

**From:** [Tu, John](#)  
**To:** [Amanda Wolf](#)  
**Cc:** [sanjoseplan@google.com](mailto:sanjoseplan@google.com); [Downtown West Project](#); [Han, James](#)  
**Subject:** Fw: ESD Project Conditions  
**Date:** Monday, April 12, 2021 11:01:46 AM  
**Attachments:** [DW Project Conditions-ESD-04092021.docx](#)

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Forwarding

Best,  
Tong (John) Tu

Planner IV (Supervising Planner) | Planning Division | PBCE  
City of San José | 200 East Santa Clara Street  
Email: [john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov) | Phone: (408)-535-6818  
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**From:** Prakash, Megha <[megha.prakash@sanjoseca.gov](mailto:megha.prakash@sanjoseca.gov)>  
**Sent:** Friday, April 9, 2021 6:05 PM  
**To:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
**Cc:** Tsongtaatarii, Rosa <[Rosa.Tsongtaatarii@sanjoseca.gov](mailto:Rosa.Tsongtaatarii@sanjoseca.gov)>; Winchester, Colleen <[Colleen.Winchester@sanjoseca.gov](mailto:Colleen.Winchester@sanjoseca.gov)>; Fukuda, Napp <[Napp.Fukuda@sanjoseca.gov](mailto:Napp.Fukuda@sanjoseca.gov)>; Vanni, Mark <[Mark.Vanni@sanjoseca.gov](mailto:Mark.Vanni@sanjoseca.gov)>; Osmond, Valerie <[Valerie.Osmond@sanjoseca.gov](mailto:Valerie.Osmond@sanjoseca.gov)>; Phan, Johnny <[Johnny.Phan@sanjoseca.gov](mailto:Johnny.Phan@sanjoseca.gov)>; Han, James <[James.Han@sanjoseca.gov](mailto:James.Han@sanjoseca.gov)>; Benabente, Julie <[Julie.Benabente@sanjoseca.gov](mailto:Julie.Benabente@sanjoseca.gov)>; Fitzgerald, Casey <[Casey.Fitzgerald@sanjoseca.gov](mailto:Casey.Fitzgerald@sanjoseca.gov)>  
**Subject:** RE: ESD Project Conditions

John,

A minor grammatical correction was made to one of the conditions. Here is the final version for your records. I have updated the PD Permit Resolution with ESD project conditions for the applicant.

Regards,  
Megha

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**From:** Prakash, Megha  
**Sent:** Friday, April 9, 2021 10:40 AM  
**To:** Tu, John <[john.tu@sanjoseca.gov](mailto:john.tu@sanjoseca.gov)>  
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**Subject:** ESD Project Conditions

Hi John,

The latest version of ESD's Project Conditions for the Downtown West development is attached for your records. We have discussed and confirmed these conditions with Google.

Per your recommendation, these conditions will be entered into the PD permit or VTM resolutions as appropriate, by COB Monday- April 12<sup>th</sup>.

Regards,

Megha Prakash  
Assistant to the Director-ESD  
City of San José  
Environmental Services Department  
<http://www.sjenvironment.org/brightgreen.sanjooseca.gov>

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**From:** Benabente, Julie <[Julie.Benabente@sanjooseca.gov](mailto:Julie.Benabente@sanjooseca.gov)>  
**Sent:** Friday, February 12, 2021 4:31 PM  
**To:** Tu, John <[john.tu@sanjooseca.gov](mailto:john.tu@sanjooseca.gov)>  
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**Subject:** Draft Project Conditions

Hi John,

You had asked for a starting list of project conditions that we'll need for the Downtown West development so they can be considered for how to incorporate into the documents that you're developing (e.g. in the PD or Tentative Map Resolution). The attached is an excerpt of the project conditions we previously submitted with any edits/additions that have happened since then.

I've also submitted these as comments to the draft Project Conditions from Google. So, I'm still not sure how/whether these identified project conditions will end up in Google's draft Project Conditions document (pending their response next week), in the Development Agreement, or documents you're drafting. It does seem that if the Project Conditions from Google remain vague then we'll likely want to document these elsewhere to ensure we have a formal reference point for items to check related to the development.

I wanted to point out that, while we still have some discussions continuing, I don't believe any of these project conditions are "issues" per se as they understand our stance on these items

and that we will review their future submittals, whose details are really still TBD, with these conditions in mind.

I will be out of the office on vacation next week but I will provide comments on the maintenance matrix, 3 summary documents from Bill, the DA by COB on Monday 2/15. Napp has agreed to be ESD's point person to facilitate any other reviews that come up next week with immediate need. Let me know if you have any questions.

-Julie

# Memorandum

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

**FROM:** Megha Prakash  
Environmental Services

**SUBJECT: PROJECT CONDITIONS**

**DATE:** April 9, 2021

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Approved

Date

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The Environmental Services Department submits the following project conditions based on the information received to date for incorporation into draft City Council documents (e.g. tentative map resolution, PD permit resolution, or development agreement).

**Project Conditions:** The following items shall be included as Project Conditions:

- 1. Connection Fees and Use Charges:** Prior to issuance of Building Permits, remit all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits for existing connections. All fees and charges shall be calculated and charged in the same manner as fees charged to other property owners consistent with the San Jose Municipal Code and state law.
- 2. Rate Control:** The project shall comply with rate protections in the Resolution for the Project's Vesting Tentative Map pertaining to "Rate Control" for District Systems.
- 3. Submeters:** Each building shall have potable water and recycled water submeters. Wastewater meters must be installed prior to connections to the City's sanitary sewer collection and treatment system.
- 4. Wastewater Discharge:** Before approval of the issuance of Building Permits for any development for the parcel, the developer shall demonstrate:
  - i. Discharge from the proposed development and use will be within the allocated capacity in compliance with the San Jose Municipal Code. Capacity may not be transferred between parcels
  - ii. compliance with a wastewater pretreatment program; and
  - iii. compliance with all permits for the onsite wastewater collection and treatment facility under federal, state and local laws and regulatory agencies.
- 5. Wastewater/Recycled Water Design Review:** Developer shall obtain approvals from the State Water Board DDW through the SF Bay Regional Quality Control Board permit process, for review of the engineering report, and satisfy technical comments on tertiary filtration and disinfection unit processes. The Santa Clara County Department of Public Health (DPH) may act in an advisory or regulatory role.

**6. Odor Controls:**

- i. Developer shall:
  - a) Comply with Odor Mitigation Measures for Wastewater (AQ-5), including a Hydrogen Sulfide and Odor Management program (HSOM Program) at each water reuse facility (WRF).
  - b) Include measures to mitigate and control odor in the site plans and drawings.
  - c) Comply with Odor Mitigation Measures for Waste at Collection Terminals under SJMC §9.10.430(A), SJMC §9.10.430(D), SJMC §9.10.430(F), SJMC §9.10.450(C), SJMC §9.10.1395, and SJMC §9.10.840.
  - d) Comply with CalRecycle requirements for an Odor Impact Minimization Plan (as applicable).
  - e) Comply with BAAQMD regulations for an onsite wastewater treatment facility and any additional requirements if the project is within 1,000 feet of a school.
  - f) Provide the Environmental Services Department Director the information necessary as part of the Central Utility Plant Downtown West Conformance Review to coordinate review and approval of the requirements listed in subsections a through e above.
- ii. In addition to any other legal remedies, the City may require further measures to mitigate against future complaints of public nuisance based on odor during the Conformance Review process for subsequent phases of the development.

**7. City Wastewater Discharge Permit:** The development connected to the district systems must be covered under a Wastewater Discharge Permit, updated at minimum annually or more frequently as described in the San Jose Municipal Code, and shall meet the following requirements:

- i. Proposed uses and estimated amount and characteristics of wastewater discharges for each phase will be identified during the Conformance Review process;
- ii. Compliance with County permits - if the County exerts jurisdiction over the onsite wastewater/recycled water system - or City permit(s) - if the City adopts a wastewater/recycled permitting process in the future;
- iii. Adopt a pretreatment program for all properties that would ensure compliance with the City's pretreatment program and NPDES requirements;
- iv. Maintenance of records such as monthly flow, production changes, closures, and wastewater sampling records;
- v. Notification to the City before a change such as ownership, discharge volumes, operator, use, tenancy; and
- vi. Compliance with all other regulatory applicable permits as required by federal, state and local law.

**8. Solid Waste Handling Plans:** Developer must provide a Waste Management Plan, for City review and approval for each building in the development including:

- i. The type of collection containers, service provider at the building and/or terminal collection (if serviced by the district system), commercial and residential premises waste management plan in the event of service reduction or termination, locations of, collection plans, and style of public litter cans that would be placed in the public right of way, and planned handling of special wastes (e.g. biosolids if applicable);
- ii. Demonstrated compliance with onsite waste collection space and truck collection access in accordance with the applicable sections of the City's Solid Waste Enclosure Area Guidelines (2011 Version)  
<https://www.sanjoseca.gov/Home/ShowDocument?id=46404>;
- iii. Demonstrated compliance with City Council Policy 6-29, wherein drainage within a solid waste enclosure or solid waste room should be connected to the sanitary system;
- iv. Demonstrated compliance with California law and regulations, such as those enacted to implement SB 1383 for organics handling/ diversion requirements; and
- v. Demonstrated compliance with applicable San Jose Municipal Code and franchise agreements.

**9. External Wastewater, Recycled Water, and Waste Permits:** District systems shall have the following:

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