNS seeks a different maximum site structure coverage for each of the ten parks. The maximum site coverage should consider the size of the park and the space's programmatic elements. We look forward to working with Google to determine the maximum site coverage for each park. Refer to S4.25.1.
9. We expect all kiosks and pavilion structures to not impede the view corridor of open space. We suggest no structures be located within the first 100 feet of open space frontage.
10. In the Lighting and Signage Chapter, clarify the signage requirements for kiosks and pavilions in open space. PRNS seeks a standard for their maximum size.
11. In the Lighting and Signage Chapter, add a standard for clear signage in the project sponsored publicly accessible open spaces. Provide detail on the size, material, location, and placement of these signs. Features on the sign should include, but are not limited to:
  - a. A statement that the area is open to the public,
  - b. The hours of operation,
  - c. A list of amenities in the park, and
  - d. The maintenance contact information.

PRNS looks forward to working with Google to finalize the signage requirements for publicly accessible spaces.

12. Provide clarification on the amount and location of bike parking in and near open space.
13. Public art in City-dedicated parks can, at a maximum, account for 1% of the total park costs. Refer to [SJMC Section 22.08.040](#).
14. Clarify the uses of semi-public areas in publicly accessible parks. For example, along the H3 building in the Los Gatos Creek Connector there is a stretch of semi-public space, what is the intended use of that space?
15. If the buildings near the Social Heart are reconfigured, PRNS must review the park area prior to accepting it as City-dedicated parkland. The open space needs to remain continuous and should generally be a square or rectangle shape.
16. Clarify the recreational use of the nature play amenity in the Los Gatos Creek setback. Note that only passive recreation is allowed in this area. Refer to S4.12.2.
17. Clarify the location of the PG&E electrical tower in or near The Los Gatos Creek Park.
18. Provide more information on the intended function, use, and reservation of the makerspace. Refer to G4.21.2.
19. PRNS seeks coordination between Planning, PRNS, and Google to determine the occupiable projections and horizontal projections standards over City-dedicated parks and trails. Refer to S5.10.2 and S5.17.4.
20. Design guidelines should note that the creek footbridge between West Santa Clara Street and West San Fernando Street is subject to state and federal permitting and regulatory requirements. Refer to S4.8.6.
21. PRNS reserves the right during the City-dedicated parks design and development phase to identify the best irrigation method. Refer to S4.23.1.
22. Confirm that City-dedicated parks will not be used for treating stormwater from adjacent private spaces. Refer to Section 4.23.
23. The California Sycamore species is not suitable for public spaces as it is a more fragile species and large limbs can present a public safety issue. Refer to page 151.

## Amendments to Envision 2040 General Plan (Updated November 25, 2020)

1. PRNS looks forward to working with the Planning Division and Google to discuss updates to the LU-1.9 Amendment.



### Amendments to 2014 DSAP

1. No comments.

### Southern Pacific Depot Landmark Boundary Amendment

1. No comments.

### San Jose Water Company Landmark Boundary Amendment

1. No comments.

### Historic Preservation Permit

1. No comments.

### Title Reports

1. No comments.

### Vesting Tentative Map Sheets

1. The Downtown to Diridon Shared Use path is designated as project sponsored owned open space along the edge of the City-dedicated Social Heart. Refer to page TM-7A. VTA owns the area where the path is proposed and has co-signed the planning application. Please:
  - a. Clarify what the open space improvements on the VTA property are,
  - b. Confirm there are no easements or other restrictions that will restrict or prohibit the proposed improvements or public use, and
  - c. Clarify how Google will obtain ownership or the legal rights to implement the proposed improvements.
2. PRNS seeks the connection of the two mid-block passages between St. John's Triangle and North Montgomery Pocket Park. The connection will allow a more continuous pedestrian network between the two open spaces. They are currently separated by a private street that dead ends. Refer to page TM-10A.
3. Any changes to City-dedicated open space areas to account for final open space programming, street or utility engineering or vertical design must be reviewed by PRNS before it is accepted as a City-Dedicated park. Refer to the second point under *Notes Relating to Alternative Sheets and Open Space Dedications* on page TM-1.
4. In the second point under *Notes Relating to DISC Process and Potential Condemnation* on page TM-1, it says if DISC condemns City-dedicated parks, then 0.93 acres in Lots A and B (the Los Gatos Creek Connector) will be irrevocably offered for dedication to the City. Please clarify the following points:
  - a. Table 4.1 in the DWDSG shows only 0.76 acres in the Los Gatos Creek Connector is proposed to be dedicated to the City. Please clarify where the additional 0.17 acres comes from. Our measurements show less than 0.96 acres in Lot A and B.
  - b. Point 2a. says if 0.98 acres are accepted for dedication in the Los Gatos Creek Connector, then Lots P, Q, R or a portion of Lot 14 may be reduced by 0.26 acres. Clarify why 0.26 acres can be reduced from these



lots. This reduction would cause the total City-dedicated acreage to fall below 4.8 acres to 4.71 acres.

Note: Lot 14 is not proposed as City-dedicated parkland.

### Trail Comments

1. The trail alignment from West San Carlos Street to Park Avenue should generally be straight. The relatively narrow and angled alignment shown offers little room for relocation to address impacts such as trees, creek bank shifts, and other obstacles. The alignment may warrant fine-tuning in the design phase. Refer to page TM-4A.
2. Clarify the use of Lots D, E, and F between the creek and the dedicated trail. These small lots appear to be an extension of the trail and we recommend they be included in the City dedicated acreage. Refer to page TM-4A.
3. Include the trail alignment over the bridge near the Los Gatos Creek East Park in the Vesting Tentative Map Sheets. Refer to page TM-8.
4. PRNS does not support the sharp edge in the southern end of the trail alignment in the Los Gatos Creek East Park. We are concerned with the functionality and safety of the sharp edge for bicyclists. Refer to page TM-8.
5. PRNS seeks a wider trail entrance off West Santa Clara Street to accommodate a gateway feature, at least 60 feet of width is desired. Refer to page TM-8.

### Vesting Tentative Map Right-of-way Vacations and Dedication

1. There are inconsistencies with the area of Delmas Avenue on page 2 of the Proposed Street Vacation and Dedication and page 134 of the DWDSG. Clarify where the private street is proposed.

### Public Encroachment Permit Plan Set

1. No comments.

### Downtown West Improvement Standards

1. For Section 2.1.1., ensure that the "Construction Area Traffic Control Devices" specification guides pedestrian and bicycle detour routes.
2. For Section 2.3, consider an exception or addition that speaks about retaining walls if proposed within the riparian corridors. Visual goals may not be the primary requirement depending upon regulatory agencies.
3. For Section 2.5, add the San Jose Trail Program's "Trail Signage and Mileage Marker Guidelines" for use along the proposed Los Gatos Creek Trail (refer to the Trail Program website, on "Policies and Reports").
4. For Section 2.10.1, replace the term "Pathway" as it pertains to a channel for private utilities. The term path and pathway are often understood to mean a paved alignment for pedestrians.
5. For Section 2.10.1, the bridge design should minimize its soffit depth to sustain the opportunity to build a trail under-crossing (seeking minimum of 10' vertical clearance, and paved surface above a 10-year flood event).
6. For Sections 2.10.1 and 2.10.2, the guidance on material is unnecessarily prescriptive. Consider providing an aesthetic design objective and allow engineers and architects to make the most preferable material section based upon bridge span, use, loading and other attributes that require investigation beyond this report.

7. For Sections 2.10.1 and 2.10.2, include the Caltrans Highway Design Manual - Chapter 1000 for compliance. The 12' wide pedestrian and bicycle bridge should meet the manual's conditions for railing heights, lane width, signage, striping and other conditions.
8. For Sections 2.10.1 and 2.10.2, the 1992 Standards do not address Warm Mix Asphalt pavement. Consider additional guidance to support such installations, which better accept use of recycled asphalt and produce fewer hydrocarbons at time of installation.
9. For Section 3.2.2, add additional guidance to support installation of 8' to 12' sidewalks when they function as a short connector or gap closure for the Los Gatos Creek Trail system, allowing multi-use by pedestrians and bicyclists.

### **Infrastructure Plan**

1. PRNS requests review of all stormwater facilities on development adjacent to City-dedicated open space.

### **Infrastructure Plan Sheets**

1. No comments.

### **Airport Land Use Commission Referral**

1. No comments.

### **Project Features**

1. No comments.

### **Draft Downtown West Subsequent Review**

1. In the vertical improvement conformance review applications for residential structures, PRNS seeks a requirement for clear demonstration of how the submittal complies with PDO/PIO and park phasing. This would include the residential units proposed and the anticipated amount of the parkland dedication that is needed to meet the requirements for the proposed units.
2. In II.A.2.c., PRNS recommends adding garage entrances.
3. Please include the review process for Private Recreation Credit and clarify which buildings are eligible for this credit. PRNS will conduct the review for Private Recreation Credits for consistency with Resolution No. 73587. PRNS proposes that the Private Recreation Credit exhibits be reviewed and approved prior to issuance of building permits for the residential building for which private recreation credits are requested.
4. In II.B.3, change the wording from "parks agreement" to "Parkland Agreement" to match standard language.
5. In II.B.3, the "Park Improvement Specifications" should be referred to as "Park Improvements" to match the standard language in Parkland Agreements.
6. In III.C.1, include that the Public Works Director needs to provide the final conformance review for improvements that will be owned by the City.

7. Clarify the timeline of the Park Improvement Specifications and the Conformance Checklist and how they relate to the three community meetings. The application for City-dedicated parks should not be submitted until two community meetings have occurred.
8. PRNS suggests adding shade and shadow impacts in point 5 in the Exception's Standard of Review table.
9. In the last sentence in the Informational Community Meetings table, PRNS suggests expanding the time between the determination of completeness and the Parks and Recreation Commission meeting to allow for Staff meeting preparation.
10. Any relief adjacent, parallel, or intersecting City-dedicated parks or trails needs to be reviewed by PRNS, including S5.9.2, which is in connection with occupiable projections.

### **Draft Downtown West Consistency Check Form**

1. PRNS suggests having a separate section for City-dedicated parks and trails, which includes a table summarizing:
  - a. The proposed dedicated area in the DWDSG,
  - b. The actual area dedicated,
  - c. The number of residential units that correspond to the dedicated area, and
  - d. The status of fulfilling the project's parkland obligation.
2. For all vertical improvements, PRNS suggests clearly demonstrating how residential buildings meet their parkland obligation.

### **Conclusion**

PRNS looks forward to working with Google to address our comments. If you have any questions or would like to schedule a meeting, please contact Larissa Sanderfer, Interim Planner I, by email at [larissa.sanderfer@sanjoseca.gov](mailto:larissa.sanderfer@sanjoseca.gov).

# Memorandum

**TO:** John Tu  
Planning, Building, and  
Code Enforcement

**FROM:** Julie Benabente  
Environmental Services

**SUBJECT: RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** December 21, 2020

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Approved

Date

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**PLANNING NO.:** PDC19-039, PD19-029 and GP19-009

**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 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.

**LOCATION:** 450 W SANTA CLARA ST SAN JOSE  
(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)

The Environmental Services Department received the subject project on October 7, 2020 and submits the following comments and requirements based on the information received to date.

## **Infrastructure Plan (IP)**

### **General:**

1. The Environmental Services Department may not have the resources or expertise to provide review of technical aspects of this development and may require reimbursement to provide the level of review required during the subsequent review process.

### **Wastewater and Recycled Water Comments:**

1. *IP, General:* While the “district” systems may only have 1-2 connection points to the City’s sewer infrastructure, any discharge from these connection points must comply with requirements of the Industrial Wastewater Discharge Permit in conformance with the City’s NPDES permit. In the event of “district” system reduction or suspension in treatment service, City must also know the proposed uses and estimated amount and characteristics of wastewater discharges from each parcel in order to protect the City’s sewer infrastructure, ensure compliance with City’s regulatory obligations, and reasonably allocate the cost of City sewer services between parcels in compliance with Prop 218. For these reasons, each parcel must have a submeter and notification of any change in use will be a requirement of the Wastewater Discharge Permit. Each parcel shall have in its deed the requirements to (a) comply with conditions to ensure discharge within the allocated capacity, (b) comply with a pretreatment program, (c) comply with all permits for the onsite wastewater collection and treatment facility from both state and local regulatory agencies; and (d) the obligation to pay for City services in the event of nonpayment by the legal entity responsible for payment of City wastewater collection and treatment services. **Please note that the project will comply with all Wastewater Discharge Permit, submetering, and deed requirements (see “Project Conditions” section below).**
2. *IP, General:* City understanding is that references to “district” is meant in the general sense and not, for example, as a legal “district”. **Please confirm in the text and describe the legal entity of the “district”, including the formation, ownership, management, and how Google intends to assess wastewater and solid waste charges to its various customers.**
3. *IP, General:* **Please provide details on how the applicant will ensure that waste collection, wastewater collection and treatment, and recycled water rates to district system customers will be based on, and if there will be a standard for limiting the percentage of increase each year.**
4. *IP, pg. 6:* Document states: "It should be noted that full electrification of the site is committed over the use of natural gas with the potential exception of natural gas for limited cooking applications in up to 20,000 SF of retail only." The City continues to advocate for a fully all-electric site for this innovative and high-profile development, in

alignment with Climate Smart goals. The City Council approved an updated natural gas infrastructure prohibition ordinance on Dec. 1, 2020 which will extend the prohibition to all building types and this project as of August 1, 2021.

5. *IP, pg. 6:* Document references a “Maintenance Matrix”. City staff notes that it has not yet received for review the Maintenance Matrix (attachment to Development Agreement).
6. *IP, pg. 37:* Document states: “However natural gas use may be required for certain end uses, such as retail cooking in up to 20,000 GSF.” The City continues to advocate for a fully all-electric site for this innovative and high-profile development, in alignment with Climate Smart goals. The City Council approved an updated natural gas infrastructure prohibition ordinance on Dec. 1, 2020 which will extend the prohibition to all building types and this project as of August 1, 2021.
7. *IP, pg. 43:* Document states: “A PSS [pressure sanitary sewer] operates through a sealed system, eliminating leakages (exfiltration) and stormwater inflow and infiltration (I/I) while also reducing odor issues. The pump station wet wells associated with the PSS will be vented as required by CPC to prevent odorous conditions. If needed, air blowers and odor control units (e.g., carbon filters) may be incorporated into the pump station design.” **Please note that the project will comply with all required odor mitigation measures. The City may require additional measures to mitigate against future complaints of public nuisance based on odor such as a deed restriction limiting development or activity that would result in offensive odor production within a specified distance from sensitive odor receptors such as schools, hospitals, nursing homes, etc. (see “Project Conditions” section below).**
8. *IP, pg. 44:* Document states: “The WRF(s) have been sized to treat up to a maximum wastewater production flow of 1 million gallons per day (MGD).” **Please rephrase for clarification that each WRF would treat up to 1 MGD and reconcile this text with the Draft EIR statement that “Based on City modeling, the project could generate wastewater flows of approximately 2.52 mgd.” If the system is inoperable or terminated, how would the 2.52 MGD of estimated wastewater flow be managed if the capacity of the max. of two WRFs in the development is 2 MGD (i.e.1 MGD each)?**
9. *IP, pg. 45:* Document states: “These discharges would incur a fee based on the City’s monitored industrial discharge rates.” Monitored industrial discharge rates are not the same as connection fees. The one-time connections to the City sewer infrastructure and to the Regional Wastewater Facility will require a fee to reserve the appropriate capacity for each parcel as distinguished from ongoing service charges, which would also be assessed, based on actual discharge. The rate that applies may vary depending on the final development design, district or direct sewer infrastructure connection(s), wastewater treatment occurring, etc. **Please edit to “These discharges would incur a fee, separate from one-time City connection fees which shall be calculated and charged in the same manner as fees charged to other property owners. Rates for usage will be based on the resolution for sanitary sewer service rates adopted by the San Jose City Council.”**
10. *IP, pg. 45:* Document states: “Project will have the capacity to irrigate public areas with recycled water produced at the WRF thereby leaving potable water available for other

uses.” **Please edit to clarify “public areas” (e.g. whether this may include publicly or privately owned parks) being considered for use of recycled water.**

11. *IP, pg. 45*: Document states: “This arrangement would add redundancy to the proposed WRF and would avoid the need for the Project applicant to permit a treated water discharge into the environment.” Redundancy does not obviate the need for the onsite wastewater treatment and recycled water facility to obtain a permit from the State Water Board as a wastewater treatment plant or at a minimum be subject to the applicable General Order for domestic wastewater treatment plant and other regulations such as monitoring and reporting. The recycled water facility would still be subject to State recycled water quality standards and potentially local regulation of onsite recycled water facility. These state permits and regulatory oversight for the operation of these facilities is in addition to the Industrial Discharge Permit required by the City locally to comply with the City’s NPDES permit. **Please clarify in text that the permit being avoided is for a fully onsite wastewater processing plant that is not connected to the City’s sewer infrastructure.**
12. *IP, pg. 48*: Document states: “City-supplied potable water would be used as a backup supply to the recycled water system. Due to the phasing of the Project, potable water would also be used as a supply for non-potable uses until the water reuse facility(s) are constructed and brought online. ” **Please revise “City-supplied” to “San Jose Water Company-supplied” as the City’s municipal water system does not serve the project location.**

#### **Integrated Waste Management Comments:**

1. *IP, General*: Although the City does not currently have a deconstruction ordinance, the City desires to reduce waste and to increase material recovery from development projects in the City. The City recommends the applicant consider submitting a deconstruction plan to recover materials during the demolition process. If a complete building deconstruction is not feasible because of the type of building and its components, a partial deconstruction is advised where the most valuable commodities are salvaged before the demolition takes place. The salvaged material can be sold or donated to resale businesses in the area or can be further incorporated through adaptive reuse into the current buildings set to be constructed. **Please reference plans to create and submit a deconstruction plan as applicable.**
2. *IP, General*: Google’s proposal for solid waste will need to comply with certain requirements in the San José Municipal Code including SJMC §9.10.45, 9.10.190, 9.10.457, 9.10.525, 9.10.740, 9.10.750, 9.10.1000.A., 9.10.1010.A., 9.10.1350, 9.10.1380, 9.10.1610, and 9.10.1810. The City is open to the AWCS concept of consolidating waste at collection locations as long as it conforms to the City’s solid waste system and is properly permitted. **The Applicant should provide more details to confirm waste collection and services to comply with the applicable sections of Chapter 9.10 of the San Jose Municipal Code and the City’s Solid Waste Enclosure**

**Area Guidelines (2011 Version,**

**<https://www.sanjoseca.gov/Home/ShowDocument?id=46404>), even if the premises will be serviced by the AWCS, in the event of “district” system reduction or suspension in treatment service. The City will make the final determination of which authorized collector (e.g. residential or commercial) will provide service in alignment with City franchise agreements, Municipal Code, and based on final project design and waste management plan submittals.**

3. *IP, pg. 45:* Document states “Should anaerobic digestion be implemented, co-digestion with food waste collected via the automated water collection system would increase the amount of biogas and biosolids production.”

The franchise system limits Google’s ability to collect food waste if it charges a fee for such collection from third parties. If Google collects food waste through the AWCS for free or purchases the food waste, the exclusive franchise would not prohibit Google from using the food waste for anaerobic digestion as ZWED does not have an exclusive right to anaerobically digest food waste. The City understands that the applicant is only contemplating processing food waste together with wastewater sludge in an onsite anaerobic digester. **If the project will collect food waste and process it via anaerobic digestion with wastewater sludge, the applicant must include details regarding how it would comply with the City’s franchise agreements, Municipal Code, Senate Bill (SB) 1383, and will be required to comply with all required odor mitigation measures (see “Project Conditions” section below).**

4. *IP, pg. 54:* Document states “The waste is transferred through a single-pipe that pneumatically pulls the waste to one or more central terminal facilities, where each waste stream is deposited into the appropriate container.”

Solid waste generators are required to take measures for odor mitigation at all solid waste storage and processing locations under City Municipal Code, including SJMC §9.10.430(A), 9.10.430(D), 9.10.430(F), 9.10.450(C), 9.10.840, and 9.10.1395.

CalRecycle also requires an Odor Impact Minimization Plan for certain waste facilities.

**Please note that the project will comply with all required odor mitigation measures (see “Project Conditions” section below).**

5. *IP, pg. 54:* Document states: “All components of the waste management system would be owned and managed by the Project applicant, and interface with the City’s waste franchisee for waste hauling.” The owner of the solid waste itself is owned by the generator until discarded in a container for disposal. The Project applicant will be the owner of the infrastructure, however. **Please clarify the meaning of “all components”.**
6. *IP, pg. 54:* Document references “a flatbed waste collection truck”. A flatbed truck is not typically used for waste collection. A roll-off waste collection vehicle is typically used to service waste compactors by the commercial collection franchisee, Republic Services. **Please change “a flatbed waste collection truck” to a “roll-off waste collection truck”.**



7. *IP, pg. 54:* Document states: “The Project is considering a custom food scrap stream to allow for direct transfer to an anaerobic digestion facility (ZWED), bypassing an intermediate waste sorting facility.” Under the current municipal agreement with ZWED (effective date May 1, 2020), all wet waste from commercial streams in San Jose is delivered directly to ZWED without sorting at an intermediate materials recovery facility. **Please revise the document to accurately describe the current commercial system.**
8. *IP, pg. 54:* Document states: “glass-only bags of waste would need to be hauled via traditional means. Cardboard will generally not be used in AWCS but hauled via traditional means.” Under the Municipal Code, no person owning or occupying a commercial premise may share a garbage, recycling material or rubbish container with another commercial premise if sharing such a container contributes to the transportation of material on or across any public street (excluding alleys between the affected commercial premises) or will have an adverse effect on the flow of vehicular or pedestrian traffic. Therefore, Google may not transport solid waste itself on or across public streets to its centralized location. **Please clarify if “hailed by traditional means” means Google plans to haul the transport the streams that won’t enter the AWCS with Google-owned vehicles or plans to subscribe to waste collection services from the City’s authorized hauler.**
9. *IP, pg. 54:* Document states: “Additional residual waste streams not transported by the AWCS would be collected by a vehicle from each building.” As stated above, collection of solid waste from a residential or commercial premise must be performed by an authorized collector, depending on the use of the premises, and shared containers between different commercial premises is not permitted if it will lead to transportation of solid waste on or across any public street or have an adverse effect on the flow of vehicular or pedestrian traffic. The City is open to the AWCS concept as long as it conforms to the City’s solid waste system and is properly permitted. **Please clarify whether Google intends for the other residual waste streams not transported by the AWCS, or for that matter waste from buildings that cannot be connected to the AWCS, to be serviced by Google or by one of the City’s authorized collectors.**
10. *IP, pg. 54:* Document states: “The Project is considering various strategies to manage solid waste, including an automated waste collection system (AWCS). The AWCS option comprises a main pressurized pneumatic pipe that runs below grade, primarily within the proposed utilidors. Individual buildings are connected to the main AWCS trunk via below-grade laterals. The computer-controlled system would allow for the collection of a variety of solid waste streams via waste inlets distributed within the buildings and at select exterior locations. The waste is transferred through a single-pipe that pneumatically pulls the waste to one or more central terminal facilities, where each waste stream is deposited into the appropriate container.” Solid waste is traditionally placed in container bins where it is left for collection from the premises by truck across public streets. However, the AWCS concept is novel and the Municipal Code does not specifically address a system where solid waste is transported automatically from the generator’s

garbage container to a central location via pneumatic tube. **The City is open to the AWCS concept as long as it conforms to the City's solid waste system and is properly permitted. Google may not engage in the business of collecting, transporting, or disposing of solid waste, meaning it cannot charge a separate fee for the collection and transportation of discarded solid waste to third parties, and when the solid waste generated from the development is ultimately collected for processing or disposal such collection will need to be performed by a solid waste collector authorized by the City in accordance with the Municipal Code. The City will make the final determination of which authorized collector (e.g. residential or commercial) will provide service in alignment with City franchise agreements, Municipal Code, and based on final project design and waste management plan submittals.**

### **Downtown West Design Standards and Guidelines (DWDSG)**

#### **General:**

1. *DWDSG, pg. 323:* Please edit if "Infrastructure Standards" refer to "Improvement Standards" in this excerpt: While this section provides an overview of the district systems, see the Downtown West Infrastructure Standards and Infrastructure Plan for more information.

#### **Wastewater and Recycled Water Comments:**

1. *DWDSG, General:* With respect to the connection/capacity fees to both the City wastewater collection system and to the Regional Wastewater Facility – the maximum capacity must be allocated to the applicable parcel prior to connection of the onsite facility to the City system and such capacity shall be recorded in the deed for each parcel. Capacity may not be transferred between parcels, and no development that would cause the parcel to exceed its allocated capacity should be approved before fees are remitted for additional capacity (in alignment with SJMC §15.16.510 and SJMC §15.16.730). **Please note that the project will comply with all deed requirements (see "Project Conditions" section below).**
2. *DWDSG, General:* Wastewater Treatment and Water Use facilities must be permitted by the State Water Board. Odor emission from development must comply with BAAQMD regulations including for onsite wastewater treatment facility and an additional permit if the project is within 1,000 feet of a school. **Please note that the project will comply with all BAAQMD permit requirements (see "Project Conditions" section below).**
3. *DWDSG, General:* In order to control for discharges by individual parcels that exceed pretreatment standards, the development shall require that all properties comply with a pretreatment program that is as stringent as the City's pretreatment program and agree to be subject to the Wastewater Discharge Permit. **Please note that the project will comply**

**with all Wastewater Discharge Permit requirements (see “Project Conditions” section below).**

4. *DWDSG, General:* Discharge from the onsite wastewater facility will be required to comply with the Wastewater Discharge Permit under San Jose Municipal Code Chapter 15.14. The distribution of recycled water is subject to state recycled water quality standards and could be subject to local regulation of onsite recycled water facilities after December 2022. **Please note that the project will comply with all Wastewater Discharge Permit requirements (see “Project Conditions” section below).**
5. *DWDSG, pg. 387:* Each building must have submeters for wastewater, recycled water and potable water. A list of uses in any given year shall be submitted to the City so the City can send Prop 218 notices and apply the appropriate rate to each parcel in the event there is a direct discharge to City infrastructure for City treatment. This could happen if the on-site treatment facility is offline for repairs or diminished treatment or experiences a failure. To ensure that each parcel will agree to a lien to be placed on their parcel, any transfer of a parcel within the development must include a recorded covenant that runs with the land agreeing to the payment of their share of the unpaid wastewater collection and treatment services from the City. See “Project Conditions” section below. **Add requirement for submetering of waste, wastewater, and recycled water at the building level and requirement to obtain and adhere to all applicable permits and regulations during construction and operations in the Conformance Review Checklist to ensure compliance in early design.**

#### **Stormwater Comments:**

1. *DWDSG, pg. 236:* The City’s initial comment was that “All streets adjacent to Google development should be converted to green streets. This is consistent with the project foundations outlined on sheet 2.04 to provide high levels of sustainability and excellence in design.” And the applicant response was to “See the Mobility Chapter of the Downtown West Design Guidelines and Standards.” The City’s Green Stormwater Infrastructure Plan identifies the Diridon Station Area as being high or med-high for constructability prioritization of Green Streets. **If the intent is to comply with the City’s initial comment for “Green Streets”, please specifically list the Green Stormwater Infrastructure Plan under “key regulatory documents” (pg. 239) and include “Green Streets” reference(s) in the appropriate Standard(s) within the Mobility section of the Design Guidelines.**

#### **Infrastructure Plan Sheets (IPS)**

#### **Integrated Waste Management Comments:**

1. *General:*
  - a. Current IPS do not show the location of the solid waste central terminal facility(ies). Each central terminal facility will require a solid waste enclosure or solid waste room. To comply with City Council Policy 6-29, drainage within a

solid waste enclosure or solid waste room should be connected to the sanitary system.

- b. Ensure compliance with the Solid Waste Enclosure Area Guidelines (2011 Version) <https://www.sanjoseca.gov/Home/ShowDocument?id=46404>.

### **Downtown West Improvement Standards (DWIS)**

#### **Wastewater and Recycled Water Comments:**

1. *DWIS, pg. 15*: Document Section 5.1 states: "Private district systems will conform to a combination of City of San José standards as well as additional location, state, and national standards which are utility-specific. If a utility system will not be regulated by the City of San José, the governing agency is detailed below." Yet, Section 5.4 – Wastewater Collection makes it seem as only the State's plumbing code applies. **Section 5.4 should reference the need for an NPDES permit and that EPA Part 503 Rule will apply if "onsite solids management" is implemented as noted in the Infrastructure Plan. For example, Section 5.5 – Water Reuse Facility is more thorough in that it has a bulleted list of applicable federal, state, and local requirements.**

#### **Integrated Waste Management Comments:**

1. *DWIS, pg. 19*: Document states: "Each AWCS terminal will require a CalRecycle Full Permit as a waste transfer station. The San José Planning, Building and Code Enforcement Department will act as CalRecycle's Local Enforcement Agency (LEA)." Note that even though the facility may obtain a permit as a waste transfer station, the solid waste received may only be collected by the City's franchise hauler as required under the San Jose Municipal Code. **Edit as follows to clarify the City's role related to the LEA: "Each AWCS terminal will require a CalRecycle permit as a waste transfer station. The CalRecycle's Local Enforcement Agency (LEA) is housed in the San José City hall office of Planning, Building and Code Enforcement."**
2. *DWIS, pg. 20*: Document Section 5.10 "Solid Waste Management" lists "San Jose Municipal Code Chapter 9, Part 10". "San Jose Municipal Code Chapter 9, Part 10" is an incomplete reference. **Change "San José Municipal Code Chapter 9, Part 10" to "Chapter 9.10 Solid Waste Management".**
3. *DWIS, pg. 20*: Document Section 5.10 "Construction Waste Diversion" lists "San José Municipal Code Chapter 9, Part 15". "San José Municipal Code Chapter 9, Part 15" is an incomplete reference. **Change "San José Municipal Code Chapter 9, Part 15" to "San José Municipal Code, Chapter 9.10, Part 15".**

### **Amendments to 2014 DSAP (ADSAP)**

#### **Stormwater Comments:**

1. *ADSAP, pg. 4:* The Streetscapes section notes “Figure 3-4-1 should be amended to reflect Downtown West. The text describing the street typologies should be further refined to clarify that street design is governed by the Complete Streets Standards and Guidelines, DWDSG and VTM, and the figures of the cross-sections (Figures 3-4-2 - 3-4-6) are illustrative.” **Please add reference to Green Stormwater Infrastructure Plan and note the Green Streets prioritization for the Diridon Station Area.**

#### **Project Conditions:**

The following items shall be included as Project Conditions and incorporated into the Conformance Checklist process:

**Environmental Services Clearance for Building Permit(s):** Prior to the approval of the issuance of Building permits, the applicant will be required to have satisfied all of the following draft ESD conditions:

1. **Connection Fees and Use Charges:** In accordance with City Ordinance and state law, all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits for existing connections, shall be calculated and charged in the same manner as fees charged to other property owners.
2. **Rates to Property Owners and Tenants:** Depending on the potential burden of unregulated usage charges for non-City sanitary sewer collection and sewage treatment services, recycled water, and waste services to property owners and tenants – the City may consider requiring the applicant to limit the maximum rates that can be charged to property owners and tenants using district system waste and sanitary sewer services.
3. **Submeters:** Each building shall have potable water, wastewater, and recycled water submeters.
4. **Deed Restrictions:** Before approval of any development for the parcel, the parcel deed shall be amended to require restrictions including, but not limited to (a) compliance with conditions to ensure discharge within the allocated capacity for the parcel and noting that capacity may not be transferred between parcels and no development that would cause the parcel to exceed its allocated capacity should be approved before fees are remitted for additional capacity (in alignment with SJMC §15.16.510 and SJMC §15.16.730) (b) compliance with a wastewater pretreatment program, (c) compliance with all permits for the onsite wastewater collection and treatment facility from both state and local regulatory agencies; and (d) the obligation to pay for City services in the event of nonpayment by the legal entity responsible for payment of City wastewater collection and treatment services. The City can include reference in the Development Agreement for details.

**5. Wastewater/Recycled Water Design Review:**

- a. The State Water Board DDW will review the engineering report and provide technical comments on tertiary filtration and disinfection unit processes. The Santa Clara County Department of Public Health (DPH) may act in an advisory role.

**6. Odor Controls:**

- a. Conformance with Odor Mitigation Measures for Wastewater (AQ-5), including a Hydrogen Sulfide and Odor Management program (HSOM Program) at each water reuse facility (WRF) for review and approval by the ESD Director.
- b. Demonstration of Odor Mitigation Measures for Waste at Collection Terminals in alignment with SJMC §9.10.430(A), SJMC §9.10.430(D), SJMC §9.10.430(F), SJMC §9.10.450(C), SJMC §9.10.1395, and SJMC §9.10.840.
- c. Demonstrated compliance with CalRecycle requirements for an Odor Impact Minimization Plan (as applicable).
- d. The City may require additional measures to mitigate against future complaints of public nuisance based on odor such as a deed restriction limiting development or activity that would result in offensive odor production within a specified distance from sensitive odor receptors such as schools, hospitals, nursing homes, etc.

**7. City Wastewater Discharge Permit:** The development connected to the district systems must be covered under a Wastewater Discharge Permit, updated at minimum annually or more frequently as needed, including:

- a. Proposed uses and estimated amount and characteristics of wastewater discharges from each building
- b. Requirement to adopt a pretreatment program for its properties that is aligned with the City's pretreatment program and NPDES requirements
- c. Requirement to maintain records of monthly flow, production changes, closures, wastewater sampling records, etc. and to notify the City in the event of a change in ownership, use, or a tenant, and
- d. Maintenance of compliance with other permits outside of the City's jurisdiction

**8. BAAQMD Permit:** Applicant shall comply with BAAQMD regulations for an onsite wastewater treatment facility and an additional permit if the project is within 1,000 feet of a school.

**9. Solid Waste Handling Plans:** Applicant shall provide a Waste Management Plan, for City review and approval, covering each building in the development and including:

- a. The type of collection containers, service provider at the building and/or terminal collection (if serviced by the district utility system), commercial and residential premises waste management plan in the event of service reduction or termination, locations of, collection plans, and style of public litter cans that would be placed

- in the public right of way, and planned handling of special wastes (e.g. biosolids if applicable).
- b. Demonstrated compliance with onsite waste collection space and truck collection access in accordance with the applicable sections of the City's *Solid Waste Enclosure Area Guidelines* (2011 Version) <https://www.sanjoseca.gov/Home/ShowDocument?id=46404>.
  - c. Demonstrated compliance with City Council Policy 6-29, wherein drainage within a solid waste enclosure or solid waste room should be connected to the sanitary system.
  - d. Demonstrated compliance with SB 1383 for organics handling/ diversion requirements.
  - e. Demonstrated compliance with applicable Municipal Code and franchise agreements

**10. External Wastewater, Recycled Water, and Waste Permits:** District systems must receive the following:

- a. Onsite wastewater treatment and recycled water facility permits from applicable State and local agencies including the State Water Board for the appropriate Class wastewater treatment plant and, at a minimum, be subject to the applicable General Order(s) for domestic wastewater treatment plants, general waste discharge requirements for biosolids, and other regulations such as monitoring and reporting.
- b. County permit, if the County exerts jurisdiction over the onsite wastewater/ recycled water system, or the City, if it adopts a permitting process in the future
- c. Permitted as a waste transfer station in accordance with PRC 40200(a). The specific permit required from CalRecycle is based on the tonnage the inbound tonnages/day:  
<https://www.calrecycle.ca.gov/swfacilities/permitting/facilitytype/transfer>.

**Term Sheet:**

- 1. Pg. 1: Document states in Section "1", "Overview of Subsequent Review": "The Planned Development Permit (PD Permit), which effectuates the PD Zoning District, includes the Downtown West Design Standards and Guidelines (DWDSG), the Downtown West Improvement Standards (DWIS), and the Conceptual Infrastructure Plan Sheets." **Add reference to "Infrastructure Plan".**
- 2. Pg. 1, Section B: **Add reference to "Infrastructure Plan".**
- 3. Pg. 3, Section 2: **Add the following item "Location of potable water, wastewater, and recycled water submeters on all proposed buildings."**
- 4. Pg. 24, Section "2.j." Consider movement to vertical review section and edit as follows (edits shown in bold and strikethrough): "Waste Management Plan, including the location

and specifications of the solid waste enclosure or room, including dimensions, roofing structures, and drainage; number of waste containers to be placed inside 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; ~~and~~ waste pick-up location; **commercial and residential premises waste management plan in the event of service reduction or termination; locations of, collection plans, and style of public litter cans that would be placed in the public right of way; and, planned handling of special wastes (e.g. biosolids if applicable). Plan must demonstrate compliance with:**

- **Onsite waste collection space and truck collection access in accordance with the applicable sections of the City's *Solid Waste Enclosure Area Guidelines* (currently 2011 Version, <https://www.sanjoseca.gov/Home/ShowDocument?id=46404>.)**
- **City Council Policy 6-29, wherein drainage within a solid waste enclosure or solid waste room should be connected to the sanitary system,**
- **SB 1383 for organics handling/ diversion requirements, and**
- **Applicable Municipal Code and franchise agreements.**

5. Include the following additional requirements in the review process for vertical and/or horizontal improvements:
  - a. District systems plan including waste, wastewater, and recycled water management strategies.
  - b. Onsite Wastewater/Recycled Water District Systems Design Review by the State Water Board, Santa Clara County Department of Public Health (DPH) as required, including review of the engineering report and any technical comments on tertiary filtration and disinfection unit processes.
  - c. Odor Controls including:
    - i. Conformance with Odor Mitigation Measures for Wastewater (AQ-5), including a Hydrogen Sulfide and Odor Management program (HSOM Program) at each water reuse facility (WRF) for review and approval by the ESD Director.
    - ii. Demonstration of Odor Mitigation Measures for Waste at Collection Terminals in alignment with SJMC §9.10.430(A), SJMC §9.10.430(D), SJMC §9.10.430(F), SJMC §9.10.450(C), SJMC §9.10.1395, and SJMC §9.10.840.
    - iii. Demonstrated compliance with CalRecycle requirements for an Odor Impact Minimization Plan (as applicable).
    - iv. The City may require additional measures to mitigate against future complaints of public nuisance based on odor such as a deed restriction



limiting development or activity that would result in offensive odor production within a specified distance from sensitive odor receptors such as schools, hospitals, nursing homes, etc.

- d. Applicable Wastewater, Recycled Water, and Waste Permits including:
    - i. Onsite wastewater treatment and recycled water facility permits from applicable State and local agencies including the State Water Board for the appropriate Class wastewater treatment plant and, at a minimum, be subject to the applicable General Order(s) for domestic wastewater treatment plants, general waste discharge requirements for biosolids, and other regulations such as monitoring and reporting.
    - ii. County permit, if the County exerts jurisdiction over the onsite wastewater/ recycled water system, or the City, if it adopts a permitting process in the future
    - iii. Permitted as a waste transfer station in accordance with PRC 40200(a). The specific permit required from CalRecycle is based on the tonnage the inbound tonnages/day: <https://www.calrecycle.ca.gov/swfacilities/permitting/facilitytype/transfer>.
    - iv. BAAQMD Permit for an onsite wastewater treatment facility and an additional permit if the project is within 1,000 feet of a school.
    - v. City Wastewater Discharge Permit, to be updated at minimum annually or more frequently as needed, including:
      - 1. Proposed uses and estimated amount and characteristics of wastewater discharges from each building
      - 2. Requirement to adopt a pretreatment program for its properties that is aligned with the City's pretreatment program and NPDES requirements
      - 3. Requirement to maintain records of monthly flow, production changes, closures, wastewater sampling records, etc. and to notify the City in the event of a change in ownership, use, or a tenant
      - 4. Maintenance of compliance with other permits outside of the City's jurisdiction
  - e. Copies of all required State design review approval(s) and permit(s) for wastewater and recycled water systems.
6. Pg. 29: Document states: "[The criteria for a minor deviation, non-material amendment, and material amendment are in progress.]" **Please provide for City review.**
7. Pg. 24, Section "2.e." references the "Maintenance Matrix. **Please provide for City review.**

8. Pg. 23, Section “2.e.” revise as shown in bold: “Summary of all infrastructure proposed for public dedication, including whether such proposed publicly-dedicated infrastructure is consistent with the Maintenance Matrix (Exhibit\_\_to the Development Agreement **and reflecting all permitting requirements**), as it may be amended from time to time.

For questions, contact Julie Benabente, Sustainability and Compliance Division, at [Julie.Benabente@sanjoseca.gov](mailto:Julie.Benabente@sanjoseca.gov).

Memo Compiled by:

Julie Benabente  
Environmental Program Manager  
Sustainability and Compliance Division

**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

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**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 included 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](http://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](mailto:shannon.hill@sanjoseca.gov) if you have any questions.

Thank you,

Shannon Hill, Planner  
Environmental Review Division

## Historic Resources Comments

Peak, Dana <Dana.Peak@sanjoseca.gov>

Tue 12/22/2020 9:49 AM

To: Tu, John <john.tu@sanjoseca.gov>

Cc: Manford, Robert <Robert.Manford@sanjoseca.gov>; Downtown West Project <downtownwest@esassoc.com>

 4 attachments (2 MB)

11520HLC ACTIONMINUTES.pdf; 114HLC ACTIONMINUTES.pdf; google carol.pdf; google Joanne Buckley.pdf;

PDC19-039, PD19-029, GP19-009, PT20-027

## Historic Landmarks Commission

### ***Loss of Historic Fabric***

The project was reviewed by the Historic Landmarks Commission (HLC) on January 15, 2020 and November 4, 2020. Please find attached action minutes and two public comments letters.

The HLC and public comment focused on the sheer size of the 81-acre project site and the fact that only three historical resources are proposed to be retained (Kearny Pattern Works and Foundry, Hellwig Ironworks, Stephens Meats sign), impacting the history and culture of the project area. The HLC encourages the applicant to develop a broader preservation vision and strategy that supports the retention and reuse of historic resources. There is an opportunity to creatively integrate existing buildings into the project, including but not limited to the nine historic resources determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources and/or designation as a City Landmark, Structures of Merit listed in the Historic Resources Inventory and existing murals and signs. The HLC encouraged the preservation and relocation of the three houses at 559, 563 and 567 W. Julian Street.

Concern was also expressed regarding to the need to understand the phasing of the proposed development for such a large-scale project.

### ***DWDSG***

The HLC is concerned with compatibility of proposed new development within 200 ft of historic resources in relation to design criteria, materials (too much glass in renderings) scale, massing, and height. Concern was expressed that the value of the surrounding historic resources would be diminished. It was suggested that existing historic design guidelines should be incorporated into the DWDSG, and the downtown historic adjacency guidelines should be extended (Section 4.2.4).

## Additional Staff Comments

### ***DWDSG***

#### S3.4

It is recommended that Section 3.4 address the timing and extent of demolition to occur at one time to ensure that historic resources are not demolished without the initiation of related development activity.

#### S5.6.3

It is recommended that the height of Blocks F6 and D5 be limited to 1 story, rather than 40 feet, and height limitations be applied to Blocks D4 and F4.

### Section 5.15

There is only one standard for historic adjacency, which is architectural height reference. It is recommended that additional San Jose Downtown Design Guidelines and Standards be applied to the project beyond Section 2.3 and 4.2.2 Standard a-c and 4.2.4 Standard a,b,d. Additional standards are recommended to address color and proportion of materials and openings, potentially reducing the amount of glazing allowed as it is a preferred material, and further addressing the podium level and modulation. Similar to the lowrise context, there should be skyline stepbacks. Stepback should be applied to the podium level for all areas (in and out of the project site) where new development is adjacent. There should also be a height cap for all. It is recommended that guidelines (vs. standards) in Section 4.2.4 also be included to provide additional direction for design context.

In the context of historic adjacency, there is more detail (e.g. massing requirements) provided for the Lake House Historic District. This should be applied to all the designated and eligible historic resources, particularly on site.

There is no architectural requirement for adjacency to historic resources for Block F4 in relation to Hellwig Ironworks. It is recommended that one be applied.

The development related to Hellwig Ironworks should comply with the Secretary of the Interior's Standards as a Candidate City Landmark proposed for retention (Section 15.15.6).

#### **Dana Peak Edwards**

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