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To: amandawolf@google.com
Cc: [Rood, Timothy](#); [Phan, Johnny](#); [Tu, John](#); [Downtown West Project](#); [Hill, Egan](#); [Tom, Vivian](#)
Subject: PC Resolution
Date: Thursday, April 15, 2021 10:48:17 PM
Attachments: [Draft Reso CIMP.docx](#)

Amanda,

Find attached draft version of the Resolution for CIMP. Additional draft of the other Resolutions and Ordinances are forthcoming. Please review and provide any comments or questions on the attached document.

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RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A CONSTRUCTION IMPACT MITIGATION PLAN PURSUANT TO CHAPTER 13.36 OF THE SAN JOSE MUNICIPAL CODE FOR DEVELOPMENT OF THE DOWNTOWN WEST MIXED-USE PLAN WITHIN THE DOWNTOWN WEST PLANNED DEVELOPMENT ZONING DISTRICT

FILE NO. PD _____

WHEREAS, Google LLC (“Project Sponsor” or “Google”) has submitted a framework for the Construction Impact Mitigation Plan required pursuant to Chapter 13.36 of Title 13 of the San José Municipal Code (“CIMP”), dated _____ for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) and attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, this Resolution is a companion to the following approvals relating to Downtown West: certification of the Downtown West Final Environmental Impact Report and adoption of CEQA Findings, a Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations (Resolution No.__); an override of the Santa Clara County Airport Land Use Commission’s inconsistency determination (Resolution No. __); amendments to General Plan (Resolution No. __); amendments to the Diridon Station Area Plan (Resolution No. __); the Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. __); Planned Development Rezoning, including a General Development Plan (Ordinance No. __); a Planned Development Permit (Resolution No. __); amendments to Title 20 of the San José Municipal Code (Ordinance No. __); approval of a Vesting Tentative Map (Resolution No.__); amendment to the boundaries of one Historic Landmark (San José Water Company at 374 West Santa Clara Street); amendment to the boundaries of a second Historic Landmark (Southern Pacific Depot Historic District) (Resolutions No. __ and __); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. __); and authorizing Major

Encroachment Permits (Resolution No. ____); and approval of a Construction Impact Mitigation Plan (Resolution No. ____); and

WHEREAS, the Project is located within the Downtown West PD Zoning District, approved by Ordinance No. ____, which consists of approximately 80 acres of real property that is generally bounded by Lenzen Avenue and the Union Pacific Railroad (UPRR) tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, Barack Obama Boulevard (formerly South Autumn Street and Bird Avenue), and Royal Avenue to the east; Auzerais Avenue to the south; and Diridon Station and the Caltrain rail tracks to the west; and

WHEREAS, the public improvements required to be constructed in conjunction with the Project constitute a “major construction project” under Section 13.36.240 of Title 13 of the San José Municipal Code, and therefore, a Construction Impact Mitigation Plan that complies with Chapter 13.36 of the Municipal Code must be approved by the City prior to the issuance of any encroachment permits for each phase or individual horizontal, vertical or open space project within the Downtown West project area (“Subsequent CIMP”); and

WHEREAS, pursuant to Sections 13.36.220-230 of Title 13 of the San José Municipal Code, Construction Impact Mitigation Plans must contain a detailed project description including construction phasing, a detailed analysis of construction-related impacts as a result of the Project, a detailed description of mitigation measures that reasonably mitigate each of the identified impacts to the extent practicable, and a detailed Communications Plan; and

WHEREAS, the Project is intended to be developed in phases and the detailed information required to be submitted in Construction Impact Mitigation Plans pursuant to Chapter 13.36 will be provided by Subsequent CIMPs; and

WHEREAS, the Downtown West PD Zoning District (approved by Ordinance No. ____) establishes the Downtown West PD Zoning District Design / Conformance Review

(“Conformance Review”) process, a subsequent review process for the design and development of vertical improvements, open space, and horizontal improvements within the Downtown West PD Zoning District which is further described in the Conformance Review Implementation Guide (“Implementation Guide”), dated ____ and approved by Resolution No. ____;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1.

- A. The recitals above are incorporated herein.
- B. The Resolution is consistent with the Goals and Policies of the General Plan as set forth in Exhibit B to Resolution No. _____ (amendments to the General Plan).

SECTION 2.

- A. The CIMP attached as Exhibit A is hereby approved.
- B. The Director of Public Works or their designee is delegated the authority to review Subsequent CIMPs for horizontal improvements submitted during the Project’s Conformance Review process pursuant to the Implementation Guide and approve Subsequent CIMPs that comply with the requirements in Chapter 13.36 of Title 13 of the San José Municipal Code and are consistent with the CIMP.
- C. The Director of Public Works or their designee is delegated the authority to review Subsequent CIMPs for vertical improvements and open space during the building permit process and to approve Subsequent CIMPs that comply with the requirements in Chapter 13.36 of Title 13 of the San José Municipal Code and are consistent with the CIMP.

- D. The Director of Public Works is authorized to make minor changes and amendments to the CIMP, including but not limited to attaching exhibits and making corrections, as necessary or appropriate, to effectuate the intent of Chapter 13.36 of Title 13 of the San José Municipal Code.

SECTION 3. The City Council hereby makes the following environmental findings.

- A. The City is the lead agency for the Project and has prepared the Final Environmental Impact Report for the Project pursuant to and in accordance with the California Environmental Quality Act (“CEQA”), which Final Environmental Impact Report is comprised of the Draft Environmental Impact Report for the Project and the appendices thereto (“Draft EIR”), the comments and responses to comments, and the revisions to the Draft EIR (collectively, all of said documents are referred to herein as the “FEIR”).
- B. On April 28, 2021, the Planning Commission of the City of San José reviewed the FEIR and recommended to the City Council that it found the environmental clearance for the Project, including the actions contemplated in this Resolution, was completed in compliance with CEQA.
- C. On May __, 2021, the City Council independently reviewed and analyzed the FEIR and other information in the record, and adopted Resolution No. __, certifying the FEIR and adopting findings under CEQA, the Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations in connection with the Project, which resolution is on file with the Director of Planning, Building and Code Enforcement at the Director’s office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113.

SECTION 4. This Resolution shall take effect upon the effective date of the Downtown West PD Zoning District (Ordinance No. _____).