

From: [Tu, John](#)
To: [Kuhlmann, Dylan](#); [Wessling, Cheryl](#)
Cc: [Han, James](#); [Downtown West Project](#)
Subject: Re: Vesting Tentative Map Update
Date: Monday, April 12, 2021 11:01:39 AM
Attachments: [image.png](#)
[image.png](#)
[Errata to Downtown West Design Standards and Guidelines 4-12.pdf](#)
[Implementation Guide 4-12.pdf](#)

Dylan and Cheryl,

Can we update the site again, Errata to down... (updated April 12, 2021) and Implementation Guide (updated April 12, 2021)

LEARN ABOUT THE DOWNTOWN WEST PROJECT

On **April 5, 2021**, Google provided select updated plans and documents, listed below, to reflect a change and other minor text or figure updates in response to comments from the public and City project documents not listed here, see the March 1, 2021 submittal.

- [Planned Development Zoning District General Development Plan](#)
- [Errata to Downtown West Design Standards and Guidelines](#) (version 3/1/21)
- [Amendments to Envision 2040 General Plan](#)
- [Project Specific 2014 DSAP Amendments](#)
- [Vesting Tentative Map and Cross Sections](#) (updated April 8, 2021)
- [Downtown West Improvement Standards](#)
- Infrastructure Plan (see Exhibit I of the [Development Agreement](#))
- [Infrastructure Plan Sheets](#)
- [Conceptual Encroachment Plans Sheets](#) (formerly titled Encroachment Diagram...)
- [Implementation Guide](#)
- [Construction Impact Mitigation Plan](#)

Best,

Tong (John) Tu

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

From: Tu, John <john.tu@sanjoseca.gov>
Sent: Thursday, April 8, 2021 10:06 AM
To: Kuhlmann, Dylan <dylan.kuhlmann@sanjoseca.gov>; Wessling, Cheryl <Cheryl.Wessling@sanjoseca.gov>
Cc: Han, James <James.Han@sanjoseca.gov>; Downtown West Project <downtownwest@esassoc.com>
Subject: Fw: Vesting Tentative Map Update

Dylan and Cheryl,

When you get a chance, can we update one of the PDFs on the google page on the site. Can we replace Vesting Tentative Map and Cross Section with the attached PDF and include "(Updated April 8 2021)" in the hyperlink text.

- [Project Specific 2014 DSAP Amendments](#)
- [Vesting Tentative Map and Cross Sections](#)
- [Downtown West Improvement Standards](#)

Best,

Tong (John) Tu

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From: Victoria Lehman <vlehman@google.com>
Sent: Thursday, April 8, 2021 8:51 AM
To: Tu, John <john.tu@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>
Cc: Amanda Wolf <amandawolf@google.com>
Subject: Vesting Tentative Map Update

[External Email]

Hi John and James,

There was a slight modification in the VTM. We slightly reduced the amount of proposed vacation area on Otterson Street at Cahill St.

I am attaching an updated version of the map. The only pages that changed from the version that we most recently submitted are TM-1 (total vacation acreage), TM-3 and TM-7.

Thank you!
Victoria

--

Victoria Lehman |
Development Manager
Working for Lendlease at Google
Sunnyvale, CA |
[628.777.4807](tel:628.777.4807)

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Downtown West

Design Standards
and Guidelines
Errata

April 09, 2021



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ERRATA

This Errata is an attachment to the [Downtown West Design Standards and Guidelines \(DWDSG\) issued on March 1, 2021](#). Together the Errata and DWDSG comprise a full and complete record of the vision, requirements, and recommendations for new development within the Downtown West Mixed-Use Plan.

ERRATA LIST

ERRATA ID	DWDSG PAGE NUMBER	DWDSG CHAPTER	DWDSG CONTENT	DESCRIPTION OF UPDATES
ER_1	5	Document Overview	Table 1.1	Limited-Term Corporate Accommodation “up to 800 rooms accommodations ”
ER_2	6	Document Overview	Figure 1.3	Site boundary changes at F5 and A1
ER_3	7	Document Overview	Figure 1.4	Site boundary and block profile changes at F5 and A1
ER_4a	8	Document Overview	Figure 1.5	Site boundary changes at F5 and A1
ER_4b	14	Document Overview	N/A	Vesting Tentative Maps By Resolution No. __, the City Council approved a Vesting Tentative Map to provide for the subdivision of lots, the installation of public improvements, and the dedication of improvements and open space, and the abandonment of public streets and public easements pursuant to phased Final Maps.
ER_4c	14	Document Overview	N/A	Street Vacation By Ordinance No. __ the City Council approved the conditional vacation of certain public streets within Downtown West.
ER_5a	21	Document Overview	Figure 1.8	Site boundary and block profile changes at F5 and A1
ER_5b	21	Document Overview	N/A	The standards and guidelines in the DWDSG permit a limited range of land uses, massing, and circulation options, which may result in a block plan that differs from the DWDSG framework plan. Refer to the Vesting Tentative Map and subsequent Final Maps for dimensioned lot boundaries.
ER_6	30	Project Vision	Figure 2.2	Site boundary and block profile changes at F5 and A1
ER_7	49	Land Use	Figure 3.2	Site boundary and block profile changes at F5 and A1
ER_8	52	Land Use	Figure 3.3	Site boundary and block profile changes at F5 and A1 and southern infrastructure zone boundary extension
ER_9	56	Land Use	Figure 3.6	Site boundary changes and removal of non-building elements identified for demolition
ER_10a	71	Open Space	S4.5.2	“A minimum of 4.80 acres of the approximately 15 total acres of Project open space shall be City-dedicated open space, and shall, at minimum, meet the total acreages shown for Los Gatos Creek Multi-Use Trail and City-dedicated parks identified in Table 4.1: ”
ER_10b	71	Open Space	S4.5.3	“Individual open space categories that make up PSO open space are permitted to adjust in final design by up to 10 percent the acreages for privately-owned public parks, semi-public open space, Los Gatos Creek Riparian Setback, Los Gatos Creek Riparian Corridor, and mid-block passages identified in Table 4.1, subject to conditions in the Development Agreement for adjustments to Covenant Privately-Owned Publicly Accessible Open Space (as such term is defined in the Development Agreement). ”

ERRATA ID	DWDSG PAGE NUMBER	DWDSG CHAPTER	DWDSG CONTENT	DESCRIPTION OF UPDATES
ER_10c	134	Open Space	Figure 4.49	Additional tree canopy adjacent to 374 W Santa Clara Street
ER_10d	136	Open Space	Figure 4.50	Additional tree canopy adjacent to 374 W Santa Clara Street
ER_10e	148	Open Space	Figure 4.60	Additional tree canopy adjacent to 374 W Santa Clara Street
ER_11	150	Open Space	Table 4.15	Addition of “California Hazelnut, <i>Corylus cornuta</i> Marsh. var. <i>californica</i> ” to plant species list
ER_12	156	Open Space	S4.25.4	“Serviced and unserviced pavilion structure that use glazing as a material shall provide glazing units with visible light transmittance below 60 percent which shall not count toward the required transparent area. Existing structures that are relocated as pavilions shall be exempt from transparency requirements. ”
ER_13	156	Open Space	S4.25.6	“Public restrooms, park maintenance and storage facilities, and park management offices shall be permitted supportive structures for open spaces active uses; see Section 3.1. No single park maintenance structure shall exceed 1,500 square feet in interior area. Park maintenance structures shall not exceed 20 feet in height above finished grade as measured to top of roof. Park maintenance structures are permitted in either the open space or the interior of an adjacent building, new development blocks, or other space outside of street right-of-way. If provided as a standalone structure in the open space, the structure size cannot exceed the maximum cover limit described in Table 4.16.”
ER_14	170	Buildings	Figure 5.7	Addition of long facade demarcation on F5 east (secondary) and F5 west (primary).
ER_15	171	Buildings	Table 5.1	Addition of long facade demarcation on F5
ER_16	173	Buildings	Figure 5.9	Site boundary changes at F5 and A1
ER_17	176	Buildings	S5.5.7	<p>“ • The existing structure at block D13 shall be replaced by the relocated 35 South Autumn Street (Barack Obama Boulevard) main structure (see S5.15.3). The structure from 35 South Autumn Street shall be relocated within the building footprint of 74 South Autumn (Barack Obama Boulevard) and outside of the 50-foot Los Gatos Creek Riparian Setback.</p> <p>• If the property owner elects to demolish any building on blocks D9 or D12-D12-or-D13, the property owner is permitted to replace the demolished built area in a new building elsewhere in Creekside Walk. Replacement structures for blocks D9 or D12-D12-and-D13 shall not encroach into the 50-foot Los Gatos Creek Riparian Setback. Individual replacement structures shall be permitted to exceed the gross square footage of the existing structure in accordance with the square footage limits of additions described below. Replacement structures are subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.”</p>
ER_18	178	Buildings	Figure 5.11	Site boundary changes at F5 and A1
ER_19a	179	Buildings	S5.6.3	“.... Additional perimeter height and massing requirements apply to blocks E1/G1 (S5.17.2), E2/E3 (S5.15.15 and S5.15.16), H1 (S5.16.2), H2 (S5.17.1), and H3/H4/H6 (S5.16.3). Height and footprint limits to structures within open space outside of new development blocks, identified in Figure 5.9, are outlined in Section 4.25.”
ER_19b	179	Buildings	Figure 5.12	Site boundary changes at F5 and A1
ER_20	180	Buildings	Figure 5.13	Site boundary changes at F5 and A1

ERRATA ID	DWDSG PAGE NUMBER	DWDSG CHAPTER	DWDSG CONTENT	DESCRIPTION OF UPDATES
ER_21	185	Buildings	S5.8.2	“Frontage along Los Gatos Creek — including altered or replacement structures on blocks D8, D9, D10, D11, D12, D13, and new development on E1, E2, G1, and H2 — shall be exempt from this requirement to enhance adjacent riparian habitat within the Los Gatos Creek Riparian Corridor . See Section 5.17.”
ER_22	187	Buildings	S5.8.4	“Ground floor active uses within residential buildings located on blocks C1, H1, H3, H4, H5, and H6 north of West St. John Street and south of West San Carlos Street shall provide a minimum 12 feet clear height to finished ceiling shall .”
ER_23	197	Buildings	S5.10.2	“Skyline level occupiable projections on the south facade of block A1 and the north facade of block C2 shall be exempt from the dimensional requirements above and shall...”
ER_24	202	Buildings	Figure 5.30	Addition of long facade demarcation on F5
ER_25	217	Buildings	S5.15.3	“The main structure of 35 South Autumn Street (Barack Obama Boulevard) — a single family home dating from 1880 located along the west side of Barack Obama Boulevard — shall be relocated to block D13 as a replacement structure pursuant to S5.5.7, within the current building footprint of 74 South Autumn (Barack Obama Boulevard) and outside of the 50-foot Los Gatos Creek Riparian Setback, pending structural feasibility. The relocation of 35 South Autumn (Barack Obama Boulevard) shall be permitted as a replacement of existing structure, a pavilion structure, or a permanent structure (see Section 4.25) within Creekside Walk. The structure shall not be relocated within the 50-foot Los Gatos Creek Riparian Setback. Modification to 35 South Autumn Street (Barack Obama Boulevard), a Structure of Merit, shall not be required to comply with the Secretary of the Interior’s standards.”
ER_26	230	Buildings	S5.16.1	“New development shall be exempt from the above requirement should redevelopment of the adjacent or facing single-family residential residences be redeveloped with new development that to exceeds 40 feet in height.”
ER_27	237	Buildings	S5.17.5	“Bird-safe treatment shall be required on any uninterrupted glazing segment larger than 24 square feet located within 300 feet of a riparian corridor and within the less than 60 feet in height above grade for facades with less than that have 50 percent or less glazed surface. Glazing on active use frontage within 15 feet vertical feet above grade that is not visible from the riparian corridor shall be exempt from complying with this standard. Bird-safe treatment strategies include but are not limited to high translucency / low reflectivity glazing, angled glazing, fritted or etched glazing, artistic glass and / or film , mullions, grilles, shutters, louvers, netting, screening, shading elements, awnings, or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy.”
ER_28	297	Mobility	Figure 6.53	Site boundary changes at F5 and A1
ER_29	299	Mobility	Figure 6.54	Site boundary changes at F5 and A1
ER_30	307	Lighting and Signage	S7.3.3	“All open space lighting, excluding lighting for art, shall install lighting that has have a color temperature of less than or equal to 2,700 2700 kelvins. Lighting requirements for art adjacent to a riparian corridor shall follow S7.4.7.”

ERRATA ID	DWDSG PAGE NUMBER	DWDSG CHAPTER	DWDSG CONTENT	DESCRIPTION OF UPDATES
ER_31	312	Lighting and Signage	S7.4.7	<p>“Lighting for art in the riparian setback. Art lighting within 35 feet of the riparian corridor shall be prohibited. Art lighting within 35 to 100 feet from the riparian corridor shall have a color temperature less than or equal to 2700 kelvins and shall be turned off after park hours of operation. The following shall apply to art objects and associated program lighting within Los Gatos Creek and Guadalupe River Riparian Setback:</p> <ul style="list-style-type: none"> • Up-lighting shall avoid light trespass past the piece of art or associated program and shall not be within 25 feet of a riparian corridor • Downlighting shall be directed away from a riparian corridor, fully shielded and limited to the immediate vicinity of the object (no more than three feet from the object). Downlighting shall not be within 25 feet of a riparian corridor • Internally lit art pieces shall have light directed fully away from a riparian corridor that is not widely cast. Internally lit art pieces shall not be allowed within 25 feet of a riparian corridor • Light intensity shall be low and limited to the wildlife friendly lighting spectrum • Light levels shall not exceed the intensity of the adjoining trail lighting • Wall-wash lighting shall not be permitted in the Los Gatos Creek Riparian Setback • Light intensity and glare shall be analyzed by a qualified wildlife biologist at a subsequent design phase and future lighting technologies, unforeseen at this time, shall be permitted if a letter of professional determination from a biologist is submitted that demonstrates such lighting technologies would avoid light and glare impacts to wildlife within a riparian corridor”
ER_32	326	Sustainability	N/A	<p>“The Project has committed to meeting the AB 900 requirement to be designed to be eligible for of LEED Gold...”</p>
ER_33	A7	Glossary	N/A	<p>“A land use defined in the GDP. Limited-term corporate accommodations are facilities owned, leased, or made available by a business entity for occupancy by the entity’s officers, employees, consultants, vendors, contractors, or sponsored guests who do not intend to use it as their domicile and who have not entered into a written rental or lease agreement or provided payment of a any payment of a fixed amount of money to occupy the unit, provided that employee compensation and benefits received from the business entity shall not be considered payment. Occupancy of a limited-term corporate accommodation shall not be made available to the general public. Occupancy of a limited-term corporate accommodation by any person shall not exceed 60 consecutive days. Kitchen areas, food services, and other related services pertaining to use of the facilities, including but not limited to cleaning and maintenance, are permitted. A limited-term corporate accommodation may include multiple bedrooms.”</p>

Project Description

ER_1

1.1 Site Location and Context

The Project 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, Barack Obama Boulevard (formerly South Autumn Street and South Montgomery Street), and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor to the west. The Project does not include property owned by Caltrain, located between Cahill Street and South Montgomery Street, and between West San Fernando Street and Post Street. The Project includes the previously entitled site area east of Los Gatos Creek and west of the Guadalupe River, between West Santa Clara Street and the VTA light rail corridor. See Figure 1.3 for the Project boundary.

While most of the land within the Project as described above is owned by the project sponsor, there are a number of parcels near Diridon Station that are currently under separate ownership including:

- The City of San José
- Santa Clara Valley Transit Authority (VTA)
- Caltrain (operated by the Peninsula Corridor Joint Powers Board)
- Pacific Gas & Electric (PG&E)

See Figure 1.3 for ownership within the Project boundary.

TABLE 1.1: EIR Project development program

	DEVELOPMENT PROGRAM	PROPOSED PROJECT
LAND USES	Residential	Up to 5,900 dwelling units
	Active Uses (Retail, Restaurant, Arts, Cultural, Live Entertainment, Institutional, Childcare and Education, Maker Spaces, Non-profit, Small-Format Office)	Up to 500,000 gsf
	Hotel	Up to 300 rooms
	Limited-Term Corporate Accommodation	Up to 800 accommodations
	Office	Up to 7.3 million gsf
	Event / Conference Centers	Up to 100,000 gsf
	Central Utility Plants (District Systems)	Up to 130,000 gsf
	Logistics / Warehouse(s)	Up to 100,000 gsf
PARKING AND LOADING	Public / Commercial Parking	Up to 4,800 spaces
	Residential Parking	Up to 2,360 spaces
	Total Parking Spaces	Up to 7,160 spaces
OPEN SPACE	Open Space*	Approximately 15 acres

*NOTE: Open space includes all parks, plazas, green spaces, landscaping, mid-block passages, riparian buffer, and stormwater zones.



FIGURE 1.3: Ownership within the Project boundary

- Google
- City of San José
- VTA
- Caltrain
- PG&E

Project Boundaries

The Project covered by the DWDSG is approximately 78 acres. An additional one-acre block, designated block D1, was included in the Environmental Impact Report (EIR) prepared for Downtown West, General Plan amendment, DSAP amendments, and the Downtown West General Development Plan (GDP) for the Downtown West Planned Development Zoning District (Downtown West PD Zoning District). Refer to Section 1.3 for further description of related entitlements and required Project approvals. The development program associated with the full EIR Project is summarized in Table 1.1 and the Project boundaries for the EIR, GDP, and DWDSG are depicted in Figure 1.4. Accordingly, although used more broadly in the EIR, the term “Downtown West,” as used in this DWDSG, refers only to the approximately 78 acres to which this DWDSG applies.

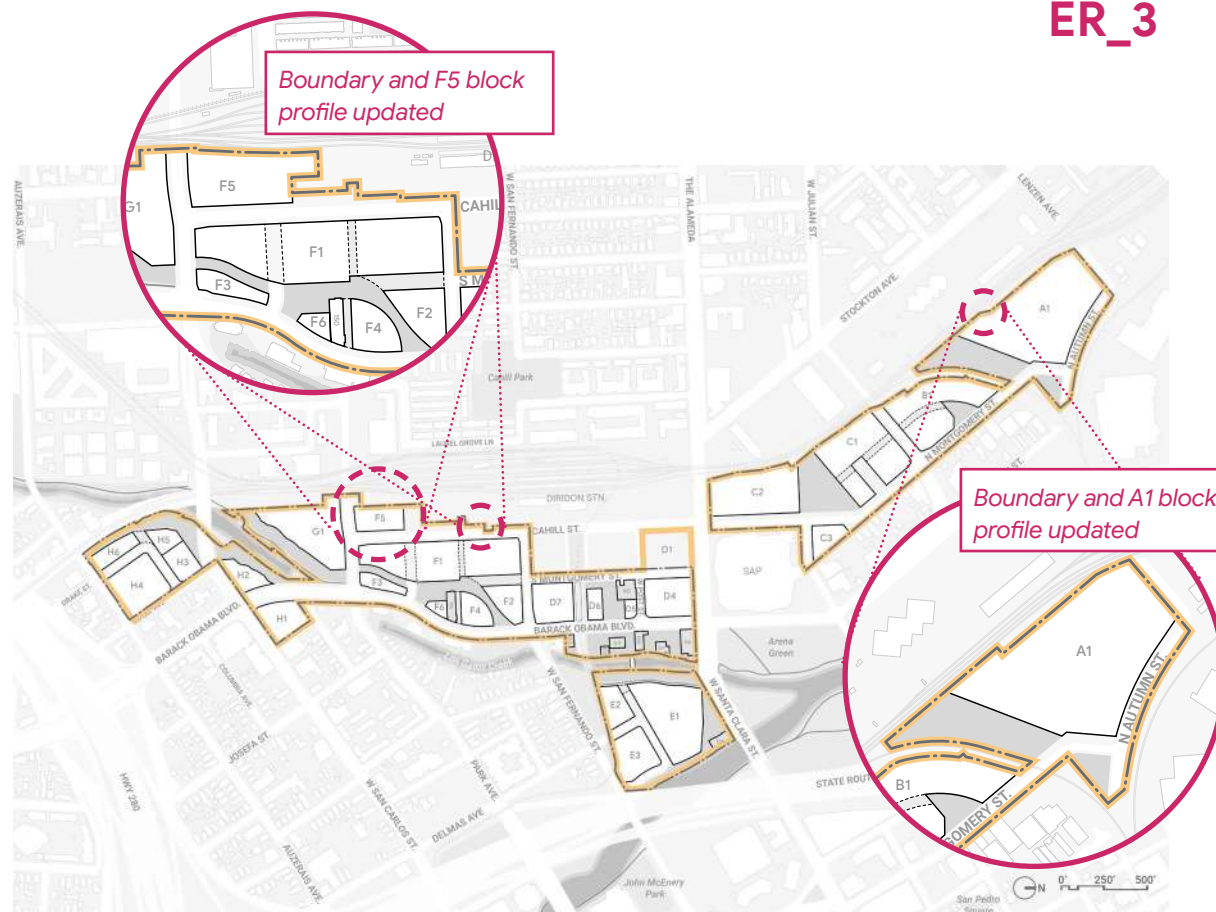


FIGURE 1.4: Downtown West PD Zoning / GDP, EIR, and DWDSG site boundaries

- Downtown West PD Zoning/GDP and EIR site boundary
- - - DWDSG

The updated Project boundary should be considered for all figures in the DWDSG.

Context Planning Areas

The Project is located within overlapping planning areas as shown in Figure 1.5 and described further in Section 1.2. Throughout the DWDSG, various boundaries will be referenced as follows:

- **Downtown West Mixed-Use Plan.** “Downtown West Mixed-Use Plan” or “Downtown West” or “the Project” refers to the approximately 78-acre Downtown West development proposal.
- **DSAP area.** “DSAP area” refers to the approximately 250-acre planning area covered by the DSAP, as amended.
- **DDG area.** “DDG area” refers to the area covered by the DDG, which is generally bounded in the south by Highway 280, on the north by Coleman Avenue, on the west by Diridon Station, and on the east by San José State University. While the San Jose State University campus is not within the boundary of the Downtown Growth Area, it is included within the DDG boundary.
- **Downtown San José.** “Downtown San José” or “Downtown Growth Area” or “Downtown” as shown in the General Plan 2040 and the Downtown Strategy 2040 EIR, refers to the portion of San José extending from Diridon Station to San José State University, and north of Interstate 280.

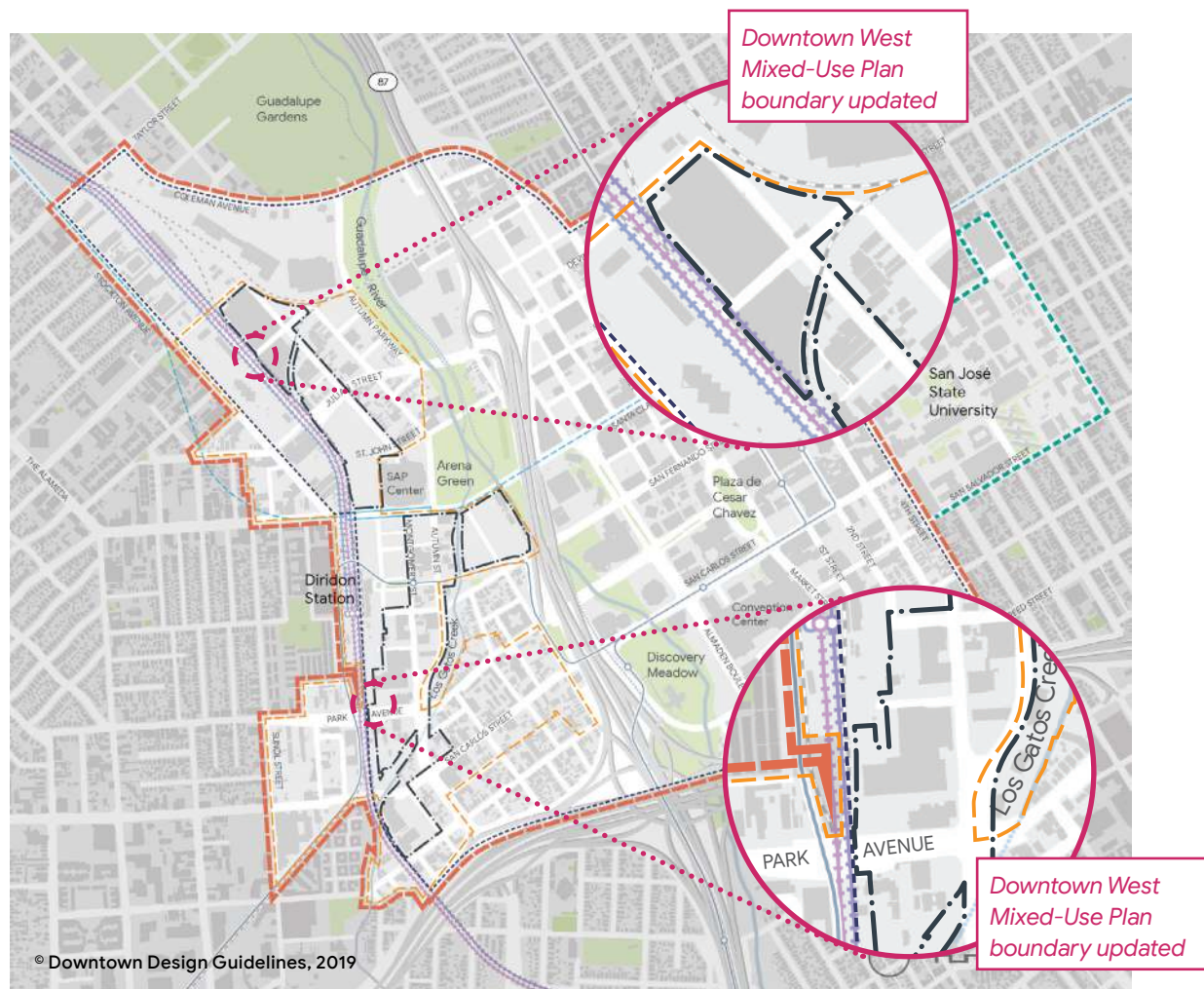


FIGURE 1.5: Context planning areas

- Downtown Design Guidelines boundary
- Downtown Growth Area (per Downtown Strategy 2040)
- - - Diridon Station Area Plan boundary
- - - San José State University (subject to the DDG)
- - - Downtown West Mixed-Use Plan boundary

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Development Agreement

The project sponsor and the City of San José have entered into a Development Agreement to memorialize community benefits and to secure vested development rights. The community benefit commitments are further outlined in the Development Agreement.

Vesting Tentative Maps

By Resolution No. __, the City Council approved a Vesting Tentative Map to provide for the subdivision of lots, the installation of public improvements, and the dedication of improvements and open space pursuant to phased Final Maps.

, and the abandonment of public streets and public easements

~~Street Vacation~~

~~By Ordinance No. __ the City Council approved the conditional vacation of certain public streets within Downtown West.~~

Historic Landmark Boundary Amendments

In conjunction with the approval of the Project, the City Council approved Resolution No. __, which modified the boundaries of the San José Water Company Building, a City Landmark, to more closely conform to that portion of the site occupied by the primary historic resource

(main building) and the relocated contributing structure (transformer building). By Resolution No. __, the City Council modified the boundary of the Southern Pacific Depot Historic District to align with the property boundaries. The Southern Pacific Depot Historic District is listed in the National Register and as a San José Landmark.

Refer to Section 5.15 for additional information on historic resources within and adjacent to the Project.

Environmental Impact Report

The City of San José is the lead agency under the California Environmental Quality Act (CEQA) for preparation of the Project's environmental analysis. The Environmental Impact Report (EIR) prepared for the Project provides the public, the City, and other public agencies with relevant information to consider the environmental impacts of the Project, including the effects of the Project approvals described above. By Resolution No. __, the City Council certified the EIR for the Project; it also adopted findings, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program (MMRP). The DWDSG is consistent with and will be implemented in compliance with the MMRP approved by the City Council. In the event of a conflict between a standard under this DWDSG and the MMRP adopted by City Council (Resolution No. __), the terms of the MMRP shall prevail.

AB 900

The Project is proceeding under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900, as amended by Senate Bills 743 and 734 and AB 246), and the Governor of California has certified that the Downtown West Mixed-Use Plan would not result in any net additional greenhouse gas (GHG) emissions. Pursuant to this certification, the project sponsor has committed to include in the Project a number of GHG reduction measures that are enforceable by the City of San José.

Refer to *Chapter 8: Sustainability* for additional information on sustainability strategies and a summary of strategies that may be employed to implement the Project's AB 900 certification.

Illustrative Figures

Illustrative figures include plans, sections, renderings, and diagrams. Illustrative figures are provided for conceptual purposes only to show potential design solutions based on standards and guidelines. Strict compliance with illustrative figures is not required. These figures are identified as “illustrative” in the figure title. See Figure 1.9 for example pages of the DWDSG.

Framework Plan

The DWDSG framework plan, as shown in Figure 1.8, is used throughout the DWDSG for consistency of representation. Areas defined within a block by a dashed line denote *mid-block* passage or private street locations.

The standards and guidelines in the DWDSG permit a limited range of land uses, massing, and circulation options, which may result in a block plan that differs from the DWDSG framework plan.

Refer to the *Vesting Tentative Map* and subsequent *Final Maps* for dimensioned lot boundaries.

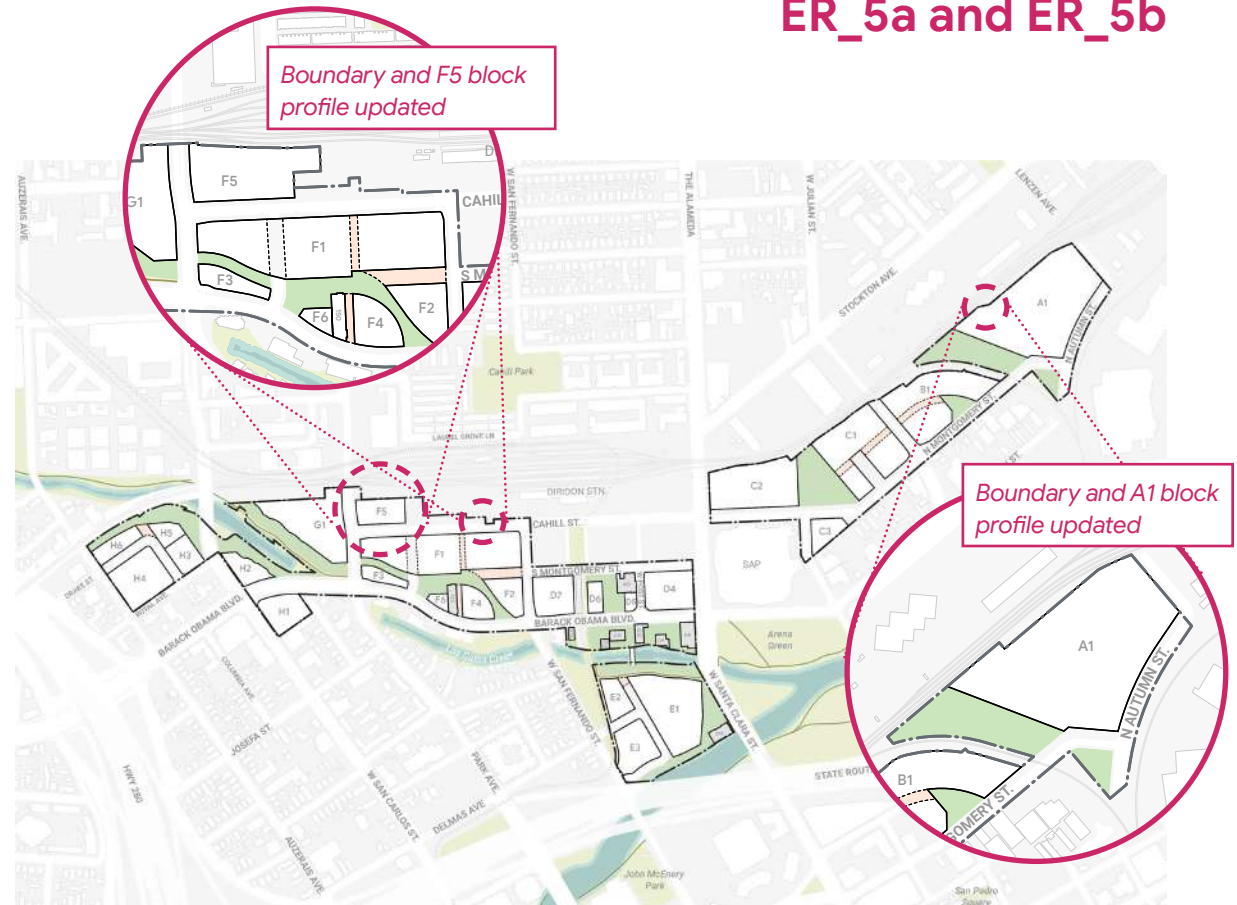


FIGURE 1.8: DWDSG framework plan

- Downtown West Mixed-Use Plan boundary
- X# Block nomenclature
- Open space
- Approximate location of mid-block passages

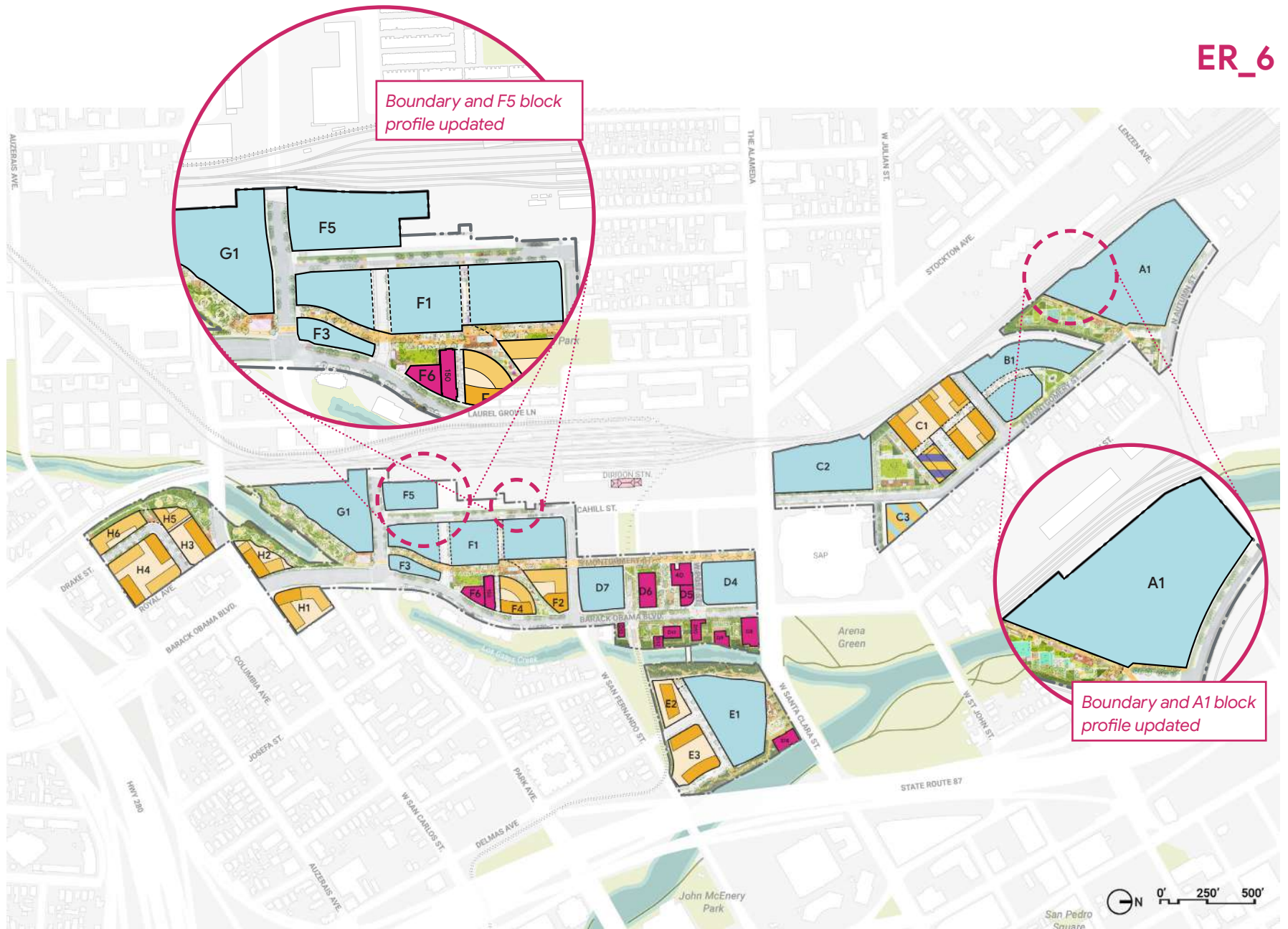


FIGURE 2.2: Downtown West Mixed-Use Plan

- | | | |
|--------------------------|------------------------|-----------------------|
| — Downtown West boundary | ● Mid-rise residential | ● Residential / hotel |
| ● Office | ● Podium residential | ● Active use |
| ● High-rise residential | ● Residential / office | |

NOTE: Building footprints shown in Figure 2.2 are illustrative. For required and allowed land uses, refer to Table 3.1. For locations of ground floor active uses, refer to Figure 3.5.

Land Use

3.2 Zoning and Land Uses

General Plan Land Use Designations

The General Plan (GP) land use designations in Downtown West enable a dense, mixed-use development suitable for an urban site in Downtown San José, as shown in Figure 3.2. The predominant difference between each land use is whether residential uses are permitted. The “Commercial Downtown” designation does not allow residential uses. As the most flexible designation in the General Plan, the “Downtown” designation allows residential use, and denotes sites where a flexible land use alternative exists.

Downtown West Planned Development (PD) Zoning District

The GDP identifies uses that are allowed within the Downtown West PD Zoning District, subject to the requirements of the applicable GP land use designation and PD Permit. The GDP establishes which uses are permitted by right and which uses are permitted following the issuance of a Conditional Use Permit or a Special Use Permit. Certain land uses are permitted with an Administrative Permit in lieu of a Conditional or Special Use Permit if certain conditions identified in the GDP are met. Land uses on property covered by the PD Permit and this DWDSG are subject to the Conformance Review process outlined in Section 1.4.



FIGURE 3.2: Downtown West General Plan land use designations

- Downtown
- Commercial Downtown



FIGURE 3.3: Conceptual land use plan

- Office
- Residential
- Residential / office
- Residential / hotel
- Active use
- Open space
- Mid-block passage
- Infrastructure zone

NOTE: For ground floor active use locations, refer to Figure 3.5.

Full figure update on following page

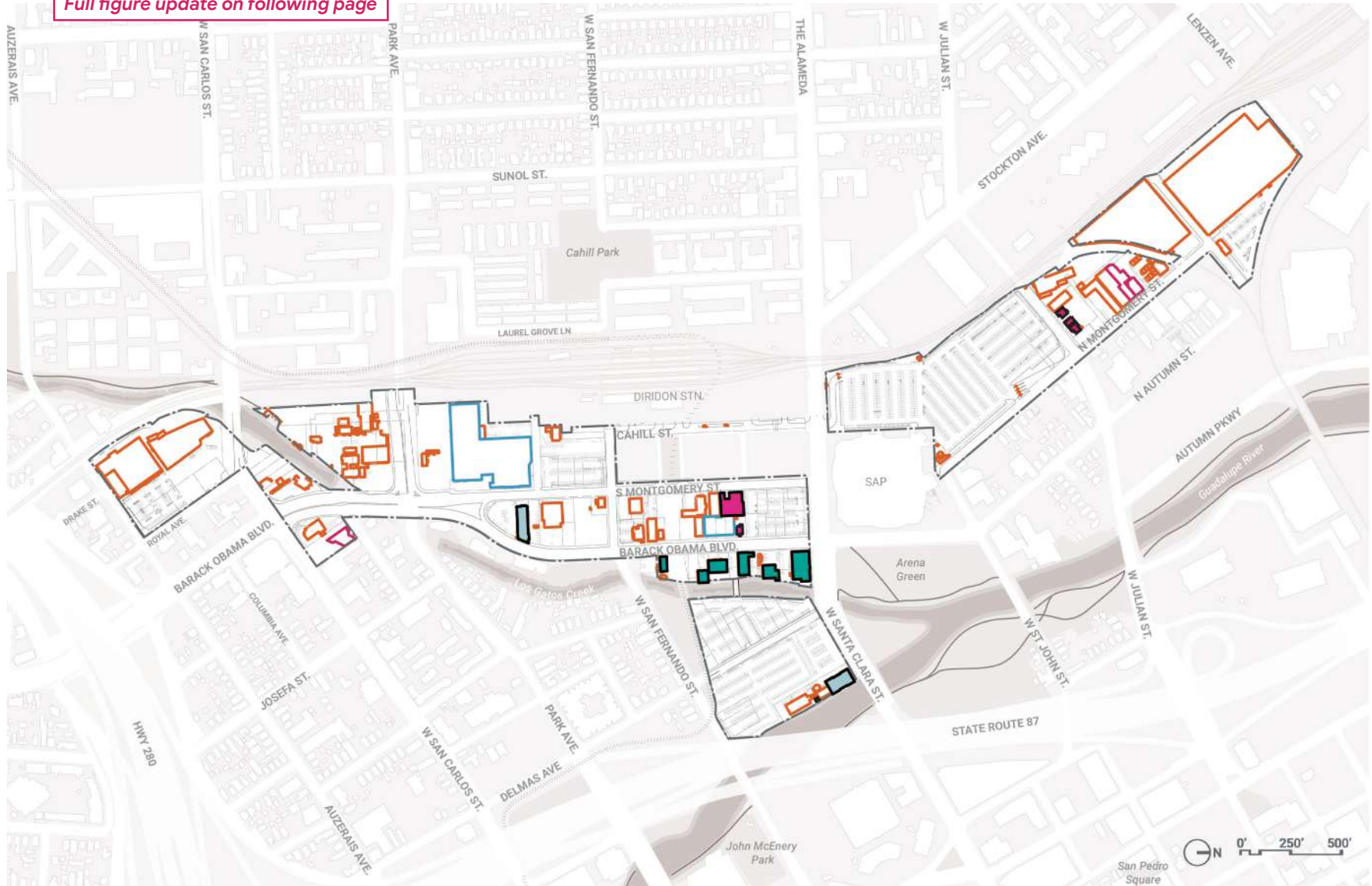


FIGURE 3.6: Demolition and retention plan

- Existing buildings to be demolished
- Existing historic buildings to be demolished
- Existing historic buildings to be retained
- Existing buildings to be altered or replaced if existing structures cannot reasonably be retained
- Buildings with required salvaged elements
- Buildings to be relocated within the Project
- Existing buildings outside Project boundary

Full figure update

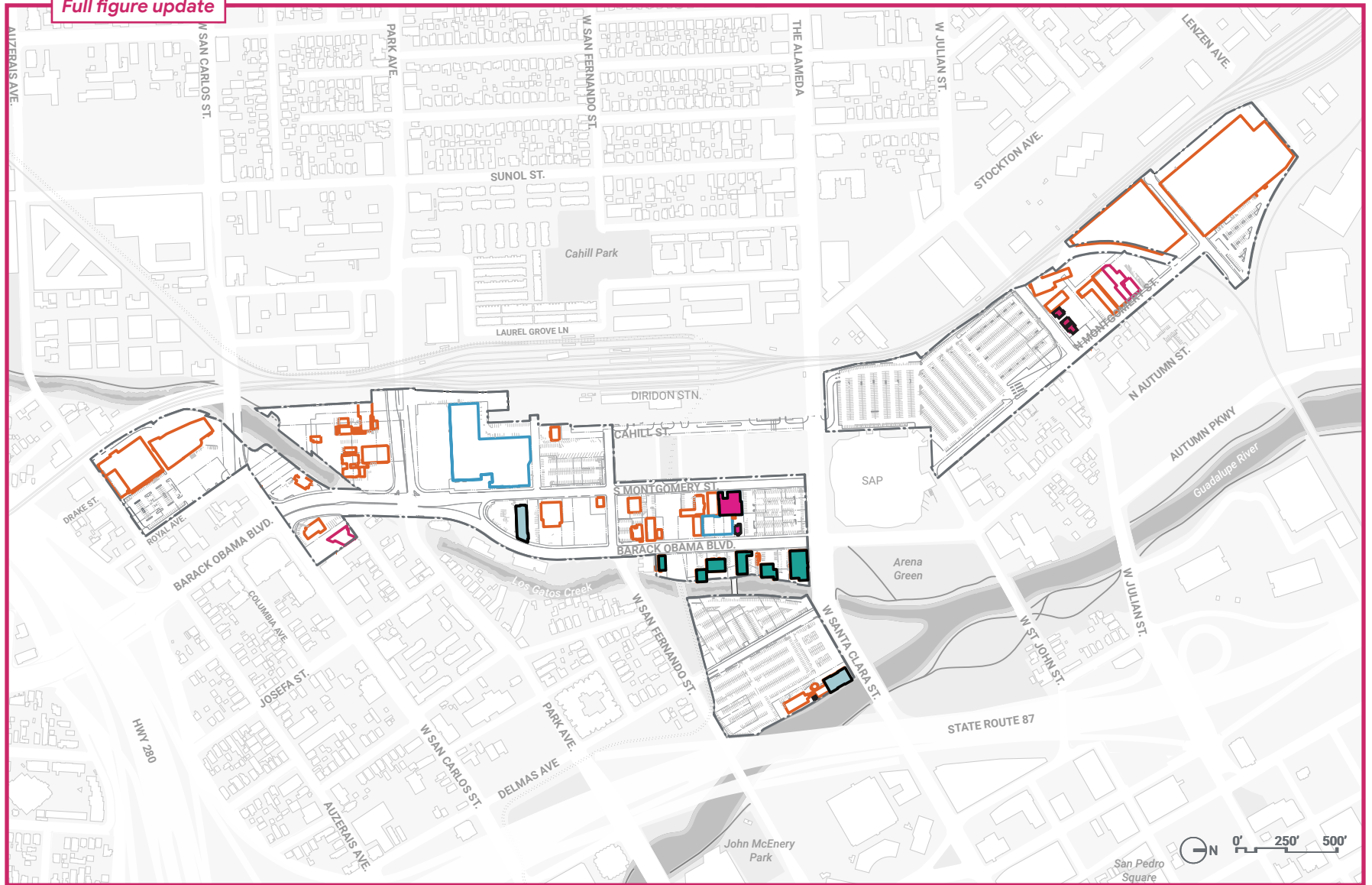


FIGURE 3.6: Demolition and retention plan

- Existing buildings to be demolished
- Existing historic buildings to be demolished
- Existing historic buildings to be retained
- Existing buildings to be altered or replaced if existing structures cannot reasonably be retained
- Buildings with required salvaged elements
- Buildings to be relocated within the Project
- Existing buildings outside Project boundary

Standards

S4.5.1 Overall acreage. The Project shall provide approximately 15 acres of open space.

S4.5.2 City-dedicated open space. A minimum of 4.80 acres of the approximately 15 total acres of Project open space shall be City-dedicated open space, ~~and shall, at minimum, meet the total acreages shown for Los Gatos Creek Multi-Use Trail and City-dedicated parks identified in Table 4.1.~~ Dedication of the City-dedicated open space shall follow the City's parkland dedication minimum requirements, as stated in Municipal Code Section 14.25.320, except as otherwise indicated in the Development Agreement and / or Parkland Agreement. These requirements include:

- Slope less than 10 percent, or ability to be graded to three percent or less
- At least one-half acre in size, except for Los Gatos Creek Park
- Does not contain stormwater infrastructure servicing private development parcels
- Does not include riparian setback, riparian corridor, or environmental mitigation areas

, subject to conditions in the Development Agreement for adjustments to Covenant Privately-Owned Publicly Accessible Open Space (as such term is defined in the Development Agreement).

- Located adjacent to public street to promote safety

S4.5.3 Project sponsor-owned open space. Individual open space categories that make up PSO open space are permitted to adjust in final design by up to 10 percent the acreages for privately-owned public parks, semi-public open space, Los Gatos Creek Riparian Setback, Los Gatos Creek Riparian Corridor, and mid-block passages identified in Table 4.1. Adjustments under this standard are permitted to be reallocated to other PSO open space to remain consistent with the requirement to provide approximately 15 acres of Project open space. Adjustments pursuant to this standard may result in corresponding adjustments to the total acreage of categories of PSO open space identified in Table 4.1. Final acreages for individual open spaces shall be provided concurrent with the application for any phased final subdivision map that includes Project open space.

S4.5.4 Semi-public open space. Total semi-public open space within the Project shall not exceed 1.82 acres. No more than 30 percent of this total (or 0.55 acres) may be developed adjacent to any single City-dedicated park or privately-owned public park.

S4.5.5 Pedestrian circulation in semi-public open space. Pedestrian

circulation of adjacent City-dedicated open spaces shall be provided through semi-public open space when there is no other alternative within the adjacent City-dedicated open space.

S4.5.6 Public rooftop and upper terraces. Access from either a ground level public space or the public realm shall be required when an elevated open space is provided for public use and not directly accessible from the ground level.

S4.5.7 Surface perviousness. Open space design shall increase overall perviousness of the site from the current level of perviousness and improve stormwater quality by implementing low impact development (LID) strategies. Refer to Section 4.23 for stormwater management standards.

S4.5.8 Emergency vehicle access within City-dedicated parks. Emergency vehicle access (EVA) shall be designed to not impede the primary functions of City-dedicated parks.

S4.5.9 Open space reconfiguration. If a public agency initiates proceedings to acquire any portion of the property subject to the Downtown West PD Zoning District, affected open spaces and related improvements shall be permitted to be reconfigured, including through proportional reduction of the affected open space

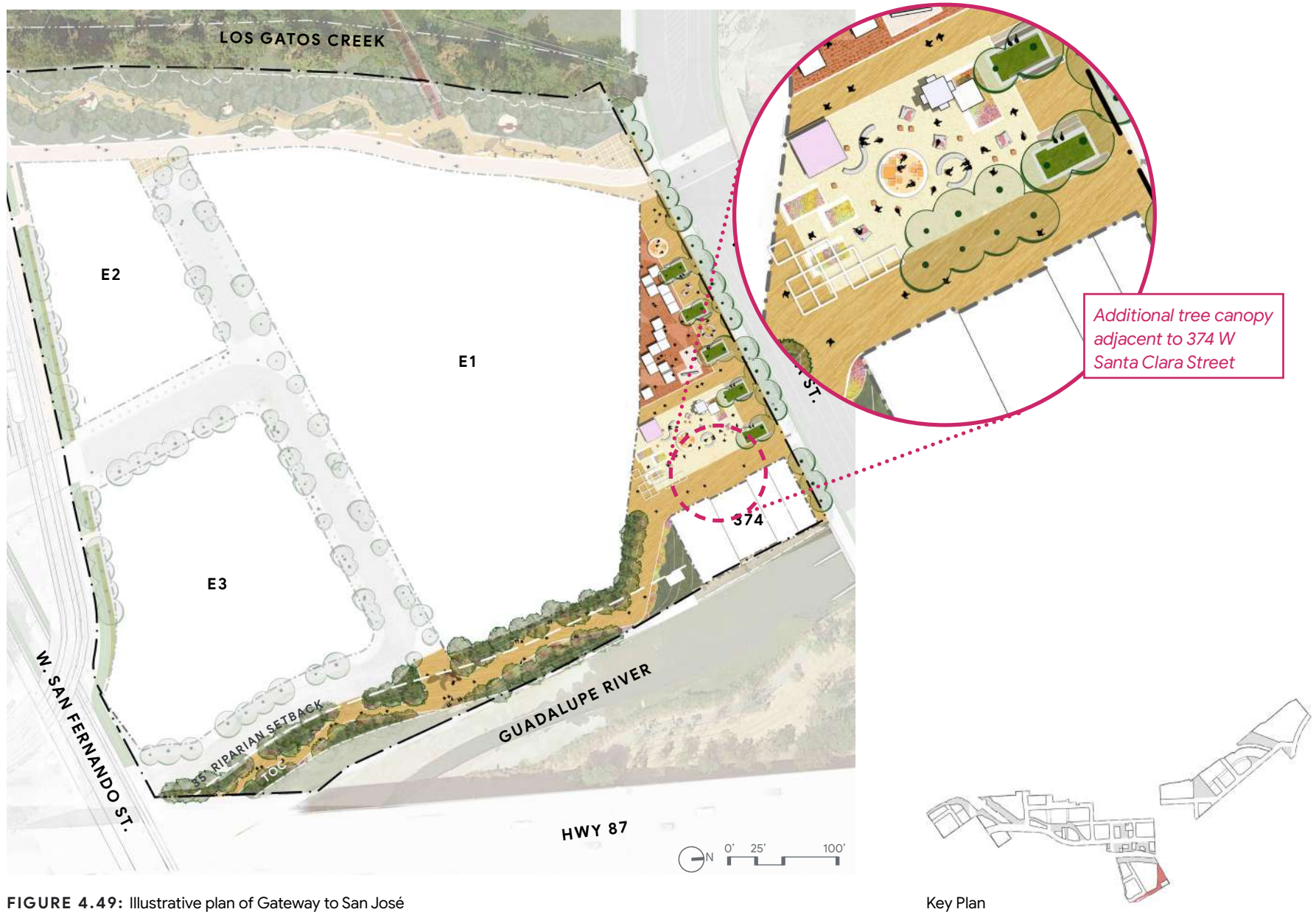


FIGURE 4.49: Illustrative plan of Gateway to San José

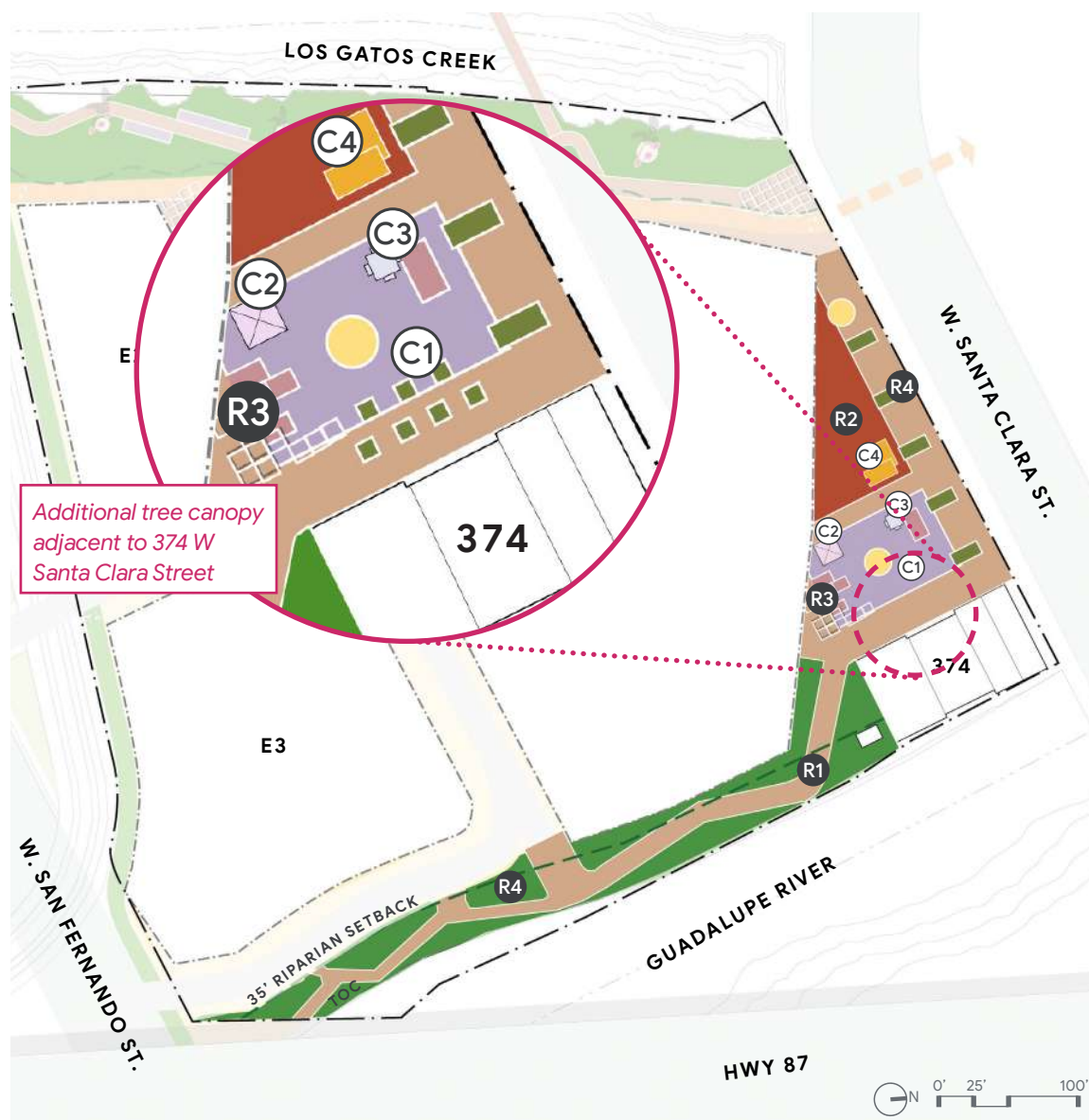


FIGURE 4.50: Required (R) and complementary (C) Gateway to San José programmatic elements diagram



FIGURE 4.60: Illustrative tree canopy framework

- Approximate location of existing riparian tree canopy
- Proposed streetscape tree canopy
- Proposed open space tree canopy

TABLE 4.15: Examples of permitted shrubs and understory species for riparian, re-oaking, and understory planting strategies

SHRUB AND UNDERSTORY PALETTE	RIPARIAN	RE-OAKING	UNDERSTORY
<i>Achillea millefolium</i> YARROW		•	•
<i>Arctostaphylos glauca</i> BIG BERRY MANZANITA		•	•
<i>Baccharis salicifolia</i> MULE FAT	•		•
<i>Calycanthus occidentalis</i> SPICEBUSH	•		•
<i>Ceanothus cuneatus</i> BUCKBRUSH		•	•
<i>Ceanothus oliganthus</i> HAIRY CEANOTHUS		•	•
<i>Ceanothus thyrsiflorus</i> BLUE BLOSSOM CEANOTHUS		•	•
<i>Ceanothus</i> 'Ray Hartman RAY HARTMAN CEANOTHUS		•	•
<i>Cercis occidentalis</i> WESTERN REDBUD		•	•
<i>Cercocarpus betuloides</i> MOUNTAIN MAHOGANY		•	•
<i>Corylus cornuta</i> BEAKED HAZELNUT	•		•
<i>Epilobium canum</i> CALIFORNIA FUCHSIA		•	•
<i>Corylus cornuta marsh</i> CALIFORNIA HAZELNUT	•	•	•
Additional permitted shrub and understory species			
SHRUB AND UNDERSTORY PALETTE	RIPARIAN	RE-OAKING	UNDERSTORY
<i>Eschscholzia californica</i> CALIFORNIA POPPY		•	•
<i>Frangula californica</i> COFFEEBERRY		•	•
<i>Garrya elliptica</i> COAST SILKTASSEL		•	•
<i>Heteromeles arbutifolia</i> TOYON	•	•	•
<i>Holodiscus discolor</i> CREAM BUSH		•	•
<i>Iris douglasiana</i> DOUGLAS IRIS	•	•	•
<i>Lonicera involucrata</i> TWINBERRY	•	•	•
<i>Lupinus albifrons</i> SILVER BUSH LUPINE		•	•
<i>Morella californica</i> CALIFORNIA WAX MYRTLE		•	•
<i>Oemleria cerasiformis</i> OSOBERRY	•	•	•
<i>Oenothera elata</i> ssp. <i>hookeri</i> COMMON EVENING PRIMROSE	•	•	•
<i>Prunus ilicifolia</i> HOLLYLEAF CHERRY	•	•	•
SHRUB AND UNDERSTORY PALETTE	RIPARIAN	RE-OAKING	UNDERSTORY
<i>Quercus berberidifolia</i> SCRUB OAK		•	•
<i>Quercus dumosa</i> NUTTAL'S SCRUB OAK		•	•
<i>Rhododendron occidentale</i> WESTERN AZALEA	•		•
<i>Rhus integrifolia</i> LEMONADE BERRY	•		•
<i>Ribes aureum</i> var. <i>gracillimum</i> GOLDEN CURRANT	•		•
<i>Ribes sanguineum</i> RED-FLOWERING CURRANT	•		•
<i>Rosa californica</i> CALIFORNIA ROSE	•		•
<i>Salvia sonomensis</i> SONOMA SAGE		•	•
<i>Sambucus nigra</i> ssp. <i>caerulea</i> BLUE ELDERBERRY	•	•	•
<i>Solidago velutina</i> ssp. <i>californica</i> CALIFORNIA GOLDENROD	•	•	•
<i>Symphoricarpos albu</i> COMMON SNOWBERRY	•	•	•
<i>Symphytrichum chilense</i> PACIFIC ASTER	•	•	•

Standards

S4.25.1 Permanent structures. Permanent structures shall not occupy greater than the allocated percentage per open space, exclusive of mid-block passages, as described in Table 4.16. Permanent structures include serviced pavilions, unserviced pavilions, kiosks, and park maintenance structures. Refer to Table 4.17 for primary uses of permanent structures.

S4.25.2 Serviced pavilion structure. No single serviced pavilion structure shall exceed 5,000 square feet in interior area. Serviced pavilion structures shall not exceed 40 feet in height above finished grade as measured to top of roof. These structures shall be enclosed.

S4.25.3 Unserviced pavilion structure. No single unserviced pavilion structure shall exceed 2,500 square feet in interior area. Unserviced pavilion structures shall not exceed 25 feet in height above finished grade as measured to top of roof. These structures shall be enclosed.

S4.25.4 Pavilion structure transparency. Serviced and unserviced pavilion structure that use glazing as a material shall provide glazing units with visible light transmittance below 60 percent which shall not count toward the required transparent area.

Existing structures that are relocated as pavilions shall be exempt from transparency requirements.

S4.25.5 Kiosk. No single kiosk shall have an interior area greater than 500 square feet. Kiosks shall not exceed 20 feet in height above finished grade as measured to top of roof.

S4.25.6 Park maintenance structure. Public restrooms, park maintenance and storage facilities, and park management offices shall be permitted supportive structures for ~~active uses; see Section 3.1.~~ No single park maintenance structure shall exceed 1,500 square feet in interior area. Park maintenance structures shall not exceed 20 feet in height above finished grade as measured to top of roof. Park maintenance structures are permitted in ~~either the open space or the interior of an adjacent building.~~ If provided as a standalone structure in the open space, the structure size cannot exceed the maximum cover limit described in Table 4.16.

S4.25.7 Temporary structures. Temporary structures shall not occupy greater than 60 percent of a privately-owned public park or City-dedicated park. Temporary structures are permitted in all open spaces. Refer to Table 4.18 for primary uses of temporary structures.

TABLE 4.16: Maximum permanent structures site coverage per open space.

	PROPOSED MAXIMUM SITE COVERAGE
Los Gatos Creek Connector	0 %
Los Gatos Creek Park	20 %
The Meander	5 %
Social Heart	10 %
Creekside Walk	10 %
Los Gatos Creek East	5 %
Gateway to San José	15 %
St. John Triangle	10 %
N. Montgomery Pocket Park	0%
Northend Park	10 %

NOTE: The percentage of maximum site coverage is based on each open space area excluding the acreage of mid-block passage for each open space.

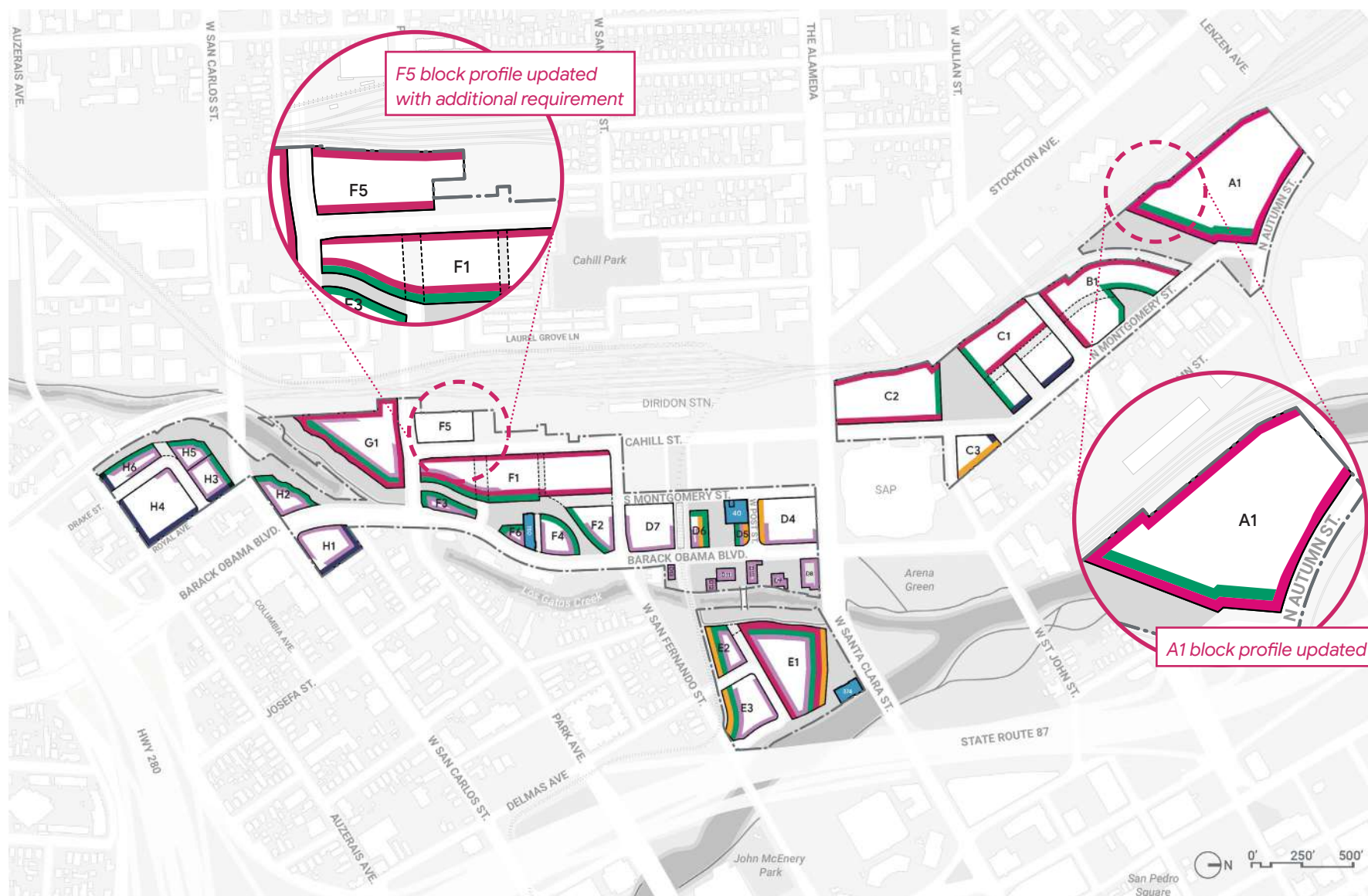


FIGURE 5.7: Architectural requirement summary

- 5.8-5.9, 5.11, and 5.17 Long facade design
 ■ 5.15 Adjacency to historic resources
 ■ 5.17 Adjacency to Los Gatos Creek and open space
- 5.15 Project resources
 ■ 5.16 Adjacency to low-rise context
 ■ 5.17 Bird-safe design

NOTE: Sections 5.5 - 5.14 apply to all new development

TABLE 5.1: Architectural requirement matrix

● Applicable sections to reference per block

BLOCK	BUILDING ENVELOPE (SECTIONS 5.5-5.6)	PROJECT-WIDE BUILDING DESIGN (SECTIONS 5.7-5.14)	LONG FACADE DESIGN (SECTIONS 5.8-5.9, 5.11, AND 5.17)	HISTORIC RESOURCES (SECTION 5.15)	LOW-RISE CONTEXT (SECTION 5.16)	LOS GATOS CREEK AND OPEN SPACE (SECTION 5.17)	BIRD-SAFE DESIGN (SECTION 5.17)
A1	●	●	●			●	
B1	●	●	●			●	
C1	●	●	●		●	●	
C2	●	●	●			●	
C3	●	●		●	●		
D4	●	●		●			●
D5	●	●		●		●	●
D6	●	●		●		●	●
40	●			●			
D7	●	●					●
D8-D13	●	●		●			●
E1	●	●	●	●		●	●
374	●			●			
E2	●	●		●		●	●
E3	●	●		●		●	●
F1	●	●	●			●	●
F2	●	●				●	●
F3	●	●				●	●
F4	●	●				●	●
F5	●	●	●	Additional F5 requirement			
150	●			●			●
F6	●	●		●		●	●
G1	●	●	●			●	●
H1	●	●			●		●
H2	●	●				●	●
H3	●	●			●	●	●
H4	●	●			●		●
H5	●	●				●	●
H6	●	●			●	●	●

Building Envelope

5.5 Blocks

The block structure of Downtown West is designed for frequent pedestrian intersections to create a welcoming urban environment and promote walking and bicycling. Blocks define the boundaries of new development and are primarily shaped by adjacencies, such as open space, streets, rail, and infrastructure.

Relevant DDG standards and guidelines that apply to Downtown West blocks include DDG Sections 3.2.1 and 3.2.2 unless superseded by the DWDSG.

Standards

S5.5.1 New development blocks. Above-grade new development within the Project shall be limited to the blocks as shown in Figure 5.9.

Select blocks identified in Figure 5.10, S5.5.2, and S5.5.7 are exempt from this standard.

[DDG standard 3.2.1.c, guideline 3.2.2.b and 4.3.1.d — superseded]

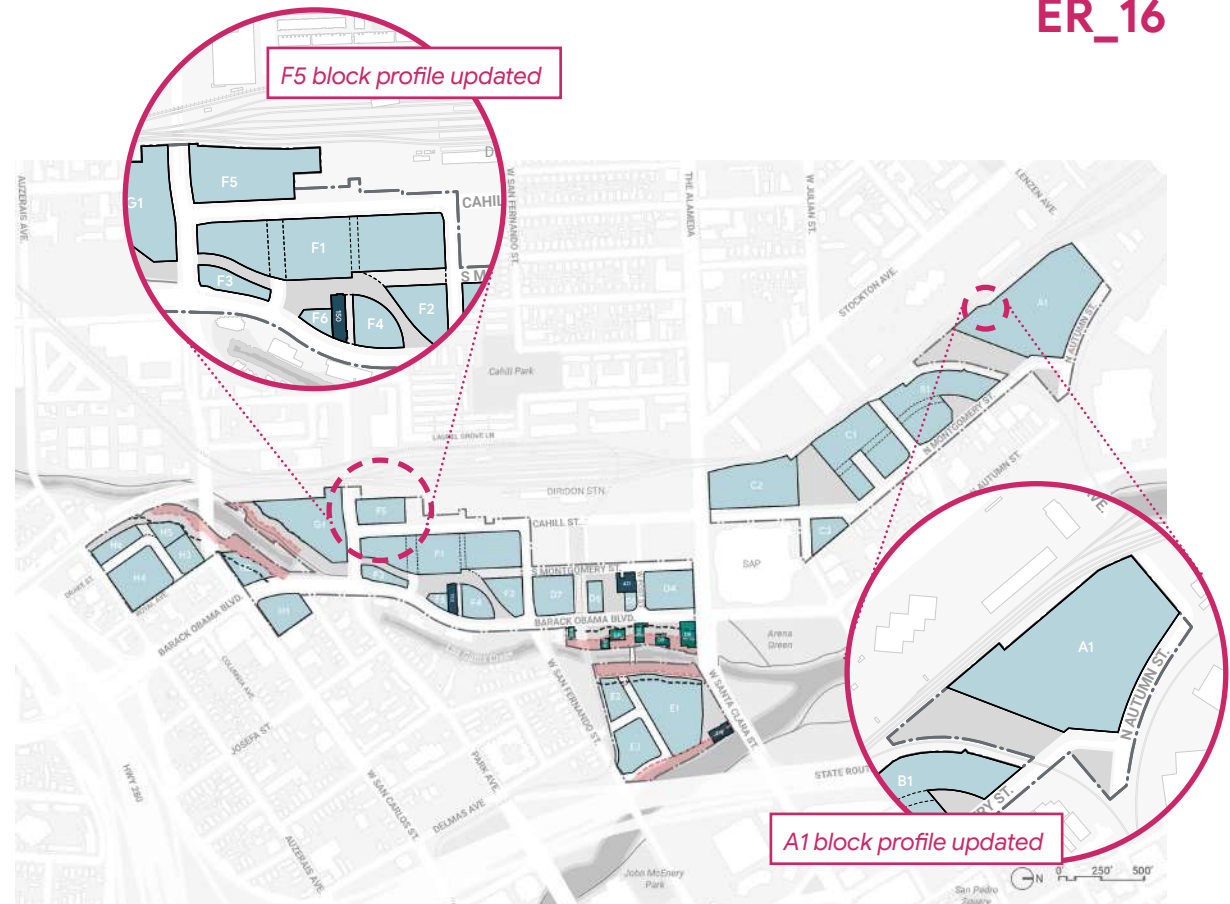


FIGURE 5.9: Block plan

- New development blocks
- Existing historic buildings to be rehabilitated (See Section 5.15)
- Existing buildings at Creekside Walk (Section 4.16) to be altered or replaced (See Section 5.6)
- ⬢ 50 feet from riparian corridors (no new development)
- ⬢ 100 feet from Los Gatos Creek Riparian Corridor (see Section 5.17)

- New development on blocks G1 and H5 shall be prohibited within 100 feet of the Los Gatos Creek Riparian Corridor. Additional standards and guidelines applicable to blocks G1 and H5 along the riparian corridor include S5.17.2 and G.5.17.2.

See Figure 5.9 for locations of new development relative to riparian corridors. Refer to Section 4.8 for standards and guidelines applicable to open space design adjacent to riparian corridors.

S5.5.7 Riparian setback development limits at Creekside Walk.

The following development restrictions shall apply to existing structures at Creekside Walk (see Section 4.16) — which are located at blocks D8, D9, D10, D11, D12, and D13:

- Cosmetic improvements and maintenance (as defined in Muni Code section 24.01.355) shall be permitted for existing structures at Creekside Walk blocks D9, D12 and D13. Improvements include but are not limited to building code compliance, accessibility, safety and other such reasons related to enabling safe and comfortable continued occupancy of the structures in their current location, so long as foundation-related structural work is not required. New building openings, such as

windows or skylights, shall be permitted for adequate access to light and air.

- Existing structures on blocks D8, D10, and D11 at Creekside Walk shall be permitted to be altered (as defined in Muni Code section 24.01.208) so long as the foundation of the building remains. Structures shall not exceed existing building footprints within the 50-foot Los Gatos Creek Riparian Setback. Altered structures are subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.

- If the property owner elects to demolish any building on blocks D9, ~~D12 or D13~~, the property owner is permitted to replace the demolished built area in a new building elsewhere in Creekside Walk. Replacement structures for blocks D9, ~~D12, and D13~~ shall not encroach into the 50-foot Los Gatos Creek Riparian Setback. Individual replacement structures shall be permitted to exceed the gross square footage of the existing structure in accordance with the square footage limits of additions described below. Replacement structures are subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.

- Vertical and horizontal square footage additions shall be

permitted outside of the 50-foot

- The existing structure at block D13 shall be replaced by the relocated 35 South Autumn Street (Barack Obama Boulevard) main structure (see S5.15.3). The structure from 35 South Autumn Street shall be relocated within the building footprint of 74 South Autumn (Barack Obama Boulevard) and outside of the 50-foot Los Gatos Creek Riparian Setback.

square footage additions within the Creekside Walk shall not exceed 17,500 gross square feet beyond the total built area of existing structures. Square footage additions are subject to applicable standards in Sections 5.6, 5.7, 5.8, and 5.13.

- Relocated historic resources, as identified in S5.15.3 and S5.15.4, shall not be permitted within the 50-foot Los Gatos Creek Riparian Setback.

S5.5.8 Setbacks. No minimum building setbacks shall be required for any use within the property line, except for setbacks from the riparian corridor as identified in this section and S5.17.1. New development that is setback from the property line shall conform to the streetwall requirements in Section 5.8.

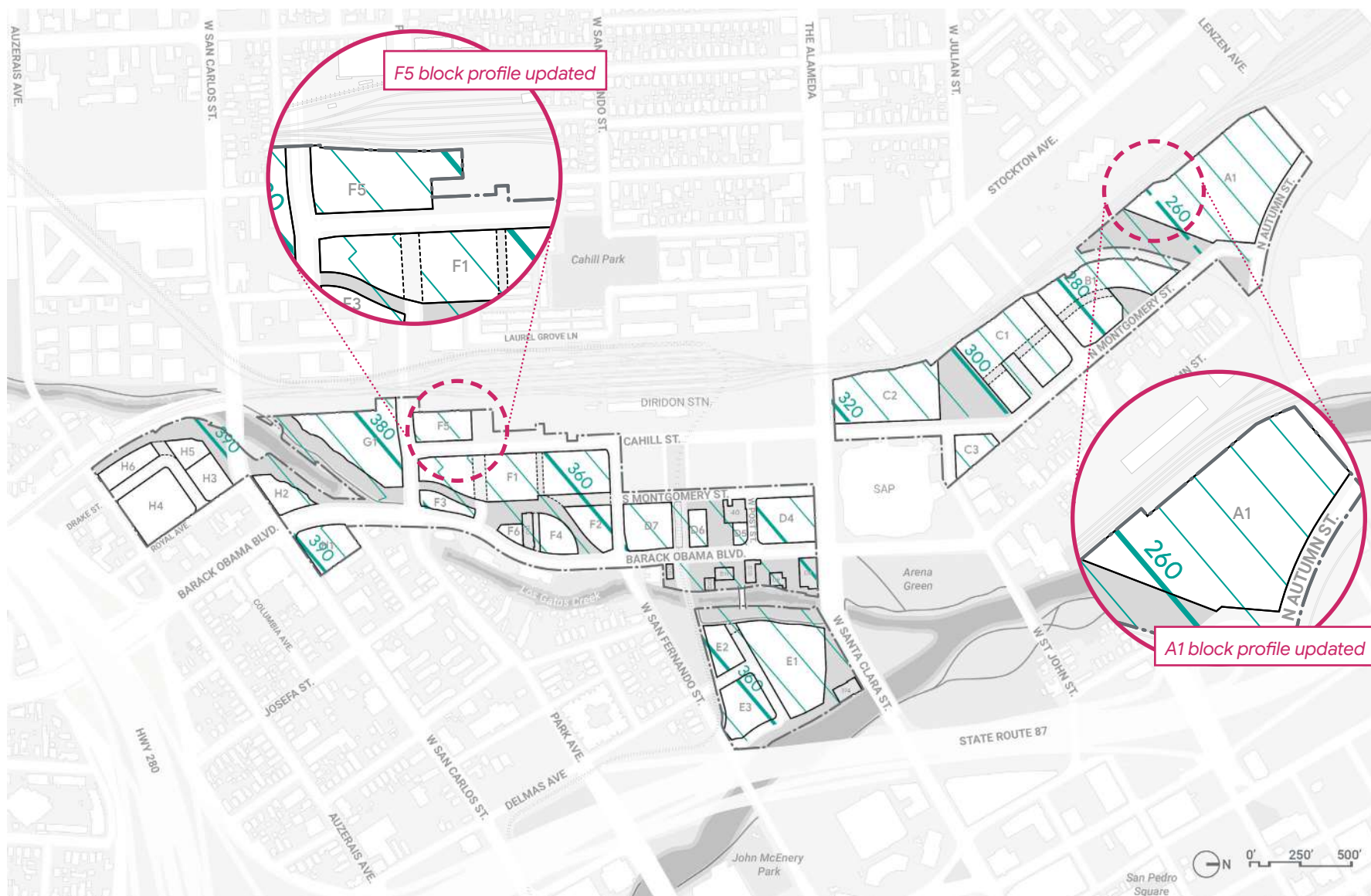


FIGURE 5.11: FAA NAVD 88 maximum height contours

— 5 foot NAVD 88 height contours

S5.6.3 Blocks with limited heights. The following blocks shall not exceed the height as listed below and denoted in Figure 5.12 (height is measured to top of roof):

- Blocks D5 and F6: 40 feet maximum height
- Block D6: 80 feet maximum height
- Block H1: 150 feet maximum height
- Blocks H5 and H6: 90 feet maximum height

Additional perimeter height and massing requirements apply to blocks E1/G1 (S5.17.2), E2/E3 (S5.15.15 and S5.15.16), H1 (S5.16.2), H2 (S5.17.1), and H3/H4/H6 (S5.16.3). Height and footprint limits to structures ~~within open space~~ are outlined in Section 4.25.

For heights adjacent to historic resources refer to Section 5.15. Refer to DDG Section 4.4.7.a for information on rooftop appurtenances and mechanical equipment.

outside of new development blocks, identified in Figure 5.9,



FIGURE 5.12: Illustrative maximum height per block above current ground level

180 feet	215 feet	255 feet	270 feet	290 feet
200 feet	230 feet	265 feet	280 feet	Limited height locations

NOTE: Maximum heights are limited for new development within blocks D5, D6, D8-D13, F6, H1, H5, and H6. For blocks with limited height, height is measured to top of roof. For more information on limited heights per block see S5.6.3.

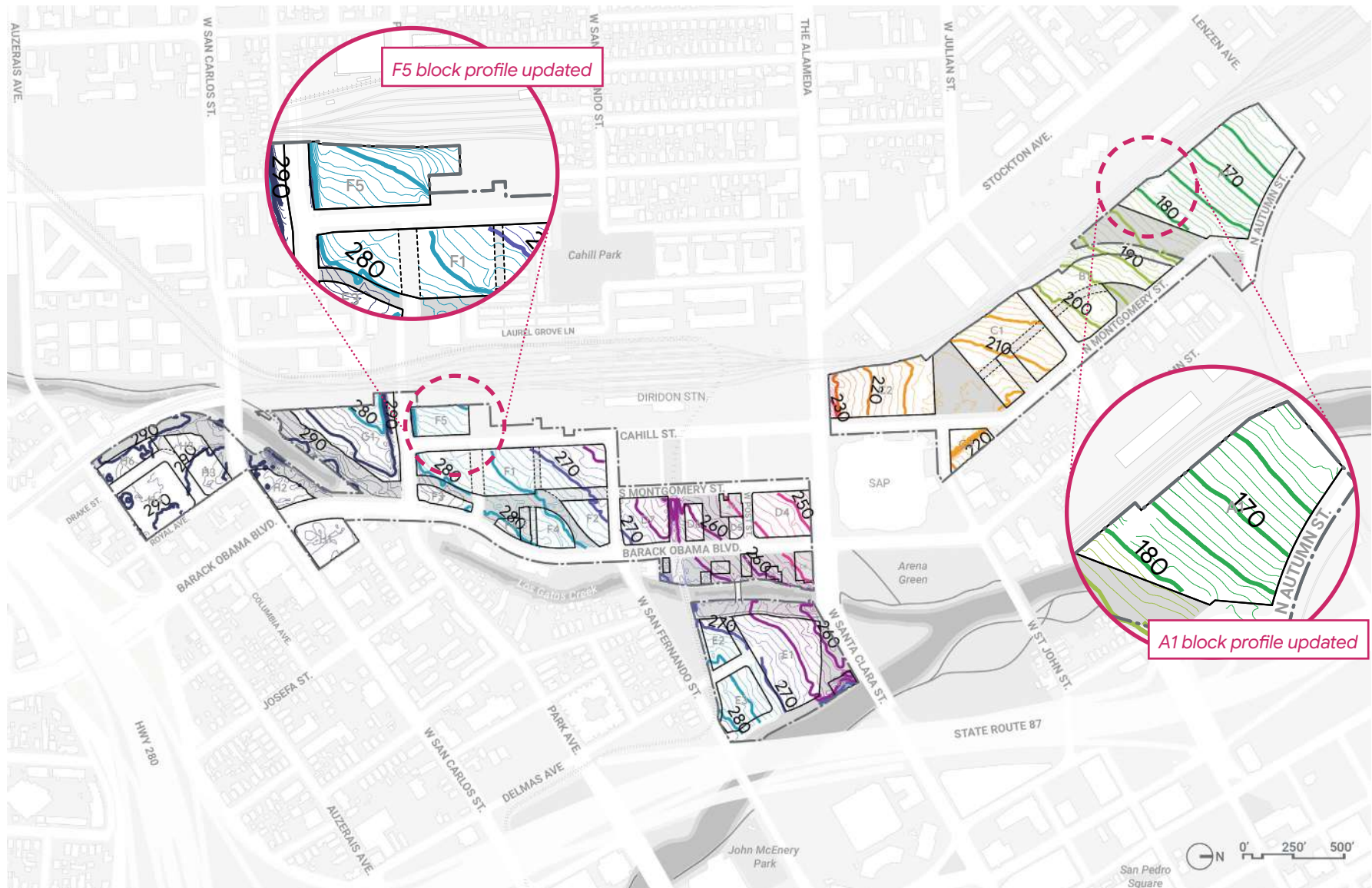


FIGURE 5.13: FAA NAVD 88 maximum height shown above current ground level



5.8 Pedestrian Level Design

The pedestrian level creates a building's identity, hosts activation, and encourages human engagement. Frequency of activation, variety of uses, and facade design influence the public realm experience. The pedestrian level is used to describe the ground floor. It prioritizes a fine-grain rhythm through various architectural elements and strategies. The standards and guidelines in this section are intended to prevent monotonous pedestrian level facades and reduce lengths of uninterrupted opaque walls.

Relevant DDG standards and guidelines that apply to Downtown West pedestrian level design include DDG Sections 5.3.1.a, 5.3.1.b, and 5.3.2 unless superseded by the DWDSG.

Terms

- **Visible light transmittance (VLT) factor.** VLT factor describes the percentage of visible light transmitted through glass. A product with a higher VLT factor transmits more visible light. VLT factors referenced in this document refer to entire glazing units, not singular pieces of glass.

Streetwall

A streetwall establishes the edge of the public realm. A higher percentage of built area within the streetwall zone promotes clear sightlines and urban edges. A lower percentage of built area within the streetwall zone gives opportunity for expanded vegetation, being best suited along Los Gatos Creek and passive landscaped areas.

The DDG applies streetwall requirements according to frontage classification as shown in DDG Section 2.2. For Downtown West, the DDG classification has been superseded per Figure 5.16. Relevant DDG standards and guidelines that apply to the Downtown West streetwall include DDG Section 4.3.3 unless superseded by the DWDSG.

Standards

S5.8.1 Measuring streetwall. For a portion of new development within the pedestrian level to qualify as a streetwall, it must be located within 10 feet of the property line or within three feet of a specified setback line for the entire height of the pedestrian level.

[DDG standard 4.3.3.a — superseded]

S5.8.2 Linear streetwall percentage.

Required minimum linear streetwall percentages for new development are designated per the street frontage classifications (see Figure 5.16), and shall be assessed as a percentage of the building length:

- Urban park/plaza frontage street — minimum 70 percent.
- Primary addressing street — minimum 70 percent.
- Secondary addressing street — minimum of 50 percent.
- Other street (including private streets) — minimum of 30 percent.
- Open space frontage — minimum of 30 percent.

Frontage along Los Gatos Creek — including altered or replacement structures on blocks D8, D9, D10, D11, D12, D13, and new development on E1, E2, G1, and H2 — shall be exempt from this requirement to enhance riparian habitat ~~within the Los Gatos Creek Riparian Corridor~~ adjacent

For definitions of the DDG street frontage categories see DDG Section 4.3.3.

[DDG standard 3.2.2.a and 4.3.3.b–f — superseded]

S5.8.3 Pedestrian level setbacks. Pedestrian level facade setbacks shall not exceed a depth greater than one-third of the setback height as illustrated in Figure 5.17.

Blocks F3 and D6 shall be exempt from this standard. Additionally, up to 30 percent of active use frontage shall be exempt from this standard. Frontage requiring an active use is identified in Figure 3.5 and the definition of active use is further defined in Section 3.1.

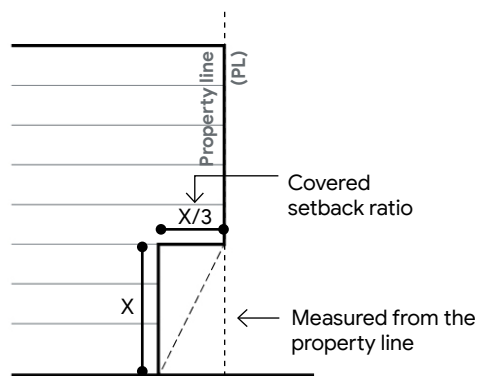


FIGURE 5.17: Section of pedestrian level setback

S5.8.4 Minimum ground floor height. A minimum 16 feet clear height to finished ceiling shall be provided in all ground floor uses, except for the following:

- Ground floor active uses within residential buildings located ~~north of West St. John Street or South of West San Carlos Street~~ on blocks C1, H1, H3, H4, H5, and H6 shall provide a minimum 12 feet clear height to finished ceiling ~~shall~~.
- Ground floor residential and parking uses shall not be subject to a minimum clear height to finished ceiling

[DDG standard 5.3.2.b — superseded]

S5.10.2 Non-office use skyline level occupiable projections. Skyline level occupiable projections — including balconies and bay windows — of residential, hotel, and limited-term corporate accommodation uses shall be permitted to project up to six horizontal feet beyond the property line above public and private streets, privately-owned public parks, and semi-public open space. Any individual occupiable projection shall not exceed 150 square feet with a minimum horizontal spacing no less than 50 percent of the widest adjacent projection. Individual projections and spacing shall be measured by level. See Figure 5.25 for examples.

Skyline level occupiable projections beyond the property line shall not be permitted over City-dedicated parks, trails, or within 100 feet of the Los Gatos Creek Riparian Corridor as shown in Figure 5.9.

[DDG standards 4.3.3.i and 4.3.3.j — superseded]

S5.10.3 Office use skyline level occupiable projections. Occupiable projections in the skyline level of office uses shall be permitted to project up to six horizontal feet beyond the property line above private streets, privately-owned public parks, and semi-public open space. Any individual occupiable projection shall not exceed 10 percent of the facade length. The facade area of aggregated occupiable projections shall not exceed 25 percent of the overall skyline level facade area. Skyline level occupiable projections beyond the property line shall not be permitted within 100 feet of the Los Gatos Creek Riparian Corridor as shown in Figure 5.9.

Skyline level occupiable projections on the south facade of block A1 and the north facade of block C2 shall be exempt from the dimensional requirements above and shall be permitted within the skyline level anywhere above semi-public open space.

Long Facade Credits

Downtown West buildings with long facades shall apply a minimum number of credits based on length and classification as a primary long facade or secondary long facade, as shown in Figure 5.30. For further clarification on how to measure the length of a facade with examples, see Section B.2.

Credit requirements are described in S5.11.5, S5.11.6, and S5.11.7. For further clarification on how to measure credits with examples, see Section B.3.

Standards

S5.11.3 Long facades 350 to 550 feet in length. Facades that are 350 to 550 feet in length shall achieve a minimum number of credits as listed below (See Table 5.3):

- Primary long facades shall achieve three credits
- Secondary long facades shall achieve two credits

S5.11.4 Long facades greater than 550 feet in length. Facades that are greater than 550 feet in length shall achieve a minimum number of credits as listed below (See Table 5.3):

- Primary long facades shall achieve four credits
- Secondary long facades shall achieve three credits

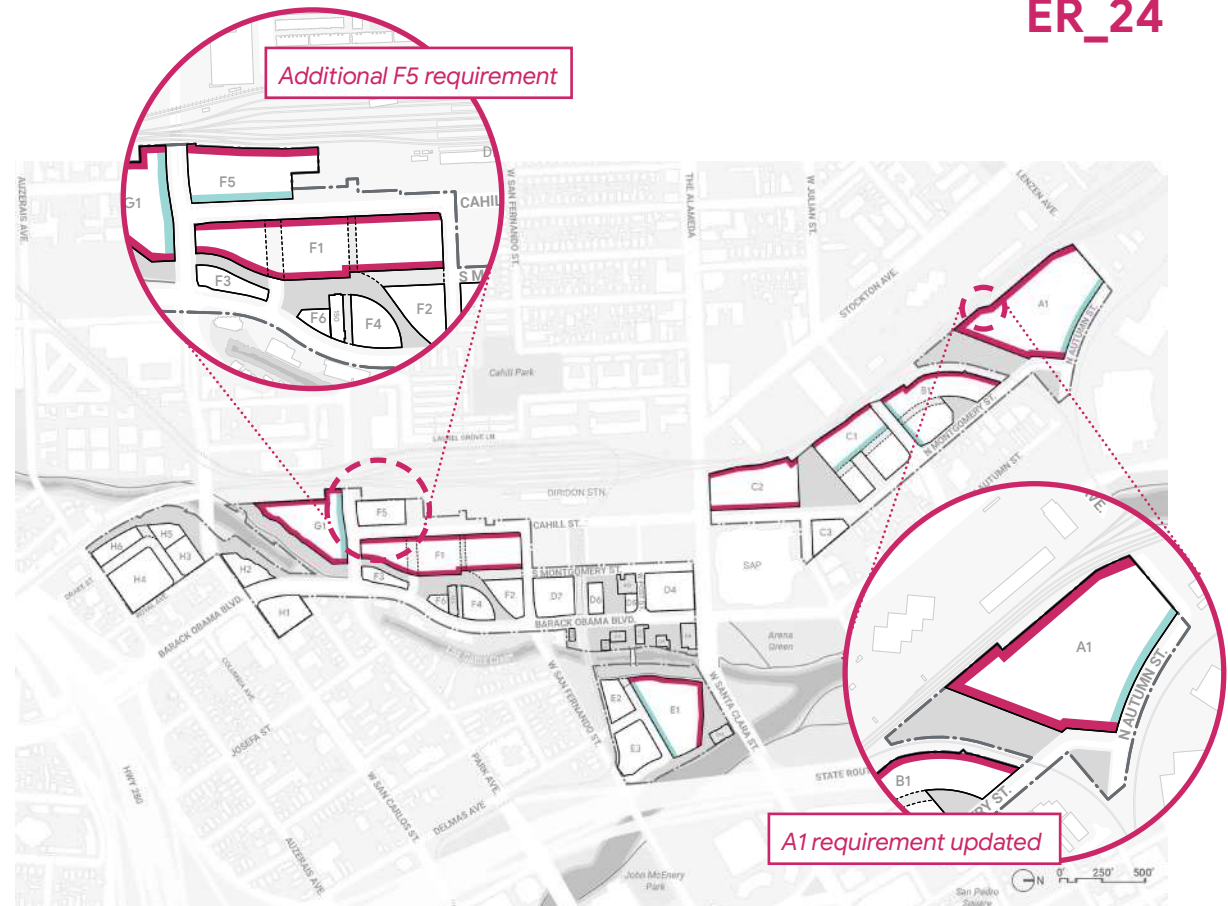


FIGURE 5.30: Primary long facade and secondary long facade locations

- Primary long facades
- Secondary long facades

TABLE 5.3: Credit requirements

	350 TO 550 FEET FACADE LENGTH	OVER 550 FEET FACADE LENGTH
Primary long facade	3	4
Secondary long facade	2	3

S5.15.2 559, 563, and 567 West Julian Street relocation. The main structures of 559 West Julian Street, 563 West Julian Street, and 567 West Julian Street — three one-story Folk Victorian style single family homes identified as eligible Candidate City Landmarks — shall be relocated to the Creekside Walk (see Section 4.16). Each of the three buildings shall be permitted as replacement square footage for demolished existing structure(s) at Creekside Walk or as additional permanent structure (see Section 4.25), at the applicant's option. Each building shall be relocated within Creekside Walk to the north of the VTA rail corridor, west of the 50-foot Los Gatos Creek Riparian Setback, and south of 450 West Santa Clara Street.

Each building shall remain an independent structure, unattached to other existing buildings or new structures. All three buildings shall be relocated in a manner that maintains their approximate adjacency to each other — retaining the order of their addresses along Barack Obama Boulevard. The maximum distance between neighboring relocated buildings shall not exceed 40 feet. Each relocation shall retain the buildings relative position to the addressing street — oriented toward Barack Obama Boulevard — and shall be setback no greater than 40 feet from the street.

Modifications to 559 W. Julian Street, 563 W. Julian Street, and 567 W. Julian Street shall not be required to comply with the Secretary of the Interior's standards.

S5.15.3 35 South Autumn Street (Barack Obama Boulevard) relocation. The main structure of 35 South Autumn Street (Barack Obama Boulevard) — a single family home dating from 1880 located along the west side of Barack Obama Boulevard — shall be relocated to block D13 ^{as a replacement structure pursuant to S5.5.7.} ~~within the current building footprint of 74 South Autumn (Barack Obama Boulevard) and outside of the 50-foot Los Gatos Creek Riparian Setback, pending structural feasibility. The relocation of 35 South Autumn (Barack Obama Boulevard) shall be permitted as a replacement of existing structure, a pavilion structure, or a permanent structure (see Section 4.25) within Creekside Walk. The structure shall not be relocated within the 50-foot Los Gatos Creek Riparian Setback.~~ Modification to 35 South Autumn Street (Barack Obama Boulevard), a Structure of Merit, shall not be required to comply with the Secretary of the Interior's standards.

S5.15.4 145 South Montgomery Street facade salvage. The entryway and six arched openings on the east facade of 145 South Montgomery Street — the former Sunlite Bakery Bread Depot built in 1936 — fronting South Montgomery Street shall be salvaged within the Project. The relocation site shall be determined prior to approval of a demolition at the site. The facade salvage of 145 South Montgomery shall not be required to comply with the Secretary of the Interior's standards.

Guidelines

G5.15.1 Industrial heritage. Displaying or repurposing pieces of San José's industrial or agricultural heritage in the public realm is encouraged. Examples include but are not limited to machinery, components of industrial processes, and former uses in the area.

Standards

S5.16.1 Architectural height reference for single-family residential. New development adjacent to or across the street from single-family residential, as illustrated in Figure 5.62, shall establish an architectural height reference within the podium level of the building. Height references shall have a minimum depth of nine inches. Strategies include but are not limited to distinct fenestration lines, massing stepbacks, volumetric shifts, or material changes with a dimensional aspect.

New development shall be exempt from the above requirement should ~~redevelopment of the adjacent or facing single-family residential be redeveloped with new development that exceeds~~ 40 feet in height. ~~residences~~ ~~residential~~ ~~to exceed~~

[DDG standard 4.2.2.a-c — superseded]

S5.16.2 Block H1 skyline level stepback. Block H1 shall not exceed 90 feet in height as measured to top of roof within 50 feet of the property line on the north and east edges of the block. The remainder of the block is capped in height by S5.6.3

S5.16.3 Blocks H3, H4 and H6 skyline level stepbacks. Blocks H3, H4, and H6 shall cumulatively stepback all levels above 90 feet from grade an average of 20 feet from the property line for 50 percent of the linear block frontage along both Royal Avenue and Auzerais Avenue. The average stepback area is measured up to a 40-foot depth of the property line. Balconies projecting beyond the facade up to six feet deep shall be excluded from this standard. The required location of stepbacks as well as examples are illustrated in Figure 5.63 and Figure 5.58, respectively.



FIGURE 5.63: Blocks H3, H4, and H6 built area stepback fronting low-rise context

- 40-foot limit of measurement
- 20-foot offset from the property line

Bird-Safe Design

Reflective and transparent materials cause hazardous collisions for birds, particularly along the riparian corridor. Bird-safe treatment in new development, additions, and altered existing buildings reduces bird mortality from circumstances that are known to pose a high risk to birds — known as “bird hazards.” Examples of bird hazards include free-standing clear glass walls, glass corners, glass walls around planted atria, interior plantings that are visible from outside the building, skywalks, greenhouses on rooftops, and glass balconies. The standard in this section is in addition to the Riparian Corridor Protection and Bird-Safe Design Policy approved by Council in 2016. Additionally, all standards and guidelines listed in DDG Section 4.4.2.b apply to new development in Downtown West. See Figure 5.72 for approximate locations of facades within 300 feet of a riparian corridor.

Standard

S5.17.5 Enhanced bird-safe design. Bird-safe treatment shall be required on any uninterrupted glazing segment larger than 24 square feet located within 300 feet of a riparian corridor and within ~~the less than~~ 60 feet in height above grade for facades ~~that have 50 percent or less~~ ^{with less than 50 percent} glazed surface. Glazing on active use frontage within 15 ~~feet~~ vertical feet above grade that is not visible from the riparian corridor shall be exempt from complying with this standard.

Bird-safe treatment strategies include but are not limited to high translucency / low reflectivity glazing, angled glazing, fritted or etched glazing, mullions, grilles, ^{artistic glass and / or film,} shutters, louvers, netting, screening, shading elements, awnings, or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy.

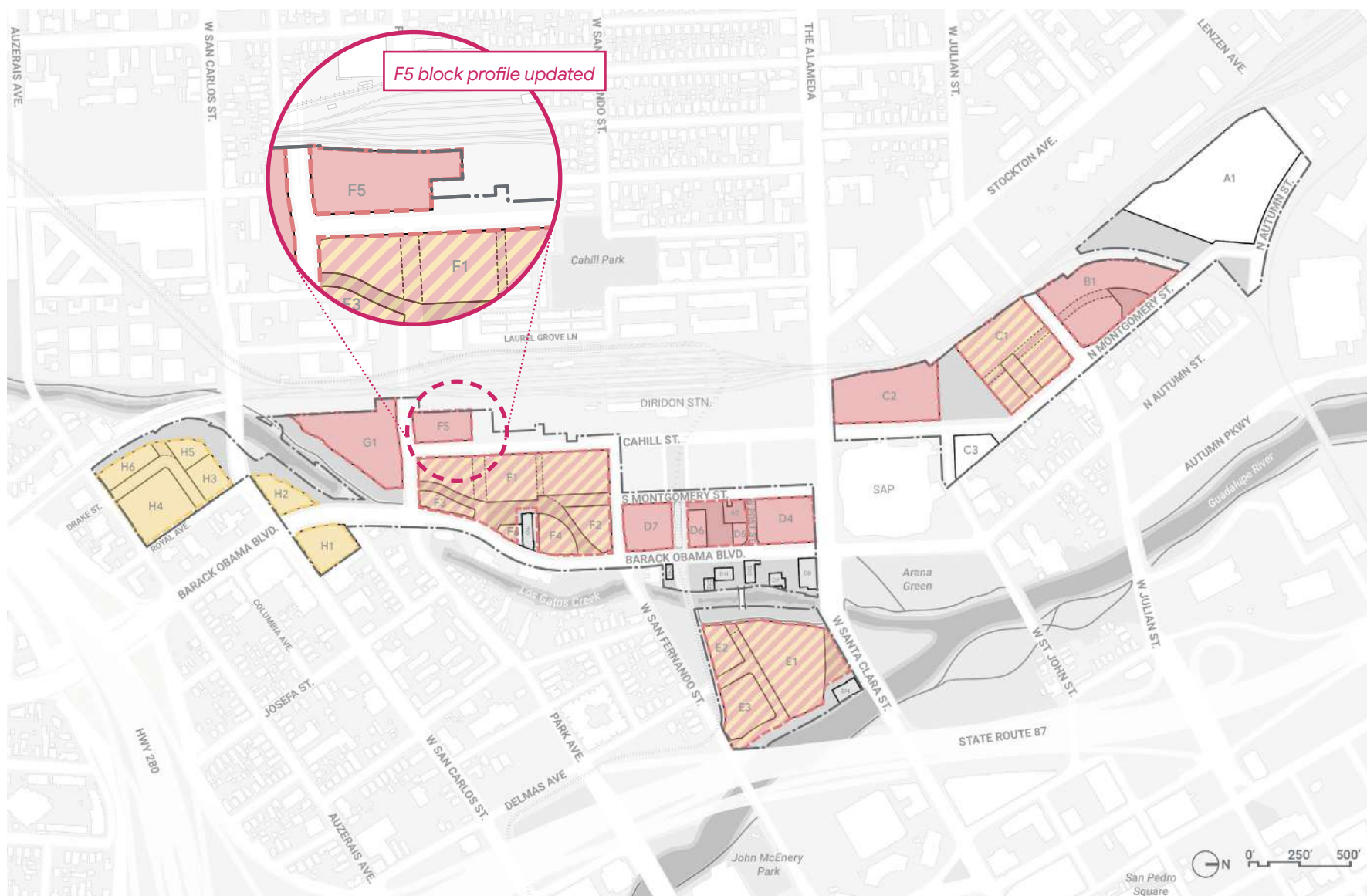


FIGURE 6.53: Conceptual off-street parking garages

- Commercial / public garage
- Commercial / public and residential garage
- Residential garage

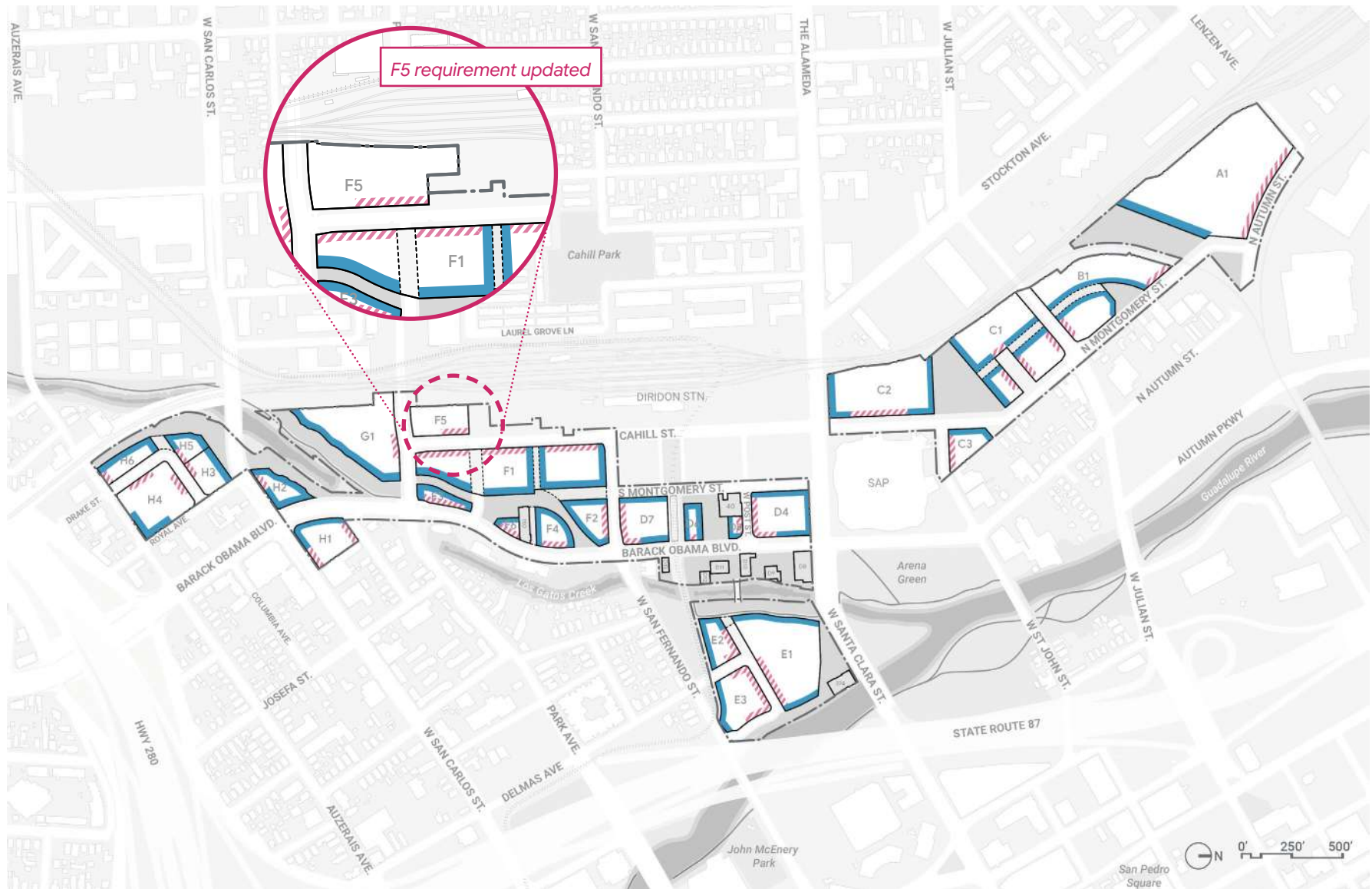


FIGURE 6.54: Prohibited curb cut locations

- /// Preferred locations for off-street parking and loading entrance
- Protected edge — curb cuts for parking or loading access prohibited

7.3 Lighting Overview

Lighting enriches the pedestrian experience and sets the ambience of place. Downtown West approaches lighting in relation to context, comfort, atmosphere, and character, as well as considerations for safety, performance, energy reduction, and light pollution reduction. Generally, lighting across the Project is scaled to the pedestrian and to experiences in the public realm. Lighting standards and guidelines are organized into four sections: public realm (Section 7.3), adjacent to riparian corridors (Section 7.4), buildings (Section 7.5), and streets (Section 7.6).

Public Realm Lighting

Establishing a clear hierarchy of lighting fixture types and levels helps seamlessly integrate lighting into the public realm. The lighting fixture palette for public spaces accommodates different heights, finishes, and orientations as illustrated in Figure 7.5. Incorporating accent, landmark, and custom lighting is encouraged throughout the Project to highlight specific features and reinforce an active ground floor, vibrant street life, and various open space activities.

Terms

- **Light trespass.** Light trespass occurs when an unshielded light fixture is installed within a building, producing a spillage of direct light in unwanted or unintended areas.
- **Light pollution.** Light pollution occurs when there is excessive use of artificial light spilling into the sky.
- **Glare.** Glare occurs when light fixtures emit excessive bright light, causing visual discomfort and visibility reduction.
- **Dark-Sky.** Dark-Sky refers to an absence of artificial light as a result of light pollution reduction.
- **Wildlife-friendly lighting.** Wildlife-friendly lighting strives to keep artificial lighting to a minimum while also limiting light color and glare that can be disruptive to wildlife and riparian ecological processes. The color temperature of wildlife-friendly lighting is within the green to yellow spectrum. Bright white and blue light (over 3,000 kelvins) disorient birds and insects and can also affect vegetation respiration. Nighttime red lighting interferes with bird migration orientation.

Standards

S7.3.1 Open space lighting element placement. Lighting elements located within open space pathways shall be embedded into the ground surfaces in a manner so as not to obstruct a clear path of travel.

S7.3.2 Enclosed electrical elements. Enclosed electrical elements such as conduits, junction boxes, transformers, and panels shall have vandal-proof enclosure, and associated conduits shall be concealed as illustrated in Figure 7.3.

Power sources and conduits shall be embedded into ground surfaces to support temporary lighting fixtures, internet, audio / visual, art, and other installations.

S7.3.3 Dark-Sky open space lighting. All open space lighting, ~~excluding lighting for art,~~ shall install lighting that has a color temperature of less than or equal to ~~2,700~~ ^{2,700} kelvins. Lighting requirements for art adjacent to a riparian corridor shall follow S7.4.7.

- Lighting from the interior of structures shall not be directed into a riparian corridor nor the riparian setback. Interior lights near windows in the riparian setback shall be shielded at light source and directionally down-lit

S7.4.6

Lighting for portions of structures in the ecological enhancement zone. The following shall apply to non-emergency lighting for portions of structures and associated exterior open space program elements within the ecological enhancement zone:

- Lighting shall not be directed toward a riparian corridor nor the riparian setback
- Fully shielded, and downward-directed wildlife-friendly lighting shall be permitted outside of, or on the exterior of structures
- Landscape-focused lighting such as tree up-lighting or spotlighting shall not be permitted
- Lighting from the interior of structures shall not be directed into a riparian corridor nor the riparian setback. Interior lights near windows adjacent to the riparian setback shall be shielded at light source and directionally down-lit

S7.4.7

Lighting for art in the riparian setback. The following shall apply to art objects and associated program lighting within Los Gatos Creek and Guadalupe River Riparian Setback:

- Up-lighting shall avoid light trespass past the piece of art or associated program and shall not be within 25 feet of a riparian corridor
- Downlighting shall be directed away from a riparian corridor, fully shielded and limited to the immediate vicinity of the object (no more than three feet from the object). Downlighting shall not be within 25 feet of a riparian corridor
- Internally lit art pieces shall have light directed fully away from a riparian corridor that is not widely cast. Internally lit art pieces shall not be allowed within 25 feet of a riparian corridor
- Light intensity shall be low and limited to the wildlife-friendly lighting spectrum
- Light levels shall not exceed the intensity of the adjoining trail lighting
- Wall-wash lighting shall not be permitted in the Los Gatos Creek Riparian Setback

• Art lighting within 35 feet of the riparian corridor shall be prohibited. Art lighting within 35 to 100 feet from the riparian corridor shall have a color temperature less than or equal to 2700 kelvins and shall be turned off after park hours of operation.

- Light intensity and glare will be analyzed by a qualified wildlife biologist at subsequent design phase and future lighting technologies unforeseen at this time shall be permitted if a letter of professional determination from a biologist is submitted that demonstrates such lighting technologies would avoid light and glare impacts to wildlife within a riparian corridor



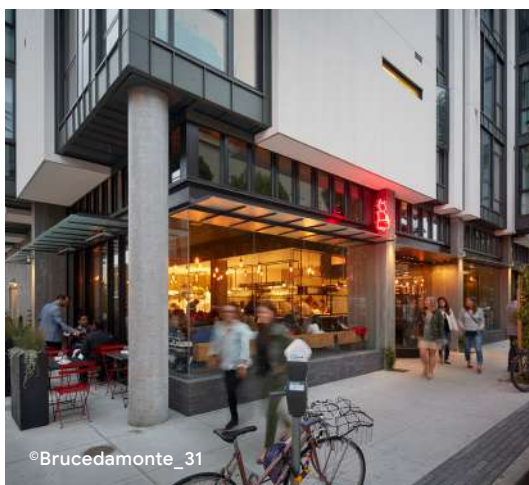
FIGURE 7.6: Example of lighting application adjacent to riparian corridors



WALKABLE DESTINATIONS



LEED ND GOLD CERTIFICATION



MIXED USE



CONSTRUCTION TECHNOLOGY

Green Building Certifications

The Project has committed to meeting the AB 900 requirement of LEED® Gold through the LEED® for Neighborhood Development rating system (LEED® ND) for the entire mixed-use plan. The Project also makes the commitment that all office buildings will achieve LEED® Gold through LEED® for Building Design and Construction (LEED® BD+C) rating system, a commitment beyond the City of San José's New Construction Green Building Requirement. Strategies to achieve LEED® BD+C include but are not limited to energy and water efficiency, sustainable materials and resources, indoor environmental quality, and innovation.

In addition, all new buildings larger than 10,000 square feet must comply with the City of San José New Construction Green Building Requirement, which are summarized below by building type:

- All buildings that are not office or residential uses must receive a minimum certification of LEED® Silver
- High-rise residential buildings must receive a minimum certification of LEED® Certified
- Mid-rise residential projects must receive the minimum green building performance requirement of LEED® Certified or GreenPoint Rated
- Mixed-use new construction buildings must submit a checklist and receive the minimum green building new construction certification designation for each use within the building

FIGURE 8.4: Examples of Downtown West's sustainability approach

Gross Square Feet (GSF)

Total floor area inside the building envelope, including the external walls and basements, and excluding the roof.

Ground Floor

The ground floor is the component of the building that enhances the pedestrian experience by relating architectural expression to human scale. Ground floor design encompasses entrances, facade transparency, and active frontage. Aligns to the DDG definition of “pedestrian level” from DDG A.1 Glossary.

Guidelines

Development guidelines are typically more subjective and set forth design intent, design expectations, and encouraged or discouraged features. Individual developments should consider guidelines in good faith, recognizing that achieving consistency with many (though not all) guidelines may be subjective or subject to external conditions or factors, or may be achieved through a variety of strategies. Guidelines are identified using the language “should,” “encouraged to,” or “may.”

High Speed Rail

High Speed Rail (HSR) refers to the planned California High-Speed Rail system administered by the California High-Speed Rail Authority (CHSRA). A station on this system is planned for the Diridon Station Area within San José, providing direct connection to San Francisco and to southern and northern California.

Historic Resources

Historic resources in the Project are identified through CEQA analysis, and include resources listed in or eligible for the National and California Registers, resources that are candidates to be or are listed as City Landmarks, as well as resources that are eligible for or listed in the San José Historic Resource Inventory (HRI).

Infrastructure

The fundamental facilities and systems serving the City of San José or the Project through district infrastructure. Facilities and systems include but are not limited to transportation networks, communication systems, and utilities. As referred to in the DWDSG, infrastructure includes both facilities that produce a needed resource or capacity and the distribution network that supplies those resources.

LEED®

Leadership in Energy and Environmental Design (LEED®) is the most widely used green building rating system in the world. It provides a framework for healthy, highly efficient, and cost-saving green buildings.

Light Rail Transit (LRT)

Light Rail Transit (LRT) is an electric railway with the capacity to carry a lighter volume of passengers than heavy rail. LRT in San José is operated by VTA.


Limited-Term Corporate Accommodations

A land use defined in the GDP. Limited-term corporate accommodations are facilities owned, leased, or made available by a business entity for occupancy by the entity's officers, employees, consultants, vendors, contractors, or sponsored guests who do not intend to use it as their domicile and who have not entered into a written rental or lease agreement or provided payment of a fixed amount of money to occupy the unit. Occupancy of a limited-term corporate accommodation shall not be made available to the general public. Occupancy of a limited-term corporate accommodation by any person shall not exceed 60 consecutive days. Kitchen areas, food services, and other related services pertaining to use of the facilities, including but not limited to cleaning and maintenance, are permitted. A limited-term corporate accommodation may include multiple bedrooms.

any payment in a , provided that employee compensation and benefits received from the business entity shall not be considered payment.



Downtown West



Conformance Review Implementation Guide

April 9, 2021

DOWNTOWN WEST CONFORMANCE REVIEW IMPLEMENTATION GUIDE

This Downtown West Conformance Review Implementation Guide (Implementation Guide) sets forth the procedures for the City of San José's review and approval of Conformance Review Applications for Vertical Improvements, Open Space Improvements, and Horizontal Improvements necessary to implement the Downtown West Mixed-Use Plan (Project). Capitalized terms used but not otherwise defined in this Implementation Guide shall have the meanings for such terms set forth in the Development Agreement between Google and the City of San José and other applicable Project Approvals and Project Documents.

I. INTRODUCTION

The Downtown West Planned Development Zoning District (Downtown West PD Zoning District) establishes the Conformance Review process to ensure that the development of Vertical Improvements, Open Space Improvements, and Horizontal Improvements substantially conform with the requirements of the General Development Plan (GDP), the applicable standards and guidelines in the Downtown West Design Standards and Guidelines (DWDSG), the Downtown West Improvement Standards (DWIS), Infrastructure Plan, and applicable Project Approvals and Project Documents.

The Conformance Review process involves the submission of one or more of the following applications as the design and development of the Project progresses:

- "Vertical Conformance Review Application" which refers to schematic design development level of detail for Vertical Improvements. Specific submittal requirements for a Vertical Conformance Review Application are set forth in Section II.A.
- "Open Space Conformance Review Application" which refers to schematic design development level of detail for Open Space Improvements, which includes Project Sponsor-Owned Open Space and City-Dedicated Open Space as defined in Section 4.5 of the DWDSG. City-Dedicated Open Space includes City-Dedicated Parks and the Los Gatos Creek Multi-Use Trail. Specific submittal requirements for an Open Space Conformance Review Application are set forth in Section III. The submittal of the Open Space Conformance Review Application for a City-Dedicated Park (equivalent to 35% construction drawings) satisfies the 35% Park Improvement Plans under the Parkland Agreement.
- "Horizontal Conformance Review Application" refers to the horizontal review process that consists of the following components: optional preliminary-level conceptual drawings; 35% improvement plans; 65% improvement plans; and 95% improvement plans submitted to the Department of Public Works for review and comment as further described in Section IV.

The project sponsor may submit Conformance Review Applications for Vertical Improvements, Open Space Improvements, and Horizontal Improvements concurrently for City review and approval. For instance, at the project sponsor's election, an Open Space Conformance Review Application for Project Sponsor-Owned Open Space may be submitted concurrently with a Vertical Improvement Conformance Review Application for an adjacent developable area. In the event the project sponsor elects to submit an Open Space Conformance Review Application for

Project Sponsor-Owned Open Space and a Vertical Improvement Conformance Review Application concurrently, the City shall review and process the applications concurrently as if a single application.

For reference, Appendix B identifies applicable Project Documents and City regulatory documents that the City may refer to during the Conformance Review process.

II. VERTICAL CONFORMANCE REVIEW APPLICATION SUBMITTAL REQUIREMENTS

A. Overview

The project sponsor shall submit, and the Director of PBCE¹, shall review and approve or disapprove, a Vertical Conformance Review Application as set forth in Sections IV and V. Each Vertical Conformance Review Application shall consist of the following components, which are further described in this Section II: (a) data charts providing information regarding the proposed land uses, development program square footage, and type and number of residential units; (b) site plans, and drawings, as applicable, for the area that is the subject of the Vertical Conformance Review application; (c) a completed Vertical Improvement Conformance Review Checklist (*DWDSG Appendix C.1*); (d) request(s) for Minor Modification, Exception, Deferral, or Amendment to the Downtown West PD Permit, if applicable; and (e) Focused Local Transportation Analysis (Focused LTA).

Site plans, drawings, and other information provided with a Vertical Conformance Review Application should be presented in the following format:

1. All drawings, except for location map, shall be drawn to scale, at an appropriate scale between project size to sheet size and no smaller than 1/32" - 1'-0".
2. Submittal name and date, North arrow, key plan, project name, project sponsor's name, sheet title and sheet numbers shall all be included in the title block.
3. Drawings shall include dimensions that describe the development envelope and relationship with the property line.

B. Submittal Requirements

Each Vertical Conformance Review Application shall include the following information, as applicable, for the area subject to the Conformance Review Application:

1. Data Chart(s). Each submittal shall include a data chart(s) addressing the following, as applicable, for the area covered under the Vertical Conformance Review Application:
 - a. Name, address, project sponsor contact information, General Plan designation, assessor's parcel number(s).

¹ Pursuant to Sheet 8.01 in the GDP, the Planning Commission or City Council may act as the decision-maker for a CEQA determination in connection with a Conformance Review approval under certain circumstances.

- b. Program of land uses and approximate gross square footage of each use and building open space (as defined on Sheet 4.01 of the GDP).
- c. Proposed total building gross square footage above and below grade.
- d. Anticipated building height and number of floors on a building-by-building basis.
- e. Approximate number of off-street automobile parking stalls (identify private vs. public, type of parking (e.g. stacking, tandem, etc.), and long-term and short-term bicycle storage).
- f. On-Site Inclusionary Units: The total number of below-market rate residential units proposed as part of each Vertical Conformance Review Application, including the corresponding rentable square footage by unit type (bedroom count). Data on below-market rate units should also include tenure and number of units broken down by unit type, location of units, and level of affordability. The data should clearly identify the percentage of affordable units (i.e. percentage of total units proposed as part of the applicable Vertical Conformance Review Application restricted at 100% AMI for compliance with Mixed Compliance Option in Inclusionary Housing Ordinance). The data table should also identify the total cumulative number of market rate units and below-market rate units developed towards the 3,400 total number of market-rate and on-site inclusionary units pursuant to the Affordable Housing Program. The leasing and marketing plan for below-market rate units and a description of the access to amenities and the types of fixtures for the market rate units and the below-market rate units should also be provided consistent with the guidelines in the Affordable Housing Program. If clustering of restricted units is proposed, either within the market rate building or as a separate standalone building, an explanation of clustering benefits shall be provided.

Land Dedication Parcels: The total below-market rate units and corresponding rentable square footage by unit type located on the land dedication parcels identified in the Affordable Housing Program. Data on below-market rate units should also include tenure, number of bedrooms and number of units broken down by bedroom count, location of units, and level of affordability.

- g. Information indicating (i) whether the proposed development requires construction of a City-Dedicated Open Space, as indicated in the Parkland Agreement and exhibits thereto, (ii) the total acreage of City-Dedicated Open Space proposed, if any, including the amount of parkland dedication credits to be provided, (iii) whether the proposed development requires construction of a Project Sponsor-Owned Open Space, as indicated in the Development Agreement and exhibits thereto, (iv) the total acreage of Project Sponsor-Owned Open Space proposed, if any, including whether and how much of such acreage will be subject to a restrictive covenant, (v) an accounting of the total combined square footage of City-Dedicated Open Space and privately-owned open space

subject to a restrictive covenant that will be provided per unit, and (vi) an accounting of the Project's overall progress with respect to the Parkland Dedication Obligation.

- h. The number of residential units and/or amount of non-residential square footage transferred from one Sub-Area to another, if any as permitted under the GDP. The description shall include information (i) demonstrating that the proposed transfer does not exceed the maximum number of residential units and the total square footage for each non-residential use permitted in the GDP; (ii) showing the reductions in the number of residential units and/or non-residential square footage from a contributing Sub-Area.
 - i. A description of any proposed conversions of land uses, if any as permitted under the GDP.
 - j. A data table identifying the total square footage of development by land use that has been completed or is under active construction within the Downtown West PD Zoning District, including the total number of residential and commercial/public parking spaces that have been completed or are under active construction. Vertical Conformance Review Applications that include residential uses shall also track the number of residential parking spaces provided within the Sub-Area that is covered by the Conformance Review Application and demonstrate that the number of residential parking spaces meets the residential parking standards under the GDP. Vertical Conformance Review Applications that include office uses shall demonstrate that the number of commercial/public parking spaces meets the Required Parking Ratio identified in the Development Agreement (Exhibit K).
 - k. Building occupancy(ies), occupancy separation, type(s) of construction, fire control system.
 - l. If a Vertical Conformance Review Application includes Limited Term Corporate Accommodations, the project sponsor shall provide the following information: (1) net square feet of Limited Term Corporate Accommodations (as described in Section 4.4.1 of the Development Agreement) in the applicable Vertical Conformance Review Application; and (2) the total number of bedrooms proposed for the Limited Term Corporate Accommodations in the applicable Vertical Conformance Review Application. If the Limited Term Corporate Accommodations are proposed on a residential parcel, the project sponsor shall also provide the cumulative total net square feet (as described in Section 4.3.3 of the Development Agreement) of Limited Term Corporate Accommodations built or planned to be built to date.
2. Site Plan(s) and Drawings. The project sponsor shall submit site plan(s) and drawings that pertain to the area of development included in the Vertical Conformance Review Application, showing where applicable:

- a. Building relationships to landscaped areas, roads, sidewalks, mid-block passageways, any transit facilities, and open space areas. Include as applicable easements or setbacks. Public right-of-way improvements to be shown and dimensioned for reference only.
- b. Location of all existing buildings to be retained, existing buildings to be demolished and all proposed buildings.
- c. Location of driveways and garage entrances and location of pedestrian and bicycle access.
- d. Location of on-street and off-street parking spaces, loading (as applicable), and circulation.
- e. Fire access plan including fire exits, fire control room location(s), existing and proposed fire hydrants and/or standpipe, and fire truck access route.
- f. Location of potable water, wastewater and recycled water submeters on all proposed buildings.
- g. All existing and proposed grading and drainage conditions to be documented including:
 - Topography with pad elevations of the site and properties within 50 feet
 - Trees, sizes, species and condition, and disposition to be removed, if not previously identified
 - Contours and top of curb or top of walls as applicable
 - Drainage flows and overland release flows
 - Retaining walls, swales and drainage structure
- h. Proposed utility plan, stormwater control plan, and stormwater hydromodification management report, as applicable. (Refer to the City of San José's Universal Plan Application for detailed requirements.)
- i. Waste Management Plan, including the approximate 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.

- j. Building elevations, floor plans, and sections sufficient to describe the development proposal, the general architectural character, and materials proposed.
- k. For additions or modifications to existing building(s), clearly identify areas of changes, including materials and exterior elevation changes.
- l. Landscape design drawings showing layouts, materials and intent of landscape elements within the site boundary including but not limited to curb cuts, tree locations, planting area, stormwater flow-through planters, plant species and layouts, paving, material palettes, furnishing elements, hydrozones, and outdoor lighting. Open space and public improvements located outside the boundary of the applicable Vertical Conformance Review Application may be provided for reference only. If the project sponsor submits a combined application for Vertical Improvement and Project Sponsor-Owned Open Space, such open space shall be evaluated for conformance pursuant to the applicable Open Space conformance requirements.
- m. Mid Block Passages. The project sponsor may elect to submit mid-block passages for review with either a Vertical Conformance Review Application or an Open Space Conformance Review Application. If the project sponsor elects to submit mid-block passages for review with a Vertical Conformance Review Application, the project sponsor shall provide design drawings showing the layout, location, and dimension of the mid-block passage.
- n. For any residential building, if credit for Private Recreation Improvements is sought, include a written summary of all qualifying on site Private Recreation amenities, a table itemizing all proposed Private Recreation amenities by net square footage, location and classification type (active classification, non-active elements classification), dimensioned and labeled floor plans showing all recreational amenities, and photo simulations or other illustrative examples of proposed recreational accessories.
- o. District Systems. Where required, site plans and drawings that show the proposed location and alignment of the utilidor(s) within the development lots serving the building(s); location of pipe network, conduit, cables, other private utility connections to the utilidor; and identification of the private utilities provided through the district systems approach.

The project sponsor shall provide additional renderings, sketches, and other appropriate illustrative materials as reasonably necessary to: illustrate unique building design elements; indicate the architectural character of buildings and the relationship of such buildings to streets and open spaces; or demonstrate conformance with DWDSG standards.

3. Vertical Improvement Conformance Review Checklist. The project sponsor shall provide a completed Vertical Improvement Conformance Review Checklist (DWDSG Appendix C.1).

The Vertical Improvement Conformance Review Checklist identifies DWDSG standards and guidelines and DDG standards and guidelines that are applicable to development within Downtown West.

Compliance with applicable DWDSG standards is mandatory. The project sponsor shall consider DWDSG guidelines, however, Conformance Review shall be approved without the implementation of guidelines where the project sponsor provides information showing the subject application achieves the applicable design intent set forth in the chapter of the applicable guideline. The project sponsor shall provide a narrative that identifies the applicable guideline(s), describes the reason(s) why implementation of the guideline is not feasible, and describe how the subject application achieves the design intent in the chapter of the applicable guideline without implementation of the applicable guideline.

4. Minor Modifications, Exceptions, Deferrals and Amendments. The GDP authorizes the project sponsor to request the following types of relief from DWDSG standards: Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit.

The requirements for a Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit are set forth on Sheet 8.02 of the GDP. If the project sponsor seeks relief from one or more DWDSG standards as part of a Vertical Conformance Review Application, the project sponsor shall:

- a. Identify the type of relief requested;
- b. Describe the rationale for the requested relief; and
- c. Demonstrate that the criteria for such relief has been satisfied, as set forth on Sheet 8.02 of the GDP.

5. Focused LTAs. The project sponsor shall prepare and submit one or more Focused LTAs to provide additional building-specific analysis to demonstrate conformance with the City's Transportation Analysis Policy (Council Policy 5-1), multimodal transportation strategies, goals and policies in the General Plan and the City's Complete Streets Design Standards and Guidelines (CSDSG) and other relevant City standards. The Focused LTA scope will be limited to ensure that the following topics, which were not previously analyzed in the Local Transportation Analysis Report (Appendix J2 to the Downtown West Environmental Impact Report) dated October 7, 2020, the Site-wide Focused LTA, dated April 16, 2021 and the Closure of Delmas Ave Supplemental Memo, dated April 16, 2021 are consistent with City requirements and standards: bicycle and pedestrian infrastructure design, access, and conformance to existing plans and policies ; ADA compliance; sight distance; driveway operations; and traffic gap analysis. The limited scope of Focused LTAs described in this section will be

analyzed pursuant to the City of San José's Transportation Analysis Handbook (April 2020). The Director of PBCE, in consultation with the Director of Public Works, shall review a Focused LTA concurrently with other plans, documents, and information submitted with the associated Vertical Conformance Review Application in the time frames specified under Section IV.B. If a previously submitted Focused LTA includes building-specific analysis for building(s) that are the subject of a Vertical Conformance Review Application, the project sponsor shall identify the previously submitted Focused LTA to the Director of PBCE.

6. Central Utility Plants (CUPs). The design and development of up to two (2) central utility plants proposed for the Project shall be reviewed through the Vertical Conformance Review Application process. The plans will show the location of the CUPs including substations, switching rooms, heating and cooling central plants, energy storage and backup, waste water treatment plant and automatic waste collection system terminals. They also will show any interface with vertical buildings, landscaped areas, roads, sidewalks, mid-block passageways, any transit facilities, and open space areas. In addition to the applicable DWDSG standards, the CUPs are subject to any applicable standards set forth under the Infrastructure Plan and DWIS. The Director of PBCE shall approve a Vertical Conformance Review Application for a CUP, upon consultation with the Director of Public Works, as necessary, to confirm the CUPs are consistent with the Infrastructure Plan and DWIS.

III. OPEN SPACE CONFORMANCE REVIEW APPLICATION SUBMITTAL REQUIREMENTS

The project sponsor shall submit, and the Director of PBCE shall review and approve or disapprove, an Open Space Conformance Review Application as set forth in Sections IV and V. Each Open Space Conformance Review Application shall consist of the following components, which are further described in this Section III: (a) data charts providing information regarding the proposed open space program and associated acreage; (b) site plans, and drawings, as applicable, for the area that is the subject of the Open Space Conformance Review Application; (c) a completed Open Space Conformance Review Checklist (*DWDSG Appendix C.2*); (d) compliance with applicable requirements of the Parkland Agreement if the Open Space Conformance Application includes City-Dedicated Open Space; and (e) request(s) for Minor Modification, Exception, Deferral, or Amendment to the Downtown West PD Permit, if applicable.

Each Open Space Conformance Review Application shall indicate whether the area that is subject to the application includes City-Dedicated Open Space, Project Sponsor-Owned Open Space, or both.

1. Data Chart and Narrative. Each submittal shall include a data chart and narrative addressing the following, as applicable:
 - a. Narrative generally describing the program of open space, including design intent, programmatic elements, and character of the open space(s) included within the application submittal.
 - b. Proposed open space acreage for each open space category, as applicable.

- c. Amount of City Dedicated Park and/or Los Gatos Creek Multi-Use Trail with such acreages reflected and tracked using Exhibit E7 to the Parkland Agreement (Parkland Dedication Tracking and Verification Table).
 - d. Amount of Project Sponsor-Owned Open Space.
2. Site Plans and Drawings. The project sponsor shall submit site plans and/or drawings that pertain to the area of development included in the Conformance Review Application, showing where applicable:
- a. Land uses and building heights on blocks adjacent to the Open Space.
 - b. Location of facilities, irrigation systems, and/or structures.
 - c. Anticipated vehicular, bicycle, and pedestrian circulation.
 - d. Open space program and active recreational uses.
 - e. Proposed grading, landscaping, and hardscape surface.
 - f. Locations and sizes of all utility and drainage connections and other service requirements.
 - g. Generalized locations for furnishings, lighting, art, and signage.
 - h. Palette of open space materials and elements for use in expressing the particular character of the open space, including but not limited to: paving and construction materials; plant materials; site and street furniture; lighting; water features and related art work.
 - i. A Conceptual Stormwater Control Plan.
 - j. Existing buildings and trees to be removed, if not previously identified.
 - k. District Systems. Site plans and drawings that show the proposed location and alignment of the utilidor(s) located within the open space(s); location of piping, cables, other private utility connections to the utilidor; and identification of the private utilities provided through the district systems approach and located within the particular utilidor(s) within the open space(s).

The project sponsor shall provide additional renderings, sketches, and other appropriate illustrative materials as necessary to demonstrate conformance with DWDSG standards.

3. City-Dedicated Open Space (Parkland Agreement Requirements). An Open Space Conformance Review Application that includes City-Dedicated Open Space shall include a description describing compliance with applicable requirements under the Parkland Agreement for City-Dedicated Open Spaces. Pursuant to the Parkland Agreement, the project sponsor's submittal of an Open Space Conformance Review Application shall satisfy the requirement to submit

35% Park Improvement Plans under the Parkland Agreement. Project sponsor shall also refer to the Department of Public Works' Turnkey Project Process and Submittal Requirement (Rev. 11/5/19) and provide any additional items required under the 35% Design Submittal Requirements to the extent not addressed in the Open Space Conformance Review Application for City-Dedicated Open Space. The Design Review Timeline set forth in the Turnkey Project Process and Submittal Requirements shall be superseded by the review timeframes set forth in Section IV below.

The submittal of 65% and 95% Park Improvement Plans shall occur following the Open Space Conformance Review process. The preparation, submittal, and review of the 65% and 95% Park Improvement Plans shall be in accordance with the Parkland Agreement and include the submittal requirements for the 65% Submittal Set and 95% Submittal Set as set forth in the Turnkey Project Process and Submittal Requirements (Rev. 11/5/19).

4. Open Space Conformance Review Checklist. The project sponsor shall provide a completed Open Space Conformance Review Checklist (*DWDSG Appendix C.2*).

The Open Space Conformance Review Checklist identifies DWDSG standards and guidelines and DDG standards and guidelines that are applicable to development within Downtown West.

Compliance with applicable DWDSG standards is mandatory. The project sponsor shall consider DWDSG guidelines, however, Conformance Review shall be approved without implementation of guidelines where the project sponsor provides information showing the subject application achieves the applicable design intent set forth in the chapter of the applicable guideline. The project sponsor shall provide a narrative that identifies the applicable guideline(s), describes the reason(s) why implementation of the guideline is not possible, and describe how the subject application achieves the design intent in the chapter of the applicable guideline without implementation of the applicable guideline.

5. Minor Modifications, Exceptions, Deferrals, and Amendments. The GDP authorizes the project sponsor to request the following types of relief from DWDSG standards: Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit.

The requirements for a Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit are set forth on Sheet 8.02 of the GDP. If the project sponsor seeks relief from one or more DWDSG standards as part of an Open Space Conformance Review Application, the project sponsor shall:

- A. Identify the type of relief requested;
- B. Describe the rationale for the requested relief; and

- C. Demonstrate that the criteria for such relief has been satisfied, as set forth on Sheet 8.02 of the GDP.

IV. VERTICAL AND OPEN SPACE CONFORMANCE REVIEW PROCESS

A. Priority Project

The development of Downtown West is a priority to the City. Accordingly, the City shall review all Conformance Review Applications as expeditiously as reasonably possible in accordance with the process and timeframes set forth in Section IV.B below.

B. Review Process and Timelines

When a Conformance Review Application for Vertical Improvements or Open Space is submitted, the Director of PBCE shall review the Conformance Review Application pursuant to the process and timelines described below.

Review Process and Action	Timeline
Pre-Submission Conference	Approximately twenty (20) business days before submitting a Conformance Review Application for Vertical Improvements or Open Space, the project sponsor and Planning staff shall hold at least one (1) pre-submission conference at a mutually agreeable time.
Determination of Completeness	<p>Planning staff shall review the Conformance Review Application for completeness and within fifteen (15) business days of the application submittal shall either:</p> <ol style="list-style-type: none"> 1. Advise the project sponsor that the application is complete; or 2. Identify with specificity any deficiencies with the application. <p>If Planning staff identifies any deficiencies, it shall notify the project sponsor within seven (7) business days after receipt of any supplemental information requested whether:</p> <ol style="list-style-type: none"> 1. The application is complete; or 2. Any of the previously identified deficiencies remain. <p><u>Community Notification of Conformance Review Application Submittal:</u></p>

	<ol style="list-style-type: none"> 1. The City shall post a Conformance Review Application on the Planning Division website at the time of Application submittal. 2. An email shall be sent to all subscribing individuals, within seven (7) business days of the submittal.
Director of PBCE Determination Regarding Scope of CEQA Compliance	<p>Within the time period for Planning staff to determine whether the Conformance Review Application is complete, the Director of PBCE shall determine whether the Conformance Review Application can be approved in reliance on the Downtown West Final Environmental Impact Report, if the Conformance Review may be approved in reliance on an Addendum to the Downtown West Final Environmental Impact Report, or if a Supplemental or Subsequent Environmental Impact Report is required.</p> <p>If the Director of PBCE determines that a Supplemental or Subsequent Environmental Impact Report is required based on substantial evidence in accordance with CEQA and identifies one or more significant environmental effects, following mitigation, the Planning Commission shall hold a hearing on the Conformance Review Application and make a recommendation to the City Council regarding certification of the Supplemental or Subsequent Environmental Impact Report.</p>
Planning Staff Review of Application	<p><u>Vertical Conformance Application & Open Space Conformance Review Application for Project Sponsor-Owned Open Space</u></p> <p>Within forty-five (45) business days of a determination of completeness, the Planning staff and other applicable City departments shall complete their review of the Conformance Review Application.</p> <p><u>Open Space Conformance Review Application for City-Dedicated Park</u></p> <p>If an Open Space Conformance Review Application includes a City-Dedicated Park, Planning staff shall complete its review of the application within sixty-five (65) business days of a determination of completeness.</p>

	<p><u>Los-Gatos Creek Multi-Use Trail</u></p> <p>If an Open Space Conformance Review Application includes a component of the Los-Gatos Creek Multi-Use Trail, the Open Space Conformance Review Application shall follow the review duration requirements of the adjacent open space.</p> <p><u>Meet and Confer Process</u></p> <p>Planning staff and the project sponsor shall meet and confer as reasonably necessary during the 45-day review period or 65-day review period for an application with City-Dedicated Park. By the close of the 45-day period or 65-day period, as applicable, Planning staff shall provide the project sponsor with the completed Conformance Review Approval Form (attached hereto as Appendix A) and its recommendation of approval or disapproval of the Conformance Review Application; however, Planning staff shall not publish the Conformance Review Approval Form until the informational community meeting has occurred.</p> <p>If Planning staff recommends disapproval of the Conformance Review Application, the Conformance Review Approval Form (Appendix A) shall clearly delineate the reasons for recommending disapproval. For example, if Planning staff determines that the project sponsor is inconsistent with a DWDSG standard, it must provide detailed information outlining reasons for the inconsistency. The project sponsor may request to meet with the Planning staff to discuss the reasons for disapproval; such meeting shall occur within five (5) business days of the project sponsor's request. The project sponsor may resubmit its Conformance Review Application with modifications, and Planning staff shall review the updated Conformance Review Application and provide an updated Conformance Review Approval Form and recommendation for approval or disapproval within twenty-two (22) business days of the resubmittal.</p> <p>The project sponsor may withdraw a Conformance Review Application at any time prior to the Director of PBCE's determination on the application.</p>
Informational Community Meetings	<p><u>Vertical Improvements & Project Sponsor-Owned Open Space</u></p>

	<ul style="list-style-type: none"> • The project sponsor shall host one (1) community meeting 10-30 business days following a determination of completeness to present schematic design development level of detail prior to Director's Conformance Determination. • Notification of the community meeting shall be posted on the City's website a minimum of seven (7) business days prior to the community meeting and an email shall be sent to all subscribing individuals a minimum of seven (7) business days prior to the community meeting. <p><u>Los-Gatos Creek Multi-Use Trail</u></p> <p>If an Open Space Conformance Review Application includes a component of the Los-Gatos Creek Multi-Use Trail, the Open Space Conformance Review Application shall follow the community meeting requirements of the adjacent open space. For example, an Open Space Conformance Review Application that includes a component of the Los-Gatos Creek Multi-Use Trail that is adjacent to a Project Sponsor-Owned Open Space shall follow the community meeting requirements for Project Sponsor-Owned Open Space. An Open Space Conformance Review Application that includes a component of the Los-Gatos Multi-Use Trail that is adjacent to a City-Dedicated Park shall follow the community meeting requirement for City-Dedicated Parks.</p> <p><u>City-Dedicated Parks</u></p> <p>If an Open Space Conformance Review Application includes a City-Dedicated Park, the following informational community meetings must be held:</p> <ul style="list-style-type: none"> • <u>Initial Community Meeting Prior to Application Submittal (Initial Community Meeting)</u>. The project sponsor shall host the Initial Community Meeting prior to the submittal of an Open Space Conformance Review Application that includes a City-Dedicated Park to discuss initial park concepts and potential park names. The intent of this meeting is to make the community
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	<p>familiar with the proposed park and solicit feedback on park amenities.</p> <ul style="list-style-type: none"> • <u>Second Community Meeting.</u> The project sponsor shall host one additional community meeting after the Initial Community Meeting but prior to the submittal of an Open Space Conformance Review Application that includes a City-Dedicated Park. During this community meeting, the project sponsor shall present design options to the community based on feedback provided during the Initial Community Meeting. • <u>Final Community Meeting.</u> The project sponsor and City staff shall present to the Parks and Recreation Commission the final proposed plan for adoption of the park plan and recommendation to City Council of the park name. Park naming shall comply with City Council Policy 7-5. This meeting shall be held after holding the post-application submittal meeting, but no later than fifty-five (55) business days after a determination of completeness. <p>Notification of community meetings for an Open Space Conformance Review Application that includes a City-Dedicated Park shall be consistent with the public noticing requirements for community meetings under City Council Policy 6-30.</p>
Conformance Review Hearing	<p><u>Director of PBCE</u></p> <p>The Director of PBCE shall schedule a Conformance Review Hearing within ten (10) business days of providing the project sponsor a copy of the completed Conformance Review Approval Form. Conformance Review Hearings shall be agendized separately from Director of PBCE Hearings held for other purposes pursuant to Title 20 of the Municipal Code.</p> <p>Conformance Review Hearings may be held on dates when Director of PBCE Hearings are also scheduled to occur, or they may be scheduled for any other date at the Director of PBCE's discretion.</p>

	<p>Notice: Notice of the Conformance Review Hearing and the related staff report shall be published on the City's website 72-hours prior to the date of the hearing.</p> <p>Public Comment: The Director of PBCE shall hear and consider all public comments received during the Conformance Review Hearing.</p> <p><u>Planning Commission / City Council (Supplemental or Subsequent EIR Required & Significant Effect Identified)</u></p> <p>If the Director of PBCE determines that a proposed Conformance Review Application requires a Supplemental or Subsequent EIR and results in one or more significant effects, following mitigation, Planning staff shall refer the matter to the Planning Commission within ten (10) business days of providing the project sponsor a copy of the completed Conformance Review Approval Form.</p> <p>The Planning Commission shall hold a public hearing on the Supplemental or Subsequent EIR and make a recommendation to City Council concerning the certification of the Supplemental or Subsequent EIR pursuant to Title 21, as amended via Ordinance No. [].</p>
Director of PBCE Decision	The Director of PBCE shall provide the project sponsor with a written determination on the Conformance Review Application within seven (7) calendar days of the Conformance Review Hearing.
Appeal of Director of PBCE Decision	The decision of the Director of PBCE is final and not appealable pursuant to Section [] of Title 20 of the San Jose Municipal Code, adopted by City Council Ordinance No. ____.

C. Building Permits, Site Permits, and Related City Permits

The City shall not issue a building permit or site permit unless the project sponsor has first obtained approval of a Conformance Review Application. The project sponsor may submit a building permit or site permit application to the City pursuant to the process set forth under the City's Municipal Code. The City shall review building and site permits for all development within

Downtown West (residential and non-residential) pursuant to its Special Tenant Improvement (STI) / Industrial Tool Installation (ITI) Plan Review process.

V. STANDARD OF REVIEW FOR VERTICAL AND OPEN SPACE CONFORMANCE REVIEW APPLICATIONS

The Director of PBCE shall complete the Conformance Review Approval Form, attached as Appendix A, as part of the Conformance Review process.

The Director of PBCE shall review and approve or deny a Vertical Improvement or Open Space Conformance Review Application pursuant to the standard of review described in GDP, Sheet 8.01.

VI. HORIZONTAL CONFORMANCE REVIEW PROCESS

A. Overview

The Vesting Tentative Map will be subject to conditions of approval requiring the project sponsor to complete open space, infrastructure, and any other horizontal improvements consistent with the GDP and PD Permit (DWDSG Chapter 6: Mobility and other applicable standards in the DWDSG), the Downtown West Improvement Standards, Infrastructure Plan (attached to the Development Agreement), the Encroachment Permit approved for the Project pursuant to Council Resolution No. [] for utilidors located within the public right of way, and applicable standards and guidelines in the Complete Streets Design Standards and Guidelines.

The project sponsor will be required to demonstrate that all phased final maps and associated improvements, as described on 100% improvement plans, are consistent with the Vesting Tentative Map conditions of approval. Before submitting any phased final map or 100% improvement plans, the project sponsor shall submit: (1) 35% Improvement Plans as described in Section IV.C; (2) 65% Improvement Plans as described in Section IV.C; and (3) 95% Improvement Plans as described in Section IV.C.

B. (Optional) Preliminary Concept Document Submittal

Prior to the project sponsor's submission of the 35% Improvement Plans described in Section VI.D below, the project sponsor, in its sole discretion, may elect to submit preliminary-level conceptual drawings ("Preliminary Concept Documents"). The submission of Preliminary Concept Documents shall be a courtesy submittal and shall not be required.

If the project sponsor elects to submit Preliminary Concept Documents, the Director of Public Works shall review the Preliminary Concept Documents and provide the project sponsor with comments. The project sponsor may request a meeting(s) with the Director of Public Works and applicable City departments to review the Preliminary Concept Documents at mutually agreeable times.

C. District Systems Implementation Plan

Prior to, or concurrent with the project sponsor's submittal of the 35% Improvement Plans described in Section VI.D, below, the project sponsor shall submit a District Systems Implementation Plan. Vesting Tentative Map Condition of Approval [] outlines the

requirements for the District Systems Implementation Plan and the terms for the City's subsequent review and confirmation of the District Systems Implementation Plan.

D. Horizontal Review Process: 35% Improvement Plans

1. 35% Improvement Plan Submittal Requirements

The project sponsor shall submit 35% Improvement Plans that provide the following information:

- a. Cover Sheet: List of drawings (including future sheet to be submitted), abbreviations, and standard notes.
- b. Project Narrative: Include scope of project, site description, summary of infrastructure proposed for public dedication (consistent with the Infrastructure Plan), and a preliminary schedule for design through construction. Narrative will also include a phasing description of how proposed horizontal improvements align with the Infrastructure Plan and integrate into prior and future development phases, as applicable.
- c. Demolition plan showing existing buildings and trees to be removed.
- d. Site Grading and Drainage Plan with existing grades and proposed street grades at beginning of horizontal curves (BC's), end of horizontal curves (EC's), grade breaks, high points, low points, vertical curves (VC), beginning of VC (BVC's) and end of VC (EVC's), pad grades, overland release routes, grade conforms, street centerline grades and drainage devices.
- e. Stormwater Management Plan (private): The Site Grading and Drainage Plan set shall include a Stormwater Management Plan (private) that provides preliminary green stormwater infrastructure calculations and typical details for onsite private treatment control measures unless otherwise provided in Vertical Conformance Review Application.
- f. Stormwater Management Plan (public streets): Description, preliminary green infrastructure calculations, typical details and plan view layout of how the stormwater management will be achieved within the public ROW.
- g. Utility Plans and Centerline Profiles (public streets): Plans will include existing utilities to be abandoned or relocated. All utilities shown in plan only, except for storm and sanitary sewer. Plans will include all new or reconstructed storm and sanitary mains with pipe slopes, inverts and rim elevations at manholes, on both plan and profile sheets.
- h. Utilidor Crossing and Encroachment Plan: Plan includes a preliminary draft location map, plan view, and elevation showing the dimensions, location, and alignment of the proposed utilidors within the public right of way and its relationship to adjoining properties, and any structures, utilities or improvements. Plan should also show any district systems proposed to be located within the utilidors.

- i. Typical Street Section Plan: Including lane dimensions, sidewalk dimensions, roadway materials, grades, curb heights, and utilities, including all horizontal clearances.
- j. Street Improvement Plan: Including stationing, roadway dimensions, bulb-out locations, traffic calming measures, non-standard roadway conditions for acceptance, horizontal curves, horizontal sight distance studies, transit facilities, street lights, bikeway and trail dimensions, streetscape design and roadway materials. A separate street layout site plan shall be provided for private streets.
- k. Geometric (Signage and Striping) and Traffic Signal Plan: Including final traffic lines and pavement markings including centerlines, lanelines, edgelines, crosswalks, limit lines (stop lines), arrows, words and other appropriate delineation; permanent project signing in the public right-of-way; and new and/or modified traffic signal locations.
- l. Public Landscape Plan: (if median and/or backup landscaping in the public street is proposed).
- m. Street Light Plans: Including new street light locations, new street light electrical systems, existing street light locations and removal and/or modifications to existing electrical systems.
- n. Improvement Plan Checklists. The project sponsor shall submit the following Improvement Plan Checklists to delineate the design components included with the 35% Improvement Plan Submittal: (1) Grading Permit Checklist (Rev. 03-17-17); (2) Parcel/Tract Map Checklist (Rev. 12/15/09); (3) Private Street Improvement Plan Checklist (Rev. 01/05/12); (4) Public Street Improvement Plan Checklist (Rev. 04/19/13); and (5) Planning Stormwater Submittal Checklist (Rev. 03-15-19). Not all checklist items will be completed at the time of the 35% Improvement Plan submittal and the project sponsor shall be permitted to proceed from 35% to 65% improvements notwithstanding uncompleted checklist items.
- o. Project sponsor's proposed form of Improvement Agreement (as described in Section 19.32.010 of the Municipal Code) for required improvements corresponding with the Improvement Plans and associated phased final map.
- p. A Focused LTA which shall only be required during the Horizontal Improvement Conformance Review process if the project sponsor proposes material deviations from the Vesting Tentative Map that were not previously analyzed in the Site-wide Focused LTA, dated April 16, 2021. If a Focused LTA is required, the PW Director shall review and provide comments pursuant to the timeline for review of 35% Improvement Plans below. The project sponsor shall update the Focused LTA as necessary during the Horizontal Improvement Conformance Review process. The Focused LTA shall be finalized at the 100% Improvement Plan stage.

2. 35% Improvement Plan City Review Process

Upon receipt of the 35% Improvement Plans, the PW Director will distribute the plans electronically to any City departments responsible for permitting, reviewing, or operating any improvement depicted in the plans ("Commenting Departments"). Commenting Departments will review the 35% Improvement Plans and other materials provided under Section VI.D.1 for consistency with the GDP and Downtown West PD Permit (DWDSG Chapter 6: Mobility and other applicable standards in the DWDSG), the DWIS, Infrastructure Plan (attached to the Development Agreement), and applicable standards and guidelines in the Complete Streets Design Standards and Guidelines. The proposed location of utilidors shall be reviewed for consistency with the Conceptual Encroachment Plan Sheets (approved for the Project's Encroachment Permit by Council Resolution No. _____).

The Commenting Departments will provide any comments on the 35% Improvement Plans to the PW Director within 25 business days of project sponsor's submittal of said plans to the PW Director. The PW Director will compile all comments and provide them to the project sponsor no later than 27 business days of the project sponsor's original submittal of the 35% Improvement Plans to the PW Director. Inclusion of changes from the comments will be in the subsequent submittal phase. Every reasonable attempt should be made to meet these review times. However, the review times are goals and are subject to change at the sole discretion of the Director of Public Works depending on the organizational capacity to meet the review times when the documents are submitted.

E. Horizontal Review Process: 65% Improvement Plans

1. 65% Improvement Plan Submittal Requirements

The 65% Improvement Plans will represent design development, which is intended to further refine the concepts developed during the 35% Improvement Plan phase. The 65% Improvement Plans will be advanced to the point that all major design issues and solutions are represented in the plans. If not already provided with the 35% Improvement Plan submittal, utility potholing is provided at this stage with a survey to verify the preliminary design established in the 35% Improvement Plans is feasible. Descriptions are added for sheets not previously provided during the 35% Improvement Plan phase.

The project sponsor shall submit the following information for Improvement Plans developed to 65%:

- a. Cover Sheet
- b. Project Narrative
- c. Demolition Plan
- d. Site Grading and Drainage Plan
- e. Stormwater Management Plan (private), otherwise provided in Vertical Conformance Review Application.
- f. Stormwater Management Plan (public streets)
- g. Utility Plans and Centerline Profiles

- h. Utilidor Crossing and Encroachment Plan
- i. Typical Street Section Plan
- j. Public Street Improvement Plans
- k. Private Street Improvement Plans
- l. Geometric (Signage and Striping) and Traffic Signal Plan
- m. Public Landscape Plans
- n. Street Light Plans
- o. Erosion Control Plan: Include City standard notes and cover sheet elements, proposed erosion control elements, typical details
- p. Construction Details: Include City Standard Details where applicable for proposed horizontal infrastructure.
- q. Estimate of Costs for Infrastructure Qualified for Reimbursement
- r. Subsequent Construction Impact Mitigation Plan (Subsequent CIMP): The project sponsor shall submit a draft Subsequent CIMP with the submittal of the 65% Improvement Plans. The project sponsor, in its sole discretion, may elect to submit a Subsequent CIMP with the submittal of the 35% Improvement Plans, in which case the Director of Public Works and Commenting Departments shall review the Subsequent CIMP as part of the 35% Improvement Plan submittal.²
- s. Improvement Plan Checklists: The project sponsor shall submit the Improvement Plan Checklists identified in Section VI.D.1(n) above and identify the design components included with the 65% Improvement Plan submittal. Not all checklist items will be completed at the time of the 65% Improvement Plan submittal and the project sponsor shall be permitted to proceed from 65% to 95% improvements notwithstanding uncompleted checklist items.

2. 65% Improvement Plan City Review Process

Upon receipt of the 65% Improvement Plans, the PW Director will distribute the plans electronically to all applicable Commenting Departments. Commenting Departments will review the 65% Improvement Plans and other materials provided under Section VI.E.1 for consistency with the GDP and Downtown West PD Permit (DWDSG Chapter 6: Mobility and other applicable standards in the DWDSG), the Downtown West Improvement Standards, Infrastructure Plan (attached to the Development Agreement), and applicable standards and guidelines in the Complete Streets Design Standards and Guidelines. The proposed location of

² Subsequent CIMPs for vertical improvements and open space will be submitted, as needed, during the building permit process as further described in the CIMP, dated _____, approved by Resolution No. ____.

utilidors shall be reviewed for consistency with the Conceptual Encroachment Plan Sheets (approved for the Project's Encroachment Permit by Council Resolution No. _____).

The Commenting Departments will provide any comments on the 65% Improvement Plans to the PW Director within 20 business days of the project sponsor's submittal of said plans to the PW Director. The PW Director will compile all comments and provide them to the project sponsor no later than 22 business days of the project sponsor's original submittal of 65% Improvement Plans to the PW Director. Inclusion of changes from the comments will be in the subsequent submittal phase. Every reasonable attempt should be made to meet these review times. However, the review times are goals and are subject to change at the sole discretion of the Director of Public Works depending on the organizational capacity to meet the review times when the documents are submitted.

F. Horizontal Review Process: 95% Improvement Plans

1. 95% Improvement Plan Submittal Requirements

The 95% Improvement Plan submittal ("Final Design") shall respond to comments on the 65% Improvement Plan submittal and include final detailed plans, specifications, and estimates for proposed improvements qualified for reimbursement. The Final Design shall also include updated plans showing the location, alignment, and dimension of the utilidors within the public right of way and any district systems intended to be located within the utilidors, ensuring consistency with the Conceptual Encroachment Plan Sheets. At the time of the 95% Improvement Plan submission, the project sponsor shall also submit:

A completed Horizontal Improvement Conformance Review Checklist (*DWDSG Appendix C.3*) to the Director of Public Works to demonstrate that horizontal improvements are consistent with applicable standards in the CSDSG and applicable DWDSG standards (Chapter 6: Mobility).

Improvement Plan Checklists identified in Section VI.D.1(n) above and identify the design components included with the 95% Improvement Plan submittal.

Prior to the submittal of the Final Design, the project sponsor shall submit an updated and final Subsequent CIMP to the Director of Public Works that responds to applicable comments provided by the Director of Public Works and Commenting Departments following the initial submittal of the Subsequent CIMP during the 35% (if applicable) or 65% Improvement Plan stage.

2. 95% Improvement Plan City Review Process

The Commenting Departments will provide any comments on the 95% Improvement Plans to the PW Director within 15 business days of project sponsor's submittal of said plans to the PW Director. The PW Director will compile all comments and provide them to the project sponsor no later than 17 business days of the project sponsor's original submittal of the 95% Improvement Plans to the PW Director. Inclusion of changes from the comments will be in the 100% Improvement Plans. Every reasonable attempt should be made to meet these review times. However, the review times are goals and are subject to change at the sole discretion of the Director of Public Works depending on the organizational capacity to meet the review times when the documents are submitted.

The Director of Public Works and applicable City departments shall also evaluate the Horizontal Improvement Conformance Review Checklist for consistency with the CSDSG and applicable standards in DWDSG Chapter 6: Mobility within the review periods for 95% Improvement Plans identified above. The Director of Public Works and applicable Commenting Departments shall clearly identify any applicable standards that the project sponsor is inconsistent with, provide detailed information outlining reasons for such inconsistency, and identify any additional information or detail that can remedy such inconsistency. The project sponsor shall be permitted to proceed from 95% to 100% improvements notwithstanding inconsistency with applicable CSDSG or DWDSG standards at the Final Design stage provided the project sponsor provides additional information with the final map and 100% Improvement Plan submittal demonstrating consistency with any CSDSG or DWDSG standard that the Director of Public Works has determined it is inconsistent with.

Upon approval of the 95% Preliminary Improvement Plans, the project sponsor will prepare the final 100% Improvement Plans consisting of complete construction documents, incorporating previous comments and including drawings, specifications and schedule as set forth in Section VII.

G. DWIS Modifications; Minor Deviations and Amendments from Infrastructure Plan

1. DWIS Modifications

The project sponsor may request a DWIS Modification (defined in Section 1.5 of the DWIS) during the Horizontal Improvement Conformance Review process. A request for a DWIS Modification shall be reviewed and approved pursuant to Section 1.5 of the DWIS.

2. Infrastructure Plan Amendments

As further set forth in the Infrastructure Plan, minor deviations are expected as improvement plans progress from 35% to 65% to 95% and are permitted provided the deviation will not affect the overall system, its configuration and performance, and is otherwise compatible with the intent of the Infrastructure Plan.

Pursuant to Section 1.8 of the Infrastructure Plan, the project sponsor may request (1) Non-Material Amendments, and (2) Material Amendments from the Infrastructure Plan. The project sponsor may request a Non-Material Amendment or Material Amendment from the Infrastructure Plan during the Horizontal Improvement Conformance Review process, which shall be reviewed and approved pursuant to Section 1.8 of the Infrastructure Plan.

3. Relief from DWDSG and CSDSG

The GDP authorizes the project sponsor to request the following types of relief from DWDSG standards: Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit.

The requirements for a Minor Modification, Exception to a DWDSG standard, Deferral of a DWDSG Standard, or Amendment to the Downtown West PD Permit are set forth on Sheet 8.02 of the GDP. If the project sponsor seeks relief from one or more DWDSG standards as part of a Horizontal Improvement Conformance Review Application, the project sponsor shall:

- a. Identify the type of relief requested;
- b. Describe the rationale for the requested relief; and
- c. Demonstrate that the criteria for such relief has been satisfied, as set forth on Sheet 8.02 of the GDP.

The project sponsor may also request relief from the CSDSG standards and guidelines pursuant to the processes set forth under the CSDSG.

VII. FINAL MAP(S) AND 100% IMPROVEMENT PLANS

The project sponsor shall apply for approval of subdivision maps and 100% improvement plans pursuant to the procedures described in Title 19 of the Municipal Code and any ordinances governing the design and permitting of subdivisions and improvements applicable to projects within the Downtown West PD Zoning District.

During the final subdivision mapping and improvement plan process, the project sponsor shall demonstrate compliance with all tentative map conditions of approval to ensure that horizontal improvements are consistent with applicable permitting requirements, which include the GDP and Downtown West PD Permit (DWDSG Chapter 6: Mobility and other applicable standards in the DWDSG), the DWIS, Infrastructure Plan, and applicable standards and guidelines in the Complete Streets Design Standards and Guidelines, the Encroachment Permit approved for the Project pursuant to Council Resolution No. [] or utilidors located within the public right of way, and other applicable Project approvals and documents.

A. Final Map and Improvement Plan Submittal Requirements.

The project sponsor shall submit the following:

1. 100% Public Improvement Plans. The project sponsor shall also provide a copy of the final form of any District Systems Transaction Documents that are required to be recorded to the PW Director for final confirmation.
2. 100% Public Improvement Plans Checklists. The project sponsor shall demonstrate compliance with the relevant City checklists identified in Section VI.D.1(n).
3. Private Improvement Plans (for those improvements required to serve the residential subdivision).
4. Matrix addressing all Horizontal Review Comments. Concurrent with project sponsor's submittal of 100% improvement plans to the City, project sponsor shall provide a summary matrix documenting how each comment received as part of the 95% Improvement Plans has been addressed, or, why any particular comment has not been incorporated.
5. Final Map Checkprint, including a title report, closure calculations and other map references, pursuant to the Final Map Checklist (Rev. 12/15/09).

6. Tentative Map Conditions of Approval Compliance Matrix. The project sponsor shall prepare a matrix of the tentative map conditions and identify in writing how the proposed final map or other documents satisfy the conditions of approval. The conditions of approval shall require compliance with applicable standards and guidelines in the DWDSG (Chapter 6 (Mobility) and other DWDSG standards designated *[HI]*) in addition to applicable standards and guidelines in the CSDSG, which are identified in the Horizontal Improvement Conformance Review Checklist.
7. Horizontal Improvement Conformance Review Checklist. The project sponsor shall either (1) confirm that the Director of Public Works has determined that the project sponsor is consistent with applicable DWDSG standards (Chapter 6: Mobility) and CSDSG standards; or (2) submit an updated Horizontal Improvement Conformance Review Checklist, with any applicable information, that is limited to those standards that the Director of Public Works has determined the project sponsor is inconsistent with.
8. Updated Maintenance Matrix.

B. Final Map and Improvement Plan Review Process

The City shall process, review and approve the Improvement Plans and final map pursuant to the procedures established in Title 19 of the Municipal Code and any ordinances governing the design and permitting of subdivisions and improvements applicable to the Downtown West PD Zoning District and in accordance with the requirements set forth in the Development Agreement, including the Parkland Agreement. The City will review Final Map Checkprints and provide any comments to the project sponsor within 14 business days of receipt of any Final Map Checkprint or Final Map Checkprint resubmittal.

VIII. CONFORMANCE APPROVAL ADJUSTMENT

As design progresses from Conformance Review to the building permit stage, adjustments to the design documents are expected, including but not limited to architectural elements or landscape details, relocation of doors, equipment screening, minor changes to landscape furniture and structures.

As further set forth on Sheet 8.01 of the GDP, adjustments to a previously approved Conformance Review Application shall require a Conformance Approval Adjustment prior to the issuance of a Building Permit. These elements are identified on Sheet 8.01 of the GDP. The process for requesting and approving a Conformance Approval Adjustment is described on Sheet 8.01 of the GDP.

IX. MITIGATION MONITORING AND REPORTING PLAN (MMRP)

Pursuant to Section 4.3.1 of the Development Agreement, the project sponsor shall comply with all Mitigation Measures imposed by the MMRP, as applicable, on each Project component, except for any Mitigation Measures that are expressly identified as the responsibility of a different party or entity. The MMRP is attached as Exhibit "A" to Resolution No. __ certifying the Downtown West Mixed-Use Environmental Impact Report. To the extent any plans or other requirements imposed by the MMRP require compliance prior to or concurrently with the

Conformance Review process, the City shall review and process such MMRP plans or requirements diligently and expeditiously as set forth in Section 4.3.1 of the Development Agreement. The City shall review and provide comments on any plans or other requirements imposed by the MMRP within twenty (20) business days following receipt of such plans or requirements.

X. MODIFICATIONS TO IMPLEMENTATION GUIDE

The project sponsor and the Director of PBCE and the Director of Public Works, as applicable, may agree to modify provisions in this Implementation Guide and any attached Appendices. Modifications to this Implementation Guide may be completed administratively, without a public hearing. A modification of this Implementation Guide and any attached Appendices shall not require an amendment to the GDP or the Downtown West PD Permit.

Appendix A
City of San Jose
Downtown West Planned Development Zoning District
Vertical and Open Space Conformance Review Approval Form

A. GENERAL INFORMATION

Project Sponsor: _____

Conformance Review Application Submittal Date: _____

Determination of Completeness Date: _____

Property Subject to Conformance Review Application: _____

B. CONSISTENCY DETERMINATION

1. General Plan Consistency

- (a) The Conformance Review Application includes property within the following General Plan land use designation(s):

☐ Downtown
☐ Commercial Downtown

- (b) The land uses proposed for the area subject to the Conformance Review Application are consistent with the applicable General Plan land use designation(s) above.

☐ Yes.
☐ No. The Conformance Review Application is not consistent with the General Plan.

[Include detailed explanation describing why the Conformance Review Application is not consistent with the General Plan.]

- (c) The Conformance Review Application is consistent with the permitted density and intensity level of development permitted under the land use designation(s) identified above.

☐ Yes.
☐ No. The Conformance Review application is not consistent with the General Plan.

[Include detailed explanation describing why the Conformance Review application is not consistent with the General Plan.]

2. Downtown West PD Zoning District: Consistency with General Development Plan and Downtown West Design Standards and Guidelines

- (a) The project sponsor requested a transfer of development square footage from one Sub-Area to another as identified in the GDP.

☐ Yes

☐ No

(b) If yes to Section 2(a): The requested transfer of development square footage satisfies the requirements under the GDP.

☐ Yes, all of the following conditions have been satisfied:

- ☐ Compliance with CEQA has been demonstrated and any additional necessary environmental review has been completed in connection with any proposed transfer of residential units or non-residential square footage
- ☐ The transfer does not result in the exceedance of the maximum number of residential units and the total square for each non-residential use permitted in the Downtown West PD Zoning District as identified in Table 3.03.1 of the GDP
- ☐ The applicant concurrently requests a commensurate reduction in the number of residential units and/or non-residential square footage from any contributing Sub-Area controlled by the applicant.
- ☐ The written consent to the transfer is provided by the owner(s) of the receiving Sub-Area and the owner(s) of the contributing Sub-Area (only applicable if the receiving and contributing Sub-Areas have different owners)
- ☐ The applicant provides written notice to the Director of PBCE, of the transfer that includes a table demonstrating that the proposed permitted transfer, when combined with development already implemented, approved, or applied for, will not exceed the maximum development square footages limits for the Downtown West PD Zoning District established in Table 3.03.1 of the GDP.

☐ No, the applicant has not satisfied the following requirements for the requested transfer of development square footage:

[Planning staff to identify requirements that the project sponsor did not satisfy and provide a detailed explanation why such condition was not satisfied.]

(c) The project sponsor requested a conversion of development square footage.

☐ Yes

☐ No

(d) If yes to Section 2(c): The requested conversion of development square footage satisfies the requirements under the GDP.

☐ Yes, all of the following conditions have been satisfied:

- ☐ Compliance with CEQA has occurred in connection with the proposed conversion;
- ☐ The conversion does not result in exceedance of the overall 13,858,000 square foot cap on development;
- ☐ The applicant has identified a commensurate reduction in the total number of residential units and/or non-residential square feet of the original land use(s) that were allowed in the Downtown West PD Zoning District prior to the proposed conversion; and

☐ The conversion is consistent with the General Plan and advances the goals and objectives of the Downtown West PD Zoning District

☐ No, the applicant has not satisfied the following requirements for the requested transfer of development square footage:

[Planning staff to identify requirements that the project sponsor did not satisfy and provide a detailed explanation why such condition was not satisfied.]

(e) If a Vertical Conformance Review Application that includes office development, the number of commercial/public parking spaces satisfies the Required Parking Ratio.

☐ Yes
☐ No

(f) The Conformance Review Application is consistent with the development standards in the General Development Plan.

☐ Yes
☐ No

(g) The project sponsor's request for clustering of restricted units is approved.

☐ Yes
☐ No

(h) The Conformance Review Application includes City-Dedicated Parks.

☐ Yes
☐ No

(i) The project sponsor has completed the ____ Vertical Improvement ____ Open Space Conformance Review Checklist and demonstrated consistency with all applicable DWDSG standards.

☐ Yes
☐ No. The Conformance Review application is not consistent with the DWDSG standards identified below for the reasons described. *[Planning staff shall identify each DWDSG standard that the Conformance Review application is not consistent with and the reason why the application is not consistent with such standard.]*

DWDSG Standard	Planning Staff Findings of Inconsistency

- (f) The project sponsor has completed the _____ Vertical Improvement _____ Open Space Compliance Checklist and demonstrated consistency with all applicable DWDSG guidelines or demonstrated that the subject application on balance generally promotes the design intent of the chapter objectives for the applicable guideline.

☐ Yes

☐ No. The Conformance Review application does not generally promote the design intent of the chapter objectives for the DWDSG guidelines identified below for the reasons described. *[Planning staff shall identify each DWDSG guideline that the Conformance Review application is not consistent with and the reason why the application does not promote the design intent of the chapter objectives.]*

DWDSG Guideline	Planning Staff Findings of Inconsistency

3. California Environmental Quality Act (CEQA)

☐ The Conformance Review application is consistent with the Downtown West Final Environmental Impact Report (EIR) and the proposed development will not result in new or more significant impacts than previously analyzed under the EIR. A Subsequent or Supplemental Environmental Impact Report is therefore not required.

☐ The Conformance Review application will result in new or more significant impacts and a Subsequent or Supplemental Environmental Impact Report is required.

4. Requests for Minor Modifications, Exceptions, Deferrals, and Amendments ***[If applicable]***

The Project Sponsor requested the following Minor Modifications, Exceptions, Deferrals and Amendments:

Requested Minor Modification, Exception, Deferral or Amendment	Planning Staff Recommendation
1.	<input type="checkbox"/> Approve (Standard of Review identified on GDP Sheet 8.02 has been satisfied) <input type="checkbox"/> Deny; see Attachment __ describing reasons for recommended denial.
2.	<input type="checkbox"/> Approve (Standard of Review identified on GDP Sheet 8.02 has been satisfied)

	<input type="checkbox"/> Deny; see Attachment __ describing reasons for recommended denial.
3.	<input type="checkbox"/> Approve (Standard of Review identified on GDP Sheet 8.02 has been satisfied) <input type="checkbox"/> Deny; see Attachment __ describing reasons for recommended denial.
4.	<input type="checkbox"/> Approve (Standard of Review identified on GDP Sheet 8.02 has been satisfied) <input type="checkbox"/> Deny; see Attachment __ describing reasons for recommended denial.

5. The Conformance Review application includes property within 100 feet of the riparian corridor of Los Gatos Creek or the Guadalupe River.

☐ Yes
☐ No

6. If yes, to Item 5 above, the Conformance Review application confirms that the Project will cause no significant impact to riparian corridors or riparian habitats, and therefore is consistent with applicable provisions of the Santa Clara Valley Habitat Plan.

☐ Yes
☐ No

RECOMMENDATION

Planning staff recommends:

☐ Approving the Conformance Review Application.
☐ Denying the Conformance Review Application. See Attachment __ describing reasons for denying the Conformance Review Application.

DIRECTOR OF PBCE DECISION

The Director of PBCE approves the Conformance Review Application for [Block / Open Space ____].

Appendix B
Conformance Review
Project Documents and Applicable City Regulatory Documents

Project Approvals and Documents

The Director of PBCE, Planning Commission, or Director of Public Works, as applicable, may refer to the following Project Approvals and Project Documents, as approved on May __, 2021 (and as such documents may be amended from time to time), during the Conformance Review process:

1. Final Environmental Impact Report for Downtown West Mixed-Use Project (Resolution No. __)
 - a. Mitigation Monitoring and Reporting Program
 - b. Statement of Overriding Considerations
 - c. CEQA Findings
2. Overruling the Airport Land Use Commission's Inconsistency Determination (Resolution No. __)
3. Envision San José 2040 General Plan (as amended in connection with the Project approved by Resolution No. __), vested as of May __, 2021
4. Diridon Station Area Plan (as amended in connection with the Project approved by Resolution No. __), vested as of May __, 2021
5. Downtown West Planned Development Zoning District and General Development Plan (Ordinance No. __)
6. Downtown West Planned Development Permit (Resolution No. __)
 - a. Downtown West Design Standards and Guidelines
 - b. Downtown West Improvement Standards
 - c. Conceptual Infrastructure Plan Sheets (for conceptual reference only, as the Conceptual Infrastructure Plan Sheets do not establish governing standards or designs)
 - d. Conformance Review Implementation Guide
7. Development Agreement for Downtown West Mixed-Use Plan (Ordinance No. __)
 - a. Affordable Housing Program (Exhibit D), including Schedules D2, D3 and D5
 - b. Parkland Agreement (Exhibit E)
 - c. Park Improvements Value and Costs (Exhibit E1)
 - d. City-Dedicated Open Space and Covenant Privately-Owned Publicly Accessible Open Space Approximate Acreage (Exhibit E2)
 - e. City-Dedicated Open Space Dedication and Improvements Schedule (Exhibit E3.1)
 - f. Park Dedication/Delivery Triggers Figure (Exhibit E3.2)
 - g. Design and Construction Requirements (Exhibit E5)
 - h. Parkland Dedication Tracking and Verification Table (Exhibit E7)
 - i. List of Required Exceptions from Parkland Dedication Ordinance (Exhibit E9)
 - j. Infrastructure Plan (Exhibit I)
 - k. Downtown West Parking Requirements (Exhibit K)
8. Title 20 of the San José Municipal Code, as amended May __, 2021 (Ordinance No. __), vested as of May __, 2021
9. Vesting Tentative Map for Downtown West (Resolution No. __)
10. Master Encroachment Permit (Resolution No. __)
11. Construction Impact Mitigation Plan (Resolution No. __)

Other Vested Elements

The Director of PBCE, Planning Commission, or Director of Public Works, as applicable, may refer to the following Vested Elements during the Conformance Review process:

1. City of San José Municipal Code, amendments to the Municipal Code as set forth in Ordinance No. ____
2. Complete Streets Design Standards and Guidelines (May 2018)
3. San José Downtown Design Guidelines and Standards (as amended pursuant to a Director Update on ____)
4. Standard Details and Standard Specifications, adopted by City's Public Works Department (July 1992) ("1992 Standards"), subject to modifications in the Downtown West Improvement Standards

Additional Regulatory Documents

The Director of PBCE, Planning Commission, or Director of Public Works, as applicable, may refer to the following regulatory documents during the Conformance Review process:

1. Santa Clara Valley Habitat Plan
2. San José Green Stormwater Infrastructure Plan
3. County of Santa Clara Green Stormwater Infrastructure Handbook
4. California Manual of Uniform Traffic Control Devices
5. City of San José Public Streetlight Design Guide (2016)
6. Los Gatos Creek Trail Master Plan - Reach 5
7. Trail Signage Guidelines: City of San José Trail Program

Appendix C
Interim Use Application

Project Address:

Block / Lot:

Applicant Information:

Name:

Address:

Email Address:

Telephone:

Use Details

Name of Interim Business:

Name of Primary Contact / Responsible Party During Business Hours:

Telephone Number:

Location of Interim Use:

Duration of Interim Use:

Start Date:

End Date:

Total Number of Days:

Operating Hours:

Frequency of Interim Use within the window of authorization (ex. Every day, weekly, monthly, etc.):

Project sponsor/applicant is seeking:

☐ **Downtown West Use Certificate** ☐ **Downtown West Use Permit**

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

Interim Uses Requiring a Downtown West Use Certificate:

- ☐ Mobile food carts
- ☐ Retail establishments, including pop-up retail and vendor markets
- ☐ Small scale conferences and educational events
- ☐ Food and beverage (an ABC permit shall be required if alcohol is served)
- ☐ Indoor and outdoor gym and workout area
- ☐ Surface parking to support permitted interim uses
- ☐ Parks and gardens: including pocket parks, dog parks, playgrounds, community gardens, or nurseries
- ☐ Community space
- ☐ Site management services, administrative functions, drop-in center and customer amenities

- ☐ Retail or sales office incidental to new development
- ☐ Art/Culture Exhibitions: including outdoors art galleries, installation art, sculpture park museums, immersive experiences, art installations.
- ☐ Workshop and studio space
- ☐ Temporary central utility plant, if located on Block E
- ☐ Educational and personal enrichment

Interim Uses Requiring a Downtown West Use Permit:

- ☐ Classroom / day-care, primary and/or secondary school
- ☐ Pre-school or school age educational activities, including but not limited to after-school day camp and summer camps
- ☐ Amusement: small festivals, circuses, amusement fairs and rides, musical and theatrical
- ☐ Concerts and performances, and other live entertainment
- ☐ Recreational facilities including urban beaches, riding center, or sports stadium
- ☐ Drinking establishments, and taproom or tasting rooms in conjunction with a winery, brewery or distillery
- ☐ On-site assembly and production of goods in enclosed or unenclosed temporary structures
- ☐ Storage facility, including battery storage
- ☐ Job training center

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

The proposed Interim Use is authorized under the General Development Plan pursuant to a ☐ **Downtown West Use Certificate** ☐ **Downtown West Use Permit**

Design Standards

The proposed Interim Use meets the building height and lighting and signage design standards in the General Development Plan (Sheet 4.04).

☐ **Yes** ☐ **No**

If no, please describe what does not comply.

Interim Use Application Submittal Requirements

☐ **NARRATIVE:** Please provide a description of the Interim Use, including as applicable: purpose, entertainment, food and any food preparation, beverages (including alcohol), cleanup plan, any potential impacts on adjacent property, etc. The narrative should indicate whether amplified sound equipment will be used and whether the applicant is requesting that the City provide additional electric power.

☐ **SITE DIAGRAM:** Detailed drawing depicting the proposed layout and location within the Downtown West PD Zoning District, including the location of booths, tables, stages, tents, fences, lighting, dumpsters, signage, portable toilets as applicable. Diagram must also show adjacent streets and residential units, and indicate the linear feet from the event boundary to streets and residences.

☐ **CONCEPTUAL PLANS:** Provide conceptual plans that shows, as applicable: proposed buildings, structures or areas required for the Interim Use; location of existing and proposed on-site lighting fixtures; height and elevations of proposed building if applicable; location of on-site utilities and connection points; note all existing and proposed parking spaces, driveways/circulation elements, loading areas, and fences; and any temporary water services, wastewater services, or waste service.

☐ **ENVIRONMENTAL INFORMATION (For Downtown West Use Permit Only):** Provide information demonstrating the proposed Interim Use complies with the California Environmental Quality Act (CEQA).

☐ **PRIVATE PROPERTY LETTER (only applicable if applicant is not the property owner):** If the applicant is not the owner of the property where the Interim Use is located, the applicable shall provide a letter from the property owner (or an agent authorized by the owner) with this application. The letter should be on company letterhead acknowledging the property owner's approval of the proposed Interim Use, acknowledgement of the date, time, and activities scheduled to take place. Contact information (address, email, and phone) for this individual should be included in the letter.

☐ **OPERATION PLAN:** Provide an operation plan that identifies the days of operation, hours of operation, parking layout (if applicable), outdoor uses (if applicable), proposed maintenance plan for public streets and spaces if the Interim Use is located adjacent to a public street or space, security plan (e.g. whether additional security personnel are anticipated), any proposed closure of a public street, measures to prevent disturbing or unreasonable noise that may adversely impact neighboring properties, and whether alcohol and/or food service will be provided.

Declaration

As the authorized representative of the applicant, I hereby declare that the information contained in this application and attachment(s) is true, complete and correct to the best of my knowledge.

Applicant Signature: